

PRIVATE MILITARY COMPANIES IN RUSSIA: NOT SO QUIET ON THE EASTERN FRONT?

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ABSTRACT

This research paper offers a snapshot of the privatization of the military in Russia, as revealed in the subtext of the conflict in the Donbass region, followed by the Russian intervention in Syria. Although phenomena such as the Wagner Group may appear at first sight to be innovations, the recourse to non-state groups in combat operations is nothing new for Moscow. A distinction should therefore be drawn between the Russian private military companies that are genuinely comparable to the conventional PMCs existing elsewhere in the world and the armed groups operating more along the lines of “war by proxy” instigated by Moscow. This paper also examines the prospects for private military companies in Russia and the consequences of their possible legalization.

CONTENT

The “private” war market in russia: origins and current situation	3
<i>Mercenaries – direct ancestors of PMCs?</i>	3
<i>PMCs today in Russia</i>	5
<i>Wagner Group: false PMC, true mercenaries?</i>	7
Towards the legalization of PMCs in Russia?.....	8
<i>The privatization of war catches the attention of the Russian strategic community</i>	8
<i>Russia still not ready for legalization?</i>	9
<i>What prospects for PMCs in Russia?</i>	10
Conclusion.....	11

Showcasing the reform of the Russian defence apparatus initiated in the late 2000s, the recent Russian interventions in Ukraine, starting in February 2014, and, more particularly, in Syria since September 2015 have enabled Moscow to parade the numerous innovations that have been introduced in its armed forces since launching the reforms. In this context, a hitherto little-studied phenomenon has been revealed – namely, Moscow’s recourse to private entities to carry out tasks on the ground normally reserved to the sovereign institutions of the State. Unveiled by a series of detailed reports by Russian investigative media, the involvement of organizations such as the Wagner Group in Eastern Ukraine, and especially in Syria, has triggered debate on the use of private military companies (PMCs¹) by Moscow, and the question of their legalization has been raised once again in Russia.

In this paper, we shall look at the question of PMCs in Russia from several different angles. First, we must establish a definition of what can legitimately be considered a PMC in Russia. Some historic context to this question is necessary: from the early 1990s, non-governmental Russian groups and individuals have taken part in armed operations, whether at the behest of Moscow (for example in Transnistria and Georgia) or for individual purposes (for example, in several African countries, such as Ethiopia, Sudan or Angola).

These entities cannot and should not be considered to be PMCs in the current sense of the term. According to the most widely accepted definition of the term, PMCs are commercial entities operating on a contractual basis, both with regard to their customers and their employees, and providing security services in the widest sense of the term (training, advice, premises security or convoy protection), in support of combatant forces; and their recourse to armed force is only envisaged in cases of defence or self-defence. If members of PMCs were to participate directly in armed operations, they would lose all the protection that they might otherwise be accorded under International Humanitarian Law (IHL), as is specified in the (non-binding) Montreux Document, drawn up by the ICRC and adopted in 2008.² The entities mentioned above would be more correctly identified as mercenary groups, which implies, in particular, according to the definition of “mercenary” given in Additional Protocol I to the Geneva Conventions, direct participation in hostilities by a person who is neither a national nor a resident of an official Party to a conflict.³ Mercenaries and PMCs also differ in that, whereas IHL seeks to eliminate the phenomenon of mercenarism it seeks to provide a legal framework for the activities of PMCs.

While the organizations mentioned above cannot be assimilated to PMCs, they constitute the birth of the use of armed force by non-state entities in post-Soviet Russia. This trend is not new, and major endogenous tendencies prior to the reform of 2008⁴ can help to explain apparently innovative phenomena such as Wagner. We will then propose a distinction between the two categories of PMCs currently existing in Russia. First, we provide an overview of “conventional” Russian PMCs, in other words PMCs that are comparable, in nature and functions, to western PMCs. We will then conduct an analysis of the Wagner Group. Incorrectly termed a private military company by many commentators, the Wagner Group can in fact be more precisely considered as a hybrid, borrowing from two different sources: for its “essence,” it adopts the methods of the mercenaries employed by Moscow in the post-Soviet area from the early 1990s onwards, and, for its “form,” it borrows from the PMCs that came to public notice in the wake of the western interventions in Afghanistan and Iraq, especially from the early 2000s.

