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**TRIBUNA DISCUȚIONALĂ  
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**EFFECTS OF THE INVOLVEMENT OF PRIVATE MILITARY  
AND SECURITY COMPANIES IN THE ARMED CONFLICT IN SYRIA**

**EPECTELE IMPLICĂRII COMPANIILOR MILITARE ȘI DE  
SECURITATE PRIVATE ÎN CADRUL CONFLICTULUI ARMAT DIN SIRIA**

**ВЛИЯНИЕ УЧАСТИЯ ЧАСТНЫХ ВОЕННЫХ И ОХРАННЫХ  
КОМПАНИЙ В ВООРУЖЕННОМ КОНФЛИКТЕ В СИРИИ**

CAUIA Alexandr\* / CAUIA Alexandr / КАУЯ Александр  
ZACON Corina\*\* / ZACON Corina / ЗАКОН Корина

**ABSTRACT:**

**EFFECTS OF THE INVOLVEMENT OF PRIVATE MILITARY AND  
SECURITY COMPANIES IN THE ARMED CONFLICT IN SYRIA**

*The vertiginous increase in the demand for military services provided by private actors is generated by the possibility for states to avoid direct involvement in armed conflicts or tense situations and to avoid liability for violations of the international humanitarian law rules.*

*Lack of international regulations that would define the legal status of private military and security companies and their employees, lack of an effective mechanism to prosecute both employees of these companies for serious violations of the international humanitarian law rules and secret contracting states these services, lead to an increase in the number of such participants in contemporary armed conflicts.*

*This paper reflects the place and role of private military and security companies in military operations by all actors involved and the effects of using such services in the armed conflict in Syria.*

**Keywords:** Syria, international humanitarian law, armed conflict, private military and security companies, international liability of states.

**JEL Classification::** K33, K19, F55

**REZUMAT:**

**EPECTELE IMPLICĂRII COMPANIILOR MILITARE ȘI DE SECURITATE PRIVATE ÎN  
CADRUL CONFLICTULUI ARMAT DIN SIRIA**

*Creșterea vertiginoasă a cererii de servicii militare prestate de actorii privați este generată de posibilitatea statelor de a evita implicarea directă în cadrul conflictelor armate sau a situațiilor tensionate și de a evita răspunderea pentru încălcarea normelor dreptului internațional umanitar.*

\* **CAUIA Alexandr.** Doctor în drept, conferențiar universitar, Universitatea Liberă Internațională din Moldova (ULIM) (Chișinău, Republica Moldova). / CAUIA Alexandr. Ph.D in Law, Associate Professor, The Free International University of Moldova (ULIM) (Kishinev, The Republic of Moldova). / КАУЯ Александр. Кандидатюридических наук, доцент, Международный независимый университет Молдовы (ULIM) (Кишинев, Республика Молдова). E-mail: [cauia.alex16@gmail.com](mailto:cauia.alex16@gmail.com)

\*\* **ZACON Corina.** doctorandă - Universitatea Liberă Internațională din Moldova (ULIM) (Chișinău, Republica Moldova) / ZACON Corina. PhD student - Free International University of Moldova (ULIM) (Chisinau, Republic of Moldova) / ЗАКОН Корина. Аспирант - Международный Свободный Университет Молдовы (ULIM) (Кишинев, Республика Молдова). E-mail: [corinazacon@mail.com](mailto:corinazacon@mail.com)

*Lipsa unor reglementări internaționale care ar defini statutul juridic al companiilor militare și de securitate private și al angajaților acestora, lipsa unui mecanism eficient de atragere la răspundere atât al angajaților acestor companii pentru încălcarea gravă a normelor dreptului internațional umanitar cât și a statelor care contractează în secret aceste servicii, duc la creșterea numărului de participanți de acest gen în cadrul conflictelor armate contemporane.*

*Prezentul articol reflectă locul și rolul companiilor militare și de securitate private în cadrul operațiunilor militare de parte tuturor actorilor implicați și efectele utilizării acestui gen de servicii în cadrul conflictului armat din Siria.*

**Cuvinte cheie:** *Siria, drept internațional umanitar, conflict armat, companii militare și de securitate private, răspunderea internațională a statelor.*

**JEL Classification::** K33, K19, F55

**CZU:** 341(4/9), 327.009

РЕЗЮМЕ:

### ВЛИЯНИЕ УЧАСТИЯ ЧАСТНЫХ ВОЕННЫХ И ОХРАННЫХ КОМПАНИЙ В ВООРУЖЕННОМ КОНФЛИКТЕ В СИРИИ

*Головокружительный рост спроса на военные услуги, предоставляемые частными субъектами, вызван возможностью для государств избежать прямого участия в вооруженных конфликтах или напряженных ситуациях и избежать ответственности за нарушения норм международного гуманитарного права.*

*Отсутствие международных правил, которые определяли бы правовой статус частных военных и охранных компаний и их сотрудников, отсутствие эффективного механизма преследования как сотрудников этих компаний за серьезные нарушения норм международного гуманитарного права, так и государств-заказчиков этих услуг, приводят к увеличению числа таких участников в современных вооруженных конфликтах. секретных*

*В этой статье отражены место и роль частных военных и охранных компаний в военных операциях всех вовлеченных сторон, а также последствия использования таких услуг в вооруженном конфликте в Сирии.*

**Ключевые слова:** *Сирия, международное гуманитарное право, вооруженный конфликт, частные военные и охранные компании, международная ответственность государств.*

**JEL Classification::** K33, K19, F55

**УДК:** 341(4/9), 327.009

**Introduction.** Syria, as well as Iraq or Ukraine, are the best examples to analyze the scope of agreements between recruiting governments and private military and security companies providing a wide range of services, from direct participation in hostilities to hostilities. complex operations to prevent social threats and intimidate citizens' civic initiatives in order to ensure the governance of a particular person or party.