1. While other terms, such as defence contractors, private security firms etc., are used in English, the term PMC (in Russian: *Chastnaya Voennaya Kompania*, or CVK), which is more widely used in the Russian context, will be preferred here.

2. Montreux Document, ICRC, 17 September 2008, https://www.icrc.org/fre/assets/files/other/icrc_001_0996.pdf, accessed October 2008.

3. Article 47 of Additional Protocol I to the Geneva Conventions, ICRC, https://www.icrc.org/fre/assets/files/other/icrc_001_0321.pdf, accessed October 2018.

4. In December 2008 a massive reform of the entire Russian defence apparatus was launched. This reform, which is still in progress today, particularly aims to cut personnel numbers in the Russian armed forces, to professionalize these forces and to improve the quality of their weaponry and equipment.

The Wagner Group first appeared on the scene with the Russian interventions in Ukraine (from 2014) and then in Syria (from 2015).

Although few tangible sources exist concerning Wagner, careful cross-referencing of the information obtained from several Russian investigative newspapers⁵ enable us to identify its principal features. Wagner is reportedly an offshoot of the Slavonic Corps, a PMC registered in Hong Kong and founded in 2013 by two former members of the Moran Security Group, another PMC, this time with a legal existence in Russia.

Managed by Dimitriy Utkin, a former commander of a special forces unit (700th Spetsnaz GRU),⁶ Wagner has reportedly recruited about 3000 men to-date. Most of these recruits receive training at a site belonging to the Russian Ministry of Defence, adjacent to a GRU base in the region of Krasnodar. While the equipment used by Wagner combatants reportedly comes from Russian army surplus, their salaries are believed to be funded by the activities of an oligarch close to the Kremlin, Yevgeny Prigozhin

Unlike the genuine Russian PMCs, Wagner came to public attention for its involvement in various armed operations, first in Eastern Ukraine and then, more markedly, in Syria, especially in the two battles of Palmyra (March 2016 and January 2017) and in the attempt by government forces (February 2018), to reconquer the oil fields controlled by the opposition forces of the SDF, in the region of Deir Ez-Zor. In 2018, the activities of the Wagner Group were further internationalized with the alleged implication of this group in the Central African Republic and Sudan.

The second part of this paper will discuss the recent debate on the legalization of PMCs in Russia. Following the declarations of Russian Foreign Minister, Sergei Lavrov, concerning the need to confer a legal status on the members of PMCs, and in the light of the battle of Khusham in Syria, in the region of Deir Ez-Zor (February 2018), which, according to several estimates, had cost the lives of dozens of Wagner fighters, a draft law on the legalization of PMCs was discussed at the Duma, in the general context of increasing awareness of the phenomenon of PMCs by the Russian strategic community.

Despite the rejection of this legalization bill, the role of PMCs in Moscow's foreign and defence policy could well continue to increase, whether in the conventionally accepted "classic" sense of the term or as a modern form of mercenary warfare directly at the service of the Kremlin.

THE "PRIVATE" WAR MARKET IN RUSSIA: ORIGINS AND CURRENT SITUATION

Mercenaries – direct ancestors of PMCs?

A practice employed by Moscow since the early 1990s to attain objectives on the ground without officially engaging its troops

The principle of "war by proxy" used by Moscow in Eastern Ukraine from 2014 onwards is nothing new. Very many similarities, at least at the tactical and operational level, can be established between the events that occurred in the Donbass region and the events that culminated in Transnistrian, Abkhazian and South Ossetian secessionism in the early 1990s. The term "war by proxy" refers to a Russian method of envisaging conflict, in particular in the post-Soviet space, where Moscow supports, guides and plays a *de facto* role in armed confrontations, while being careful not to let its implication be visible, at least *de jure*. Although these conflicts take place in very different contexts, their general paradigm is similar. Recourse to mercenaries is one of the many instruments of these "wars by proxy" waged by – or at least in the interests of – Moscow, since the beginning of the 1990s. During the Transnistrian conflict, which, in its genuinely active phase, lasted from March to June 1992, the essential part of the separatist forces was composed of local combatants, equipped and armed by the soldiers of the former 14th Soviet Army, which was based in Bender (Transnistria). These forces were also supported by mercenary groups, such as that of lieutenant-colonel Kostenko.

5. Such as Fontanka (<https://www.fontanka.ru/>) or Novaya Gazeta (<https://www.novayagazeta.ru/>).

6. Spetsnaz (standing for "*spetsialnoe naznachenie*") is a generic term used to designate the various special forces under the different ministries and administrations of the Russian Federation. In other words, there are "spetsnaz" attached not only to the Defence Ministry but also to the Interior Ministry, Emergency Situations Ministry etc. The GRU (*Glavnoye razvedyvatel'noye upravleniye*), officially named GU but more commonly known by its former acronym GRU, is the Russian military intelligence agency.

Composed of veteran *afghantsi*, i.e. Soviet soldiers and officers who had fought and gained valuable operational experience in Afghanistan, the Kostenko group numbered about two to three hundred men. We should also highlight the fact that after the operations ended, Kostenko was assassinated and his group liquidated, probably on orders from Moscow,⁷ which was seeking to bring the active phase of the conflict to an end as soon as things had turned sufficiently in its interests. Another point that deserves attention is that the fate of Kostenko has certain similarities with that of many of the combatants and unit commanders in the Donbass region, who were eliminated as soon as the active phase of the conflict was over.

The armed conflict between Sukhumi and Tbilisi in Georgia from 1992 to 1994 also saw the involvement of mercenary groups fighting for the separatists, in other words in line with Moscow's interests. Among these groups, the combatants of Russian nationality from the Confederation of Mountain Peoples of the Caucasus played a particularly important role in the victory of the secessionist forces over the Georgian forces, most notably in the battle of Sukhumi (spring-summer 1993). For many former Georgian senior officers⁸ who fought in this conflict, the Wagner Group is nothing other than an updated avatar of the Confederation of Mountain Peoples of the Caucasus. Similarly, mercenaries from Transnistria, for example the Dniestr-1 battalion, also joined the Abkhazian side in the fighting between Sukhumi and Tbilisi in the early 1990s.⁹

So, in support of combatants from the local populations, Moscow, from the early 1990s, employed mercenaries in the conflicts that pitted Russia, more or less openly, against several former Soviet republics. With certain variations, more in form than in content, this practice has been reiterated on Ukrainian territory since 2014 and, subsequently, on Syrian territory from 2015 to the present. We can note that although the Russian authorities have never officially recognized the presence of these mercenaries in these conflicts, they have been very prompt to denounce the involvement of foreign mercenaries. This point is perfectly illustrated by a recent article on PMCs published in *Voennaya Mysl'*, the leading journal of the Russian Academy of Military Science and close to Russian high command. While making no mention of the involvement of these mercenaries at the service of Moscow, the article provides a detailed list of mercenaries and PMCs that have reportedly been used against Russia or against the people that Russia has claimed to "protect": the article cites Ukrainian mercenaries from the Argo unit in Transnistria in 1992,¹⁰ in Georgia in 1993-1994 alongside Tbilisi's forces and fighting with the Chechen separatist combatants during the two Chechen wars, the role played by the Israeli PMC Defense Shield in the Russo-Georgian conflict of 2008 and the American and Polish PMCs in Eastern Ukraine from 2014.¹¹

Africa of the 1990s – lands of adventure for Russian mercenaries

For anyone interested in the origins of PMCs in Russia, the involvement of large numbers of mercenaries from Russia in Africa from the early 1990s onwards also merits a mention. Here, we should immediately emphasize the important difference between the political mercenarism described above and this other form of mercenarism, which is essentially lucrative. In the latter case, we are talking mainly of mercenaries enlisting, on an individual basis, for their own economic reasons, in conflicts in which Moscow plays no part.