The purpose of hiring private military and security companies varies from region to region and state to state. In addition to ensuring the authority of a particular political regime, non-state actors are deployed in countries such as Syria to assist local forces in the process of proper training and providing weapons and ammunition for hostilities against ISIS. In such countries, private military and security companies are contracted as the direct involvement of the state in such actions would most likely be politically suspicious and reprehensible under international humanitarian law.

Since the second half of the twentieth century, in interstate military relations, there has been a tendency for Western states to move from direct to indirect participation in armed conflicts, a fact generated by the desire to circumvent the rules of international law, globalization, state policy in the

spirit of “shock therapy” and neoliberalism. Private Military and Security Companies (hereinafter - PMSC) have become an instrument in this regard<sup>1</sup>.

Consequently, due to the high costs for the services of the “private army”, their main customers are states, transnational corporations, intergovernmental and non-governmental organizations. The Private Military Companies are trying to lobby their interests so as to secure as much of the UN’s peacekeeping missions as possible, as this opens up new opportunities and perspectives for them<sup>2</sup>.

First, it should be noted that there is not a unique definition accepted for private military companies. For example, Professor A.G. Volevodz characterizes private military and security companies as “private organizations that provide military and security services to individuals and legal entities, as well as to states, on a contract basis. At the same time, military services mean combat operations, strategic planning, intelligence gathering, operational or logistical support, training of military personnel, material and technical support”<sup>3</sup>.

More often, researchers focus specifically on the ethical nature of PMSC activities and believe that these new actors in international relations almost always act in the interests of the state, follow the same plans and pursue the same goals as regular armies, and at the same time use more many funds to achieve the same goals<sup>4</sup>.

Another definition of it would be: “A private military company is a registered, highly profitable private commercial structure, made up of highly qualified specialists, controlled by the state and working in the interest of the state, and this is its fundamental difference from the classic detachments of mercenaries and terrorists”<sup>5</sup>.

Many of the definitions of private military and security companies proposed so far are either too broad or too detailed, but do not cover all aspects specific to the activities of the structures we are analyzing<sup>6</sup>.

There is a general pattern of escalating conflicts worldwide, however, there are areas that show a specific development of armed conflict, such as in Syria. Since May 2013, an increase in military activities may be seen in Syria. Historically, contemporary hostilities in Syria began with the Baath Party’s rise to power through the government’s reversal. The coup d’état took place in 1964. In 1970, Defense Minister Hafez al-Assad ensured his power and introduced himself to the international community as president of Syria. The president held this position until 2000, when he passed away.

The former defense minister has used the services of private actors as well as private military security companies to secure what is now known as the longest-running governing regime since Ottoman reign in Syria<sup>7</sup>. The president has ensured the internal stability of the state through international military and private security companies.

Currently, the government regime in Syria and the system of maintaining public order and law have become even tougher. It was created, maintained and used exclusively for the purpose of intimidating citizens. There are more than 17 police and intelligence structures that supervise and control the Syrian people. There is no freedom of expression in this state, and all institutions and agencies are controlled by the government.

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<sup>1</sup> Романчук С.И. Частные военные компании на службе миротворчества. В: Вестник университета Россия и мир в условиях глобализации, 2013, Раздел VI, с. 223

<sup>2</sup> Пономарев В.В. Частные военные компании: агенты стратегии не прямых действий. В: Азимут научных исследований: экономика и управление. 2019. Т. 8. № 2(27), с. 28.

<sup>3</sup> Волеводз А.Г. О международных инициативах в сфере правового регулирования деятельности частных военных и охранных компаний. В: Международное уголовное право и международная юстиция, 2009, №1, с. 15.

<sup>4</sup> Курьлев К.П., Мартыненко Е.В., Пархитыко Н.П., Станис Д.В. Феномен частных военных компаний в военно-силовой политике государств в XXI в. В: Вестник международных организаций, Т. 12, № 4, 2017, с. 131.

<sup>5</sup> Цепков Н. Частные военные компании: краткий обзор мирового и российского регулирования. В: Информационно-правовой портал «Закон.ру»/ Международное право, 2015. [on-line]. [accessed 05.11.2021]. Available on Internet: <URL: [https://zakon.ru/blog/2015/12/14/chastnye\\_voennye\\_kompanii\\_kratkij\\_obzor\\_mirovogo\\_i\\_rossijskogo\\_regulirovaniya](https://zakon.ru/blog/2015/12/14/chastnye_voennye_kompanii_kratkij_obzor_mirovogo_i_rossijskogo_regulirovaniya)>.

<sup>6</sup> Михайленко А. Н. Регулирование деятельности частных военных и охранных компаний в зонах вооруженных конфликтов. Москва: ПАГС, 2010. с.16-23.

<sup>7</sup> Staff Writer, Hafez al-Assad Obituary, THE GUARDIAN, Jun. 15, 2000, [on-line]. [accessed 05.11.2021]. Available on Internet: <URL: <http://www.guardian.co.uk/theguardian/2000/jun/15/guardianweekly.guardianweekly1>>.