With the break-up of the socialist bloc, large numbers of military personnel were forced, or constrained, to leave their army. Forming a potentially massive and inexpensive manpower, at ease with equipment that had often been supplied by the former USSR or countries of the socialist bloc, some of these former military men took the mercenary route and therefore ended up taking part in conflicts on the African continent, in different roles and with vastly varying levels of responsibility.¹² In an interview granted in Paris in 2001 to the newspaper *Izvestia*, Bob Denard, the most famous French mercenary, explained this sudden influx of mercenaries from the former Eastern bloc on the African market:

The main reason has to do with unemployment, which had suddenly hit thousands of highly qualified military personnel [...] Suddenly, a lot of officers found themselves on the street [...], and they didn't know how to do anything else but fight. It's easy to become a mercenary. To cross the borders, all you have to do is come as a tourist [...]

7. Interview in Chisinau with a former high representative of the Moldovan Defence Ministry who had taken part in the fighting during 1992, April 2018.

8. Interview in Tbilisi with several senior officers of the Georgian forces, June 2018.

9. Interview with a senior representative of the Moldovan Interior Ministry, Chisinau, April 2018.

10. These forces took part in the conflict against the Moldovans and in defence of the Ukrainian population, in the aim of obtaining the later attachment of Transnistria to Ukraine, in this particular case, the Argo mercenaries were fighting with the same aims as the "Transnistrian forces", but for different reasons.

11. O. P. Sibilieva, "The activities of private military companies in contemporary armed conflicts as a challenge to International Humanitarian Law," *Voennaya Mysl'*, No. 7, July 2016, <http://vm.milportal.ru/devyatnost-chastnyh-voennyh-kompanij-v-sovremennyh-vooruzhennyh-konfliktah-kak-vyzov-mezhdunarodno-mu-gumanitarnomu-pravu/>.

12. M. S. Barabanov, V. A. Celiko, I. P. Konovalov, V. V. Kidelev, *Les Guerres des autres (Cužie vojny)*, CAST, Moscow, 2012.

Several countries, like Zaire, Sudan, Ethiopia, Eritrea or Angola, use Russian mercenaries. Often, they are pilots and military instructors. Forty years ago, the Africans, the locals, didn't know how to fight, and they needed the support of white mercenaries. Now, they've learned how to shoot at one another. On the other hand, they still don't know how to correctly use sophisticated equipment. That's why they need specialists, among other things to maintain armoured vehicles and aircraft: in Africa, there is still a lot of heavy weaponry from the Soviet Union and Russia.¹³

Cases of Russian mercenaries in Africa are legion. Bob Denard cites "the hundred or so Russians and Serbs" who fought for Mobutu Sese Seko in Zaïre in 1997. The former Zairean president employed the Serbs as an elite presidential security unit in the conflict between him and the forces of Laurent-Désiré Kabila in 1996-1997. Bob Denard also mentioned the involvement of Russians and Ukrainians alongside the deposed Pascal Lissouba during the coup d'état in Brazzaville in 1997.

In 1998, several hundred Russian mercenaries fought alongside the Ethiopian forces in the border conflict between Addis-Ababa and Asmara. Among them, we can highlight the presence of several senior officers, sometimes placed in command of Ethiopian units, such as general Yakim Yanakov, who was officially appointed Adviser to the Commander-in-Chief of the Ethiopian Air Force. Many Russian mercenaries also fought on either side of the Angolan civil war between the forces of Luanda and the UNITA rebels.¹⁴

Finally, we can note that Russian mercenaries were also employed by American and British PMCs in Iraq, after the launch of Operation *Iraqi Freedom*. As is emphasized by two Russian authors in a recent work dedicated to the development of the global PMC sector since its appearance in the 1960s,¹⁵ several dozen Russian and Ukrainian mercenaries were employed by the British firm Erynis, for example, from 2004 onwards.