Since July 10<sup>th</sup>, 2010, the next president of Syria, after the death of Hafez al-Assad, became his son, Bashar al-Assad, who hired private military structures, continuing his father's habits. The purpose of the contracted military actors is to ensure that Syria remains equally non-existent for international society, socially, economically and politically<sup>1</sup>.

**Using the services of private military and security companies to avoid liability for serious violations of international humanitarian law.** For the purposes of this study, we are going to analyze the “national” origin of each individual PMSC, as “even with their apparent commercial autonomy, their actions are in direct political dependence on the interests of the state in the world arena”<sup>2</sup>. Indeed, more and more states, relying on private companies, may extensively use the military force, effectively absolving themselves of any liability and evading international humanitarian law. An example of this is Storm Operation, which was undertaken by the Croatian Armed Forces with strong support from the Military Professional Resources Incorporated (MPRI)<sup>3</sup>. There are suspicions that Croatia not only was able to carry out this decisive operation against the Serbs independently in 1995, but it did not even have the funds to pay for “MPRI” services. This means that the United States effectively destroyed the Serbian enclave in Croatia with the help of MPRI, placing entire moral liability on Croatia<sup>4</sup>.

Therefore, there are known cases of private military service providers recruited and funded by the United States, concentrated in Syria, in order to support, train and develop an appropriate political and military opposition at the national level<sup>5</sup>. Meanwhile, however, Russia is providing equipment and services to private military actors to prepare for and support the Al-Assad regime. These are just few examples of how private military and security companies are fulfilling their goals in accordance with their agreements with the governments that recruited them. While the effect of involving private military actors in conflict areas is expected to be positive, it is in fact detrimental and disrespects the provisions of international humanitarian law, when these private actors are maliciously used by governments for illegal purposes.

In situations where private military and security companies are recruited to reverse local governments, such as the situation of states that finance and support various non-state actors in the armed conflict in Syria, the states involved are willing to take the victory, if necessary, and to avoid any liability and violation of international humanitarian law associated with military operations that ensure this success. Moreover, in the case of the fight against the government’s reverse, the Syrian authorities cannot send their own national military troops due to a possible international diplomatic and political conflict, in case of failure of operations.

According to D. Tipling, a US Air Force officer and adviser on relations with the Air Force, private military companies are “corporations of civilian employees who, under an agreement with the state, provide military service, support and assistance, both domestically and outside its territories”<sup>6</sup>.

In this regard, a study group led by a doctor of technical sciences, the head of the Department of Experts and Analysis of the Main Operations Directorate of the General Staff of the Armed Forces of

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<sup>1</sup> Manfreda P., Syrian Uprising, Middle East Issues, [on-line]. [accessed 08.11.2021]. Available on Internet: <URL: <http://middleeast.about.com/od/syria/tp/Syrian-Uprising.htm>>

Redazione, S. S., Inside Bashar Al-Assad's mind, SIRIALIBANO, Jan. 30, 2012, [on-line]. [accessed 05.11.2021]. Available on Internet: <URL: <http://www.sirialibano.com/siria-2/syria-inside-bashar-al-assads-mind.html>>.

<sup>2</sup> Курьлев К.П., и др. Феномен частных военных компаний в военно-силовой политике государств в XXI в., с. 131.

<sup>3</sup> Clover Ch. US military trained Georgian commandos. In: The Financial Times. 09/05/2008. [on-line]. [accessed 08.11.2021]. Available on Internet: [URL:https://www.ft.com/content/bdff9a6-7b71-11dd-b839-000077b07658](https://www.ft.com/content/bdff9a6-7b71-11dd-b839-000077b07658).

<sup>4</sup> Кашников Б.Н. Частные военные компании и теория справедливых войн. В: Российский научный журнал. Рязанский институт экономических, правовых, политических и социологических исследований и экспертиз, 2011. 83-94 с.

<sup>5</sup> Shear M. D., Cooper H. Schmitt E., Obama Administration Ends Effort to Train Syrians to Combat ISIS, N.Y. TIMES, Oct. 9, 2015, [on-line]. [accessed 08.11.2021]. Available on Internet: <URL: <http://www.nytimes.com/2015/10/10/world/middleeast/pentagon-program-islamic-state-syria.html>>.

<sup>6</sup> Tipling D. The Military Extraterritorial Jurisdiction Act and Its Implications for Private Military Companies. In: *Bepress Legal Series*, 2006, p. 11.

the Russian Federation, S.P. Belokonya argues that, in most cases, the main client of the PMSC is the state, and thus companies “registered in the territory of the state are, in fact, a kind of state structure and serve as an instrument of foreign policy of that state”<sup>1</sup>.

Due to *jus ad bellum* provisions, political conjunctures and national normative provisions, states such as Syria prefer to send private military troops to engage in hostilities rather than use their own national military structures. In this way, governments ensure that no legal responsibility is assigned to them, even if they hire private actors to carry out military operations.

States acting through private actors are not immune to the constraints established by *jus ad bellum*. The International Court of Justice in Nicaragua has found that “the mere provision of funds to the insurgent, although it is undoubtedly an act of intervention in Nicaragua’s internal affairs, is not in itself equivalent to the use of force”<sup>2</sup>.

However, the Court indicated that “the organization or encouragement of the organization of irregular forces or armed forces ... for incursion into the territory of another state” and “participation in acts of civil conflict ... in another state” may, in certain circumstances, be qualified as infringing the prohibition of customary law on the use of force and the provisions of UN General Assembly Resolution 2625 (XXV)<sup>3</sup>.