So, the participation of non-governmental combatants in armed conflicts is nothing new in Russia. Since the 1990s, the phenomenon has taken two main forms: It has consisted either of a mercenarism structured for political reasons and employed more or less directly by Moscow if the direct engagement of the official Russian armed forces is not desirable, or of an exclusively for-profit mercenarism deriving essentially from individual initiatives.

PMCs today in Russia

A major vacuum exists today in the legislation of the PMC sector in Russia. Only private security companies, i.e. companies proposing the services of security guards, protection services or detectives (Russian: *Chastnoe Ohranoe Predpriatie*, or *COP*) have a clearly defined status regulated by the law of 1992 concerning "private detective and security activities." Since 2016, the National Guard, placed under the direct authority of the Kremlin, is the supervisory body for these companies and is, in particular, responsible for issuing or withdrawing their operating license.

By contrast, there is no specific legislation regulating the activities of private military companies, in the broader sense of the term. These companies are neither authorized nor expressly prohibited by the law, which nevertheless punishes mercenary activities. Article 359¹⁶ of the Russian Penal Code, which defines a mercenary as "a person acting with the aim of receiving a financial reward and not a citizen of the country where he participates in armed operations," stipulates penalties ranging from three to seven years of imprisonment for people carrying out mercenary activities and of four to eight years' imprisonment for people training or employing mercenaries. These sentences are increased to eight to fifteen years if the person concerned has used his official prerogatives or has attempted to employ minors.

Although mercenarism is by no means a new phenomenon in Russia, this article of the law has only been used a single time, in October 2014. Two Russian citizens, Vadim Gusev and Yevgeniy Sidorov, founders and senior managers of the Slavonic Corps, having previously worked for Moran Security Group (see below), were judged and sentenced to

13. *Les Oies sauvages (Dikie Gusi)*, interview with Bob Denard granted to Georgi Zotov, 3 November 2001, <http://navoine.info/denar-interview.html>, accessed July 2018, translated by the author.

14. M. S. Barabanov et al., *Les Guerres des autres*, op. cit.

15. I. P. Kononov, O. V. Valetski, *Évolution des sociétés militaires privées*, Centre de la Conjoncture Stratégique, Pouchkino, 2013. Quoted by Vladimir Neelov, *Les Sociétés militaires privées en Russie, aspects et perspectives*, Saint-Petersbourg, 2013.

16. Russian Penal Code, Article 359, "mercenariat", http://www.consultant.ru/document/cons_docLAW_10699/a9e28227f557dc1e6659c1d88613790bb3ddd5b, accessed July 2018.

three years in prison for having recruited more than 250 mercenaries in 2013, ostensibly to guard oil installations, and then sending them to fight alongside Syrian government troops in the region of Deir Ez-Zor.¹⁷

So, from the legal point of view, there are no private military companies in Russia, and most of the entities active in the sector are registered as normal commercial companies, generally with the status of private limited companies.¹⁸ We should emphasize that this legal limbo is not exclusive to Russia. Of the main source countries of PMCs in the world – the US, the UK, and France – only the US has established a system of licenses for PMCs registered in the United States. This system has been in place since 2003, and the licenses are issued by the Defence Trade Control Office. In the United Kingdom, PMCs are regulated on a voluntary basis: if they wish, they can register as PMCs with the Security Industry Authority under the “Approved Contractor Scheme.”¹⁹ In France, although a 2003 law does punish mercenary activities, the activities of PMCs are not subject to any special control: the main differences reside in the fact that, first, mercenary activity is deemed to be a combat function, which PMCs are not allowed to offer, and, second, PMCs are entities having an official legal existence, which is not the case of mercenary groups. In international law, although no binding document governs the activities of PMCs, the Montreux Document (see above), signed in 2008 – in other words very late in the day, since the first PMCs had already appeared in the 1960s – and adopted by about forty states (Russia is not currently a signatory), summarizes the best practices and guidelines to be observed for PMCs. This recent awareness of the question was particularly aroused by the western interventions in Afghanistan and Iraq in the early 2000s, revealing, for the first time, the important role played by PMCs in conflict zones.