The possible infringement of the article 2 (4) of the UN Charter<sup>4</sup> has not been raised before the Court, but the same logic would suggest that this ban should be complied with under the provisions of the UN Charter on the use of force.

In this regard, the Draft Articles on the Responsibility of States for Illegal Acts at the International Level state: “The conduct of any state body shall be considered an act of that State in accordance with international law, whether the body exercises legislative, executive, judicial or any other functions. A body includes any person or entity that has that status in accordance with the domestic law of the State”<sup>5</sup>.

Therefore, any action accomplished by the armed forces of the state should be assigned to the government. In other words, all the hostilities undertaken by the military forces, even if they are *ultra vires*, would be associated with the employing government. Thus, this would mean that if a military man committed violence and abusive crimes, the government could be held liable for the actions of this military.

From the perspective of the international law provisions in general and international humanitarian law in particular, in this case the government of the state on whose territory the hostilities take place in an armed conflict risks being brought to international liability. If a state deploys its own military troops in an armed conflict, the rules governing the conduct of troops would be the law applicable to international armed conflict. These rules are stricter than the rules governing the actions of private military actors in hostilities in times of non-international armed conflict.

In other words, private military actors must not assume captured soldiers and grant them the status of prisoners of war, whose rights are enshrined in the III Geneva Convention, however, they are obliged to comply with the provisions of the article 3 of the Geneva Conventions<sup>6</sup>. Therefore, using

<sup>1</sup> Белоконь С.П., Бытьев А.В., Смирнова Л.А. Частные военные компании: мировой исторический опыт и современные перспективы для России. В: Редакционно-издательский центр «Красная звезда» Министерства обороны Российской Федерации, 2015, с. 64.

<sup>2</sup> I.C.J. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Judgment, 27.06.1986, p. 228 [on-line]. [accessed 08.11.2021]. Available on Internet: [URL:http://www.derechos.org/nizkor/aggression/doc/nicaragua.html](http://www.derechos.org/nizkor/aggression/doc/nicaragua.html).

<sup>3</sup> UN General Assembly Resolution 2625 (XXV) A/RES/2625 (XXV)24 October 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations [on-line]. [accessed 08.11.2021]. Available on Internet: <URL: [https://treaties.un.org/doc/source/docs/A\\_RES\\_2625-Eng.pdf](https://treaties.un.org/doc/source/docs/A_RES_2625-Eng.pdf)>.

<sup>4</sup> Charter of United Nations, signed on 26 June 1945, San Francisco, USA, art. 2 (4) [online]. [accessed 05.11.2021]. Available on Internet: <URL: <https://www.un.org/en/sections/un-charter/un-charter-full-text/>>.

<sup>5</sup> Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, 2001, art. 4. [on-line]. [accessed 08.11.2021]. Available on Internet: [URL:https://legal.un.org/ilc/texts/instruments/english/commentaries/9\\_6\\_2001.pdf](https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf).

<sup>6</sup> Geneva Convention relative to the treatment of prisoners of war, august 12, 1949, art. 3 [on-line]. [accessed 25.10.2021]. Available on Internet: <URL: <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>>.

the services of military and private security companies for the armed conflict in Syria is a more effective and attractive alternative for the current government. Moreover, instead of using national troops, the government pays private actors to fight for the government.

As such, the Syrian government has indicated its intention to use private military and security companies as government representatives to carry out tasks that are prohibited by international humanitarian law. Therefore, in situations where violence and physical abuse are necessary, the Syrian government chooses to use the services of private actors to carry out some illegal missions, which would generate state liability for these violations of international humanitarian law.

Moreover, in modern conditions, it is much easier for the state to sign a contract with a private company to settle specific problems than to use its own national armed forces, and sometimes even cheaper. The use of the PMSC “gives to the military direction of the state’s foreign policy immunity from the rules of international law”<sup>1</sup>.

The private military companies may also be considered transnational companies, as they consist of complex networks with a large number of representations, ready to operate simultaneously or sequentially in several regions of the world<sup>2</sup>.

In this regard, Konovalov I.P., military engineer and journalist, director of the Center for Strategic Conjecture and publicist, Valetsky O.V., participant in the wars on the territory of the former Yugoslavia, consider that: “Private military companies are official military business structures”<sup>3</sup>. The phenomenon of private military companies is particularly acute in the field of world policy, as it is possible that such organizations are not held liable through the provisions of national and international law and follow exclusively the principle of making a profit, like any international business. These structures can operate both for the benefit of one state and exclusively for the benefit of another transnational corporation, even against the state of origin<sup>4</sup>.

**Lack of an effective control mechanism over the actions of PMSC employees.** The results of the actions performed by private actors during the Syrian hostilities encourage the national government not to control or restrict the actions of private partners in order to ensure that their actions do not infringe the provisions of international humanitarian law. In fact, after recruitment, the Syrian government does not provide instructions and/or training of any kind on compliance with international rules. Providing such training would associate the actions of private military and security companies with the contracting state and generate its liability for its actions, so the government keeps its distance when it comes to private military and security companies.

PMSC have internal documents that regulate their activities. They are based on the 2010 International Code of Conduct<sup>5</sup> for Private Military and Security Companies. This document is not unique and, in essence, only reiterates the recommendations set out in the Montreux document. However, its importance should not be underestimated - it is important for the creation of a primary legal framework and the voluntary development of the services quality culture provided under the PMSC, which will ensure the development of more effective ways to regulate this type of service.

Depending on the attitude towards PMSC, the specialists in the field divide the states into 3 categories:

1. States that have established an “exclusive monopoly” on the use of force (eg. Belgium);
2. States that allow certain exceptions to the “exclusive monopoly” on the use of force (eg. Russia);

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<sup>1</sup> Белоконь С.П., Бытьев А.В., Смирнова Л.А. Частные военные компании: мировой исторический опыт и современные перспективы для России, с. 64.

<sup>2</sup> Романчук С.И. Частные военные компании на службе миротворчества, с. 226.

<sup>3</sup> Сибилева О.П. Деятельность частных военных компаний в современных вооруженных конфликтах как вызов международному гуманитарному праву. В: Военно-теоретический журнал Министерства Обороны Российской Федерации «Военная мысль», 2016. [on-line]. [accessed 08.11.2021]. Available on Internet: <URL: <https://vm.ric.mil.ru/Stati/item/117182/>>.

<sup>4</sup> Веселов Ю.А. История и роль ЧВК в современной мировой политике. В: Мировая политика, 2021, № 3, с. 21. [on-line]. [accessed 08.11.2021]. Available on Internet: <URL: [https://nbpublish.com/library\\_read\\_article.php?id=33590](https://nbpublish.com/library_read_article.php?id=33590)>.

<sup>5</sup> The International Code of Conduct for Private Security Service Providers, 09.11.2010 [on-line]. [accessed 25.10.2021]. Available on Internet: <URL: <https://icoca.ch/the-code/>>.

3. States that accept a “limited monopoly” on the use of force (eg. the United States)<sup>1</sup>.

The situation in Syria is the perfect example of situations in which a state tries to reverse the current government by using private military companies. Under normal circumstances, the government should train private contractors to limit their strength during armed violence, to capture rather than kill, to avoid torture and for any situations related to detention - the procedure would be in strict accordance with customary rules.

Thus, providing such training, the state would:

a) recognize that the recruiting party is directly involved in reversing the government and

b) could impute strict liability to the government for any illegal actions taken by non-state actors.

In this case, the liability lies on the state that contracted these services.

#### **Substantial increase in demand for the services of private military and security companies.**

We live in an era where wars are no longer fought by countries and their national armies, but rather by third parties who want to engage in armed hostilities for generous payment. Currently, there are not on the international arena any armed conflict between the world's powers, and armed incidents between countries are declining<sup>2</sup>. The top 3 countries that provide services and personnel to private military companies are the United States, China and Russia. It's no secret that the United States has become known for providing private military and security services, support and personnel for escalating conflicts in grey areas such as Iraq and Afghanistan. One of the most well-known private military service providers is a company called Blackwater, which has gained international recognition after a fatal incident.

This happened on September 16<sup>th</sup>, 2007, when an American diplomatic group, protected by Blackwater, was moving to Nisour Square in Baghdad and killed about 17 Iraqi civilians and injured another 20 as a result of the bomb squad<sup>3</sup>. This private military company is by far the only American company of its kind. Competing companies are Spear Operations Group, known for its private military and security services to the Yemeni government, which allegedly took part in political assassinations and armed civil disputes, and DynCorp, which provides mainly support, logistics and training services<sup>4</sup> or its competitor - Constellis.

Similarly, Russia has a significant presence in the private military services market. The latest international military developments support the idea that private military companies in the Russian Federation are experiencing an increase in demand for services worldwide. Specifically, Russia's involvement in the Syrian conflict is probably the most notable incident, in which the Wagner Group, a globally recognized private military company, was contracted by the Syrian state authorities for direct participation in the armed conflict in Syria. The Wagner Group's commitment involved action against US special operations forces, killing over 200 Russian soldiers<sup>5</sup>.

This Russian private military company is recognized for its operations in countries similar to Syria, such as Ukraine, where Russia has supported separatist forces and fought against the Ukrainian government; as well as through its military support and training services to the Syrian rebels<sup>6</sup>, the

<sup>1</sup> Волеводз А. Г. Проблемы, принципы и перспективы регулирования деятельности частных военных и охранных предприятий. В: Вестник МГИМО Университета. 2010, № 3 (12), с.81.

<sup>2</sup> Patrikarakos D., War in 140 Characters: How Social Media is Reshaping Conflict in the Twenty-First Century. Basic Books: Illustrated edition, November 14, 2017, 320 p.

<sup>3</sup> Scahill J., Blackwater: The Rise of the World's Most Powerful Mercenary Army. Bold Type Books, 1st edition, May 27, 2008, 561 p.

<sup>4</sup> Roston A., A Middle East Monarchy Hired American Ex-Soldiers to Kill Its Political Enemies. This Could Be the Future of War, BUZZFEED NEWS, oct. 16, 2018. [on-line]. [accessed 25.10.2021]. Available on Internet: <URL: <https://www.buzzfeednews.com/article/aramroston/mercenaries-assassination-us-yemen-uae-spear-golan-dahlan>>

Clark J., Ex-US Special Ops Were Reportedly Hired to Assassinate Yemeni Political Figures, TASK & PURPOSE: BULLET POINTS, [on-line]. [accessed 25.10.2021]. Available on Internet: <URL: <https://taskandpurpose.com/bulletpoints/yemen-special-ops-hits>>

<sup>5</sup> Sukhankin S., Continuing War by Other Means: The Case of Wagner, Russia's Premier Private Military Company in the Middle East, THE JAMESTOWN FOUNDATION: RUSSIA IN THE MIDDLE EAST 10, [on-line]. [accessed 29.10.2021]. Available on Internet: <URL: <https://jamestown.org/program/continuing-war-by-other-means-the-case-of-wagner-russias-premier-private-military-company-in-the-middle-east/>>