The Russian PMC market, comprising several dozen companies, started to emerge during the 2000s and is structured around a few big names, such as RSB-Group,²⁰ Moran Security Group,²¹ Mar and Redut-Antiterror.²² As with their western equivalents, the activities of these companies – which are legally registered – are divided between a few broad domains. Of these domains, we can mention the security and protection of sea and land convoys: Russian PMCs, which had been present in the sector since the 2000s, were particularly active in combating piracy in the Gulf of Aden in 2012-2013. Although ahead of the curve at the time in this domain, Moran Security Group, run by two former officers of the Russian Navy, seems to have temporarily suspended its activities.²³

Russian PMCs are also active in the domain of advising and training foreign armies. Some Russian PMCs also propose their mine clearance services. Of the countries where Russian PMCs have been active in this field, we can cite the countries of the former Yugoslavia, where several Russian PMCs, such as AntiTerror-Orel, took part in demining Nis airport in Serbia, or the case of Libya, where employees of RSB-Group demined one of the biggest cement works in the region, in Benghazi.²⁴ Several of these companies are also used by various UN bodies, for example to accompany refugee convoys. This was the case of the Russian PMC the RSB-Group, which was engaged by UNRWA to provide logistical assistance for aid operations to Palestinian refugees, in Syria in particular. Roughly 300 people are thought to work for RSB-Group, which would appear to be the biggest Russian PMC. Its CEO, Oleg Krinitsyn, is a former officer of the FSB.

Founded by former military officers or former members of agencies such as the GRU, FSB or SVR who have acquired operational experience in Afghanistan, during the civil war in Tadjikistan or in the Northern Caucasus, these security companies maintain important relations with veterans’ associations, several of which have recently demanded the recognition and attribution of legal status to PMCs.²⁵ These PMCs sometimes openly state their support for the Kremlin’s policies, in particular in the post-Soviet space. The Mar Company, which was founded in September 2014 during the active phase of the conflict in the Donbass region, with the stated aim of defending the interests of Russian speakers in the post-Soviet space, carried out various humanitarian missions in the Donbass region under separatist control. Nevertheless, these PMCs are not involved in combat functions and are keen to remind people of this fact, as is evidenced by the announcements on their websites that no mercenary service or participation in armed operations is proposed.

17. “Unwilling mercenaries,” *Rossiyskaya Gazeta*, 14 January 2015, <https://rg.ru/2015/01/14/naemniki-site.html>, accessed July 2018.

18. As indicated in the directory available on the website of the Russian Federal Tax Service, <https://egrul.nalog.ru/>.

19. <https://www.sia.homeoffice.gov.uk/pages/acs-intro.aspx>.

20. Website: <http://moran-group.org/>; <http://rsb-group.org/about>.

21. Website: <http://chvk-mar.ru/>.

22. Website: <http://redut-czentr.narod.ru/>.

23. “The PMCs, an excellent instrument of influence, interview with Oleg Krinitsyn,” *RP*, 21 March 2014, <http://rusplt.ru/society/voennie-chastniki-8795.html>, accessed July 2018.

24. The boss of a PMC speaks about the work of Russian specialists in Libya, *RBK*, 13 March 2017, <https://www.rbc.ru/politics/13/03/2017/58c69ef59a7947e8a-7c2ea63>, accessed July 2018.

25. “Veterans of the Russian army ask the Kremlin to recognize PMCs and give them legal status,” *Newsru.com*, 6 July 2018, <https://www.newsru.com/russia/06jul2018/vetchvk.html>, accessed July 2018.