<sup>6</sup> Caleb M. Larson, Wagner: A Closer Look at Russian Private Security and Military Enterprise, OFFIZIERE.CH, [on-line]. [accessed 29.10.2021]. Available on Internet: <URL: <https://www.offiziere.ch/?p=34979>>

Central African Republic<sup>1</sup>, Sudan<sup>2</sup>, Libya<sup>3</sup>, Mozambique<sup>4</sup> or possibly Venezuela. Initially, the Russian private military contractors had a failed start, through the operation of the Slavonic Corporation, which was sent to Syria to support and sustain the current regime. However, with the success of the Wagner Group, the industry of Russian private military and security companies is growing rapidly due to increasing international demand for this type of service.

The vertiginous demand for the services and personnel of private military and security companies has attracted the attention of large Chinese investors and entrepreneurs. One of the internationally recognized Chinese private military companies is FSG, also known as the Frontier Service Group, which was created by the well-known E. Price after leaving the American company, Blackwater<sup>5</sup>. On its website, FSG states that, among its services, it provides “integrated security, logistics, insurance and infrastructure services” for countries geographically located in SE Asia, the Middle East, North Africa, Sub-Saharan Africa, Central and South Asia<sup>6</sup>.

FSG is one of many examples in which the private military company was funded by Chinese state-owned investment company CITIC Group, which provided FSG the capital needed to start the business in 2014 and currently controls the company’s majority stake<sup>7</sup>. It is not known whether FSG provides services as a competitor to Blackwater, but it was found that FSG provided the government of South Sudan and Syria the military support technology and aircraft, most likely through serious infringements of US and European Union export law<sup>8</sup>.

The number of “wild geese” in Syria is indeed estimated at thousands. This includes previously known military and private security companies, as well as newer ones. The American company Blackwater, known for its crimes, has changed its name and headquarters several times. In 2007, it left Iraq, it was based in the United Arab Emirates and delivered supplies from the Pentagon to Syrian insurgents. According to the Iranian press, at the beginning of 2018, it was planned that these mercenaries would enter Syria and replace the American troops in the area<sup>9</sup>.

In July 2019, Colonel General Sergei Rudsky mentioned in a press conference: “In addition to training insurgents, US structures in Syria are busy stealing oil facilities belonging to the legitimate Syrian government.

<sup>1</sup> Dionne Searcey, Gems, Warloards and Mercenaries: Russia's Playbook in Central Africa Republic, N.Y. TIMES, October, 14, 2021, [on-line]. [accessed 29.10.2021]. Available on Internet: <URL: <https://www.nytimes.com/2019/09/30/world/russia-diamonds-africa-prigozhin.html>>.

<sup>2</sup> Gricius G., Russia's Wagner Group Quietly Moves into Africa, RIDDLE, October. 3, 2021, [on-line]. [accessed 29.10.2021]. Available on Internet: <URL: <https://www.ridl.io/en/russia-s-wagner-group-quietly-moves-into-africa/>>.

<sup>3</sup> Giglio M., Killing Between the Lines: Inside the Shadow War Fought by Russian Mercenaries, BUZZFEED NEWS, October. 17, 2021, [on-line]. [accessed 29.10.2021]. Available on Internet: <URL: <https://www.buzzfeednews.com/article/mikegiglio/inside-wagner-mercenaries-russia-ukraine-syria-prigozhin>>.

<sup>4</sup> Sof E., Seven Russian Contractors from Wagner Group Killed in an Ambush in Mozambique, SPEC OPS MAGAZINE, Sept. 1, 2021, [on-line]. [accessed 29.10.2021]. Available on Internet: <URL: <https://special-ops.org/7-contractors-from-wagner-group-killed/>>.

<sup>5</sup> Fisher M. et al., Behind Erik Prince's China Venture, THE WASHINGTON POST, September 4, 2021, [on-line]. [accessed 29.10.2021]. Available on Internet: <URL: <https://www.washingtonpost.com/news/world/wp/2018/05/04/feature/a-warrior-goes-to-china-did-erik-prince-cross-a-line/>>.

<sup>6</sup> Frontier Services Group, [on-line]. [accessed 31.10.2021]. Available on Internet: <URL: <http://www.fsgroup.com/en/aboutfsg.html>>

Adams R., Blackwater Founder Erik Prince's New Company Is Operating in Iraq, BUZZFEED NEWS, September 26, 2021, [on-line]. [accessed 31.10.2021]. Available on Internet: <URL: <https://www.buzzfeednews.com/article/rosalindadams/blackwater-erik-prince-frontier-services-group-iraq>>.

<sup>7</sup> Schmidt B., Blackwater Mercenary Prince Has a New \$ 1 Trillion Chinese Boss, BLOOMBERG, September 11, 2021, [on-line]. [accessed 31.10.2021]. Available on Internet: <URL: <https://www.bloombergquint.com/politics/blackwater-mercenary-prince-has-a-new-1-trillion-chinese-boss>>.

<sup>8</sup> Scahill J., Cole M., Echo Papa Exposed, THE INTERCEPT, October 11, 2021, [on-line]. [accessed 31.10.2021]. Available on Internet: <URL: <https://theintercept.com/2016/04/11/blackwater-founder-erik-prince-drive-to-build-private-air-force/>>.