Wagner Group: false PMC, true mercenaries?

The Wagner Group, which emerged in the wake of the conflict in the Donbass region, followed by the Russian intervention in Syria, is a difficult structure to define, although numerous observers assimilate it to a private military company.

Unlike all the other companies mentioned above, the Wagner Group does not have a formal legal existence. With no website, it is not registered in the database of the Russian tax administration and does not have an offshore address. According to several Russian media sources, and in particular the articles of the online investigative journal *Fontanka.ru*, which has followed this group since its first appearance, Wagner is an unofficial offspring of the Slavonic Corps (see below), founded and led by Dmitriy Utkin, former commander of the 700th Spetsnaz GRU unit, from the Pskov region. As an entity through which some 2000 to 4000 men have allegedly transited, Wagner has become a focus for the debates on private military companies in Russia, because of its implication in armed operations in Ukraine, and subsequently, and more particularly, in Syria, where Utkin's men reportedly fought in two battles for the reconquest of Palmyra and, more recently, in an attempt to take over an oilfield in the Deir Ez-Zor region controlled by the Kurds of the Syrian Democratic Forces.²⁶

Little reliable information is available on the financing of this structure. It would seem that, beginning from the end of 2016, the group's funding has been assumed by Yevgeny Prigozhin, a businessman close to Vladimir Putin. After making his fortune in the catering business in the early 1990s, Mr Prigozhin, whose companies are on the American sanctions list, is one of 13 Russian citizens accused by the American Justice Department last February of interference in the 2016 election campaign. In December 2016, during a visit by the Syrian Minister of Oil and Mineral Resources to Moscow,²⁷ Mr Prigozhin, via one of his companies, Evro Polis, reportedly signed a contract with Damascus, whereby Evro Polis undertook to protect the oil and gas production and refining facilities in Syria, in return for 25% of their revenue. It was in the framework of this contract that we can understand the involvement of Wagner in the failed attempt by Syrian government forces to reconquer the Tabiyah (Conoco) oil field last February. These engagements in armed operations are a major distinctive feature of Wagner compared to the other PMCs.

In addition to its involvement in armed operations, Wagner stands out from other Russian PMCs by the integration of its combat units with Russian state forces. According to data available in open source, Wagner seems to be the only case where the capillarity with these structures exists at such an extensive level and in an operational domain. For example, members of Wagner reportedly receive their training on land owned by the Russian Ministry of Defence in immediate proximity to a base belonging to the 10th Spetsnaz brigade of the GRU, in the village of Molmino in the Krasnodar region. As shown in the investigations by journalists of *Fontanka* and the analysts of the Conflict Intelligence Team, a team of volunteers who analyze Russian operations in Syria, several members of the Wagner Group, which the Russian Defence Minister has repeatedly denied even exists, were decorated by the Minister for their actions in Syria. For example, the most famous of them, Dimitriy Utkin himself, was decorated at the Kremlin in December 2016, on the occasion of Heroes of the Fatherland Day.²⁸

Rather than a private military company, the Wagner Group, by its opacity, its close integration with the Russian armed forces and its participation in armed operations, appears to more closely resemble the mercenary groups acting on behalf of Moscow in places where Moscow does not wish to implicate its military. This was the case in Moldova or Georgia in the early 1990s. It is still the case for certain ground operations in Syria.²⁹ This distinction is underlined by Alexei Filatov, Vice-President of the veterans' association of the Alfa Group³⁰ and chief editor of the review *Specnaz Rossii*, who indicates, in an interview with *Novaya Gazeta* that "many experts confuse private military companies with

26. See the excellent study by Sarah Fainberg on this subject, *Spetsnaz, contractuels, volontaires : qui sont les « hommes de guerres russes » en Syrie*, IFRI, December 2017, <https://www.ifri.org/fr/publications/notes-de-lifri/russienevisions/spetsnaz-contractuels-volontaires-hommes-de-guerre>.