<sup>9</sup> Blackwater training Daesh terrorists in Iraq, eyeing Syria // Tehran Times, 07 May 2019.

(URL: <https://www.tehrantimes.com/news/435566/Blackwater-training-Daesh-terrorists-in-Iraq-eyeing-Syria>).



Recently, there has been an active increase in the number of employees of US private military companies in these objects. Today, the number of PMSC mercenaries in Syria exceeds 3,500 people”<sup>1</sup>.

The main tasks of private military and security companies are to train military units loyal to Washington, as well as to protect the oil and gas infrastructure and to ensure security”. And further: “... the leadership of the PMC is fulfilled by the Central United Command of the US Armed Forces”. It was rightly noted that PMCs are located “illegally in Syria, infringing all international rules and regulations”<sup>2</sup>.

Given all of the above, it is clear that the significant demand for private military services goes hand in hand with funding and investment opportunities. Both markets have an extraordinary international perspective, especially because once the PMSC enters a particular state to support rebel hostilities, governments then hire other third-party military contractors fighting the rebels or vice versa. Thus, due to the lack of a mechanism to hold PMSC liable under international law, the direct participation in the armed conflicts of private actors in a given state generates extraordinary opportunities for them.

**The need for national and international regulations on legal relations between states and private military and security companies.** While governments support the behavior of private military actors, this fact highlights a number of difficulties, in particular:

- The state’s liability for the actions of private actors and
- The liability for PMSC actions that exercise elements of governmental authority, in situations where their actions are not carried out in accordance with national rules and regulations.

In the armed conflict in Syria, according to the United Nations Commission of Inquiry reports of November 2011, the private military companies were composed of more than 10,000 civilians, who carried weapons and were materially supported by the Syrian government, with the sole purpose of eliminating at all costs, any anti-government demonstration next to the national security forces<sup>3</sup>. From another point of view, in 2013, the same actors were included in government forces, but their status before that date is quite unclear. In other words, if these actors or companies were indeed agents of the Syrian government, therefore, the military actions and their consequences are attributed to the Syrian state<sup>4</sup>. However, no evidence to confirm such a status was provided<sup>5</sup>.

In 2011, Syrian political authorities began using funds and services to support the alliance of young unemployed people by distributing weapons, vehicles, protection and security certificates to their loyal people and families, who acted for the Syrian regime<sup>6</sup>. Here is where the conflict arises, when private military structures collaborate with the Syrian regime in order to sanction opponents, but without a specific legal authority to do so<sup>7</sup>. Unfortunately, similar situations of privatization of armed conflicts are encountered around the world, in third world countries, where the PMSC cooperates closely with the national regime and participates in hostilities on behalf of the regime, but in the

<sup>1</sup> Брифинг начальника Главного оперативного управления Генштаба Вооружённых Сил РФ генерал-полковника Сергея Рудского по ситуации в Сирии. Министерство обороны России. 29 июля 2019 года. [on-line]. [accessed 31.10.2021]. Available on Internet: <URL:

[https://function.mil.ru/news\\_page/country/more.htm?id=12243385KegNews](https://function.mil.ru/news_page/country/more.htm?id=12243385KegNews)>.

<sup>2</sup> Абылгазиев И. И., Война США за «мир» в Сирии. Москва: Институт внешнеполитических исследований и инициатив, 2021, с.72. Абылгазиев И. И., Война США за «мир» в Сирии. Москва: Институт внешнеполитических исследований и инициатив, 2021, с.72

<sup>3</sup> Брифинг начальника Главного оперативного управления Генштаба Вооружённых Сил РФ генерал-полковника Сергея Рудского по ситуации в Сирии. Министерство обороны России. 29 июля 2019 года. [on-line]. [accessed 31.10.2021]. Available on Internet: <URL:

[https://function.mil.ru/news\\_page/country/more.htm?id=12243385KegNews](https://function.mil.ru/news_page/country/more.htm?id=12243385KegNews)>.

<sup>4</sup> Draft articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), art. 4.

<sup>5</sup> ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, feb. 26, 2007, p. 393. [on-line]. [accessed 31.10.2021]. Available on Internet: [URL:https://www.icj-cij.org/public/files/case-related/91/091-20070226-JUD-01-00-EN.pdf](https://www.icj-cij.org/public/files/case-related/91/091-20070226-JUD-01-00-EN.pdf).

<sup>6</sup> Lund A., Who Are the Pro-Assad Militias?, Carnegie Middle East Center, [on-line]. [accessed 31.10.2021]. Available on Internet: <URL: <https://carnegie-mec.org/diwan/59215>>.

<sup>7</sup> Sullivan M., Institute for the study of war, Middle East Security Report. Hezbollah in Syria, April 2014 [on-line]. [accessed 31.10.2021]. Available on Internet: <URL:[http://www.understandingwar.org/sites/default/files/Hezbollah\\_Sullivan\\_FINAL.pdf](http://www.understandingwar.org/sites/default/files/Hezbollah_Sullivan_FINAL.pdf)>.

absence of legal regulations, training or support. Thus, from a strictly legal point of view, the actions of private structures cannot be attributed to the Syrian state<sup>1</sup>.

In the Syrian hostilities, there is no evidence as for the initiation or organization of training of these contingents by the Syrian national army or of state surveillance actions in military operations during which essential infringements of the state's international responsibilities have been committed as for the human rights<sup>2</sup>.

Shabbiha appears to be "responsible or accomplices in human rights abuses in Syria", including firing at peaceful protesters, shooting and killing protesters, arbitrarily detaining Syrian civilians and shooting Syrian soldiers who refused to shoot at peaceful demonstrations<sup>3</sup>.

Their membership in Syrian government structures is a problem due to the nature of the armed operations carried out by these phantom participants during the Syrian hostilities, as private actors present themselves as acting with a special sense of total impunity<sup>4</sup>. Because of this situation, it is clear that private actors exercised a kind of public positions in Syrian society before being included in Syrian government forces. These participants in the hostilities acted next to the state security forces, accomplishing law enforcement functions on behalf of the Syrian regime, but no evidence was identified or presented about their training, preparation by the state, in accordance with Syrian law.

Therefore, to date, no effective legal mechanisms have been created to determine the status of PMSC and their employees, either at international or regional level. At the national level, in some countries (eg. the United States), the situation is somewhat different - there is legislation governing the status and activities of the PMSC. In some countries, PMSC activities are completely banned, in some (for example, in Russia) PMSC are in a legal vacuum - in a kind of "grey area" when they are not directly banned, but their activities are not expressly regulated. The lack of effective regulatory mechanisms at all levels generates a lack of certainty regarding the establishment of the legal status of PMSC employees as combatants or non-combatants. This, in turn, causes a number of difficulties<sup>5</sup>.

The probability of negative consequences for using the services of private military and security companies depends to a large extent on the level of development of the regulatory basis that would regulate these activities and on the development of a democratic control mechanism over them. The transparency of state budget articles on the defense sector, including special services, should be a precondition when deciding to legalize the activities of such companies. Otherwise, a number of negative consequences can be caused and the level of corruption in this area increases.

If in the first stage of the development of mercenaries, the demand for these services from the part of the states was caused by the lack of funds to maintain their own regular army, then in the current stage, the revival of demand for services provided by mercenaries in a qualitatively different form is caused by a number of factors associated with globalization processes. Most likely, this trend will be long-term, which requires constant attention to this phenomenon<sup>6</sup>.

**Conclusions.** The globalization is leading to the transformation of armed conflict and the demand for third parties to provide strength, training and equipment. The reason why the private military

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<sup>1</sup> Najjar F., Iraq's Second Army: Who Are They, What Do They Want?, AL JAZEERA Nov., 15.2017, [on-line]. [accessed 31.10.2021]. Available on Internet: [URL:https://www.aljazeera.com/news/2017/10/31/iraqs-second-army-who-are-they-what-do-they-want/](https://www.aljazeera.com/news/2017/10/31/iraqs-second-army-who-are-they-what-do-they-want/).

<sup>2</sup> ICJ Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Judgment, 27.06.1986, p. 115 [on-line]. [accessed 08.11.2021]. Available on Internet: [URL:http://www.derechos.org/nizkor/aggression/doc/nicaragua.html](http://www.derechos.org/nizkor/aggression/doc/nicaragua.html).

<sup>3</sup> U.S. Department of the Treasury. Treasury Sanctions Al-Nusra Front Leadership in Syria and Militias Supporting the Asad Regime. 12/11/2012 on-line]. [accessed 31.10.2021]. Available on Internet: [URL:https://www.treasury.gov/press-center/press-releases/pages/tg1797.aspx](https://www.treasury.gov/press-center/press-releases/pages/tg1797.aspx).

<sup>4</sup> UN, Human Rights Council, Rep. of the Independent International Commission of Inquiry on the Syrian Arab Republic, Annex V, U.N. Doc. A/HRC/22/59, [on-line]. [accessed 31.10.2021]. Available on Internet: <URL: [http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A.HRC.22.59\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A.HRC.22.59_en.pdf).

<sup>5</sup> Неелов В.М. Частные военные компании. Терминология, правовой статус и классификация деятельности. В: Вопросы духовной культуры, с. 154-159.

<sup>6</sup> Золотарёв П. С. Военное наёмничество: особенности возрождения в XXI веке. В: Россия и Америка в XXI веке, Выпуск № 2, 2019 [on-line]. [accessed 31.10.2021]. Available on Internet: <URL: <https://rusus.jes.su/s207054760005943-4-1/>.

industry is expanding is because private actors avoid liability under international humanitarian law and present themselves as an extraordinary business opportunity that generates substantial revenue.

Meanwhile, the growing number of private actors present in Syria is turning the country's territory into areas of hostilities, in which they frequently fight against each other because of the opposing interests of the contracting states.

The activity of private military and security companies in third world countries, such as Syria, is meant to inhibit political opponents and/or ensure the authority of a regime.

In this line of thought, there is very little chance that the Syrian government will ever consider restricting or controlling the activity of private military and security contractors, as this would make the Syrian state liable for serious infringements of the international humanitarian law rules by them. Also, the more vague and superficial the relationship between the state and the PMSC is – much less the Syrian society knows about the government's collaboration with private military actors in order to carry out military actions in hostilities.

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**Contacts/Contacte/ Контакты:**

**CAUIA Alexandr.**

Universitatea Liberă Internațională din Moldova (ULIM).

52 Vlaicu Parcalab street, Chisinau,

MD-2012 Republic of Moldova

**E-mail:** [cauia.alex16@gmail.com](mailto:cauia.alex16@gmail.com)



**ZACON Corina.**

Universitatea Liberă Internațională din Moldova (ULIM).

52 Vlaicu Parcalab street, Chisinau,

MD-2012 Republic of Moldova

**E-mail:** [corinazon@mail.com](mailto:corinazon@mail.com)