27. "In Moscow, the Syrian oil and communication ministers are seeking to reinforce bilateral cooperation," *Sana*, 9 December 2019, <http://sana.sy/en/?p=95716>, accessed July 2018.

28. "Peskov confirms the presence of Dimitriy Utkin at a reception in the Kremlin," *RBK*, 15 December 2016, <https://www.rbc.ru/politics/15/12/2016/585278b-b9a7947efc948945b>, accessed July 2018.

29. The Russian intervention in Syria is essentially aerial in nature, and Moscow, since the launch of its intervention, has attempted to minimize ground operations, which by definition inflict more casualties to its own forces and are therefore more difficult to defend politically.

30. FSB elite unit, in charge of counter-terrorism (author's note).

the companies that have come to notice in Eastern Ukraine and Syria, including the Wagner Group. But they're not at all the same thing."³¹

Like other elements in the transformation of the Russian defence apparatus at the end of the 2000s, Wagner provides a good example of hybridization between endogenous practices prior to launching the reform and external influences, in particular from Moscow's observation of western interventions in Afghanistan or Iraq in the early 2000s. In this case, the endogenous practice is the recourse to mercenary forces that are partly organized, or at least tolerated, by the Russian authorities, while the exogenous influence would be the superficial appearance of a more conventional PMC. Unlike the mercenary groups implicated in the conflicts of the early 1990s and acting in accordance with Moscow's wishes, Wagner communicates little, or not at all, concerning its presence – and the reasons for this presence – in Ukraine and Syria. Like Kostenko's men in Transnistria, like the fighters of the Confederation of Mountain Peoples of the Caucasus in Georgia, like the Vostok battalion in Ukraine, the Wagner Group constitutes a practical tool for the Kremlin, which can obtain its military objectives through the intermediaries of entities that it officially denies even exist, or, at least, that it denies being linked to in any way, assisted in these assertions by the legal vacuum surrounding the existence of this formation. And it is a fair bet that the Wagner combatants will meet a similar fate to those previous "proxy combatants," who were often liquidated after Moscow no longer needed them.³² Whatever the case, the Russian authorities do not seem to care greatly about the Wagner combatants who are injured or killed in combat, as was revealed by investigative journalist Ivan Pushkarev, whose inquiries took him to the village of Molmino, where there is a Wagner base.³³

TOWARDS THE LEGALIZATION OF PMCS IN RUSSIA?

The privatization of war catches the attention of the Russian strategic community

Until recently, the privatization of war was a phenomenon absent from official Russian texts on defence and security. It was not until the last Russian military doctrine of 2014³⁴ that PMCs were mentioned for the first time, not as a possible instrument at the service of Moscow but as a new type of menace against Russia and its interests. Paragraph 12 of this document, dedicated to the "main external military dangers", mentions, in paragraph l, "the activity of foreign private military companies close to the frontiers of Russia or of its allies." Paragraph 15, on the "main characteristics of contemporary armed conflicts" mentions, in paragraph j, "the participation of irregular armed formations and private military companies in armed conflicts." Similarly, PMCs are mentioned in the latest version of the *National Security Strategy* (2015).³⁵ For example, paragraph 43 mentions, as one of the main threats to the security of Russia, "the activity of private structures aiming to challenge the unity and territorial integrity of Russia, destabilize the interior situation [...], in particular by inciting colour revolutions [...]."³⁶

These comments echo the observations of this phenomenon by Valery Gerasimov, the Chief of the General Staff of the Russian Armed Forces, in an article published in 2013 titled "The value of science in prediction." Largely commented since then, due to the notion that it apparently presaged the subsequent actions of Russia in Ukraine and Syria, this text is in reality a collection of observations on the nature of contemporary conflicts, as revealed by analyzing western interventions since the end of the Cold War or the conflicts arising from the Arab Spring. Concerning PMCs, V. Gerasimov indicates that "during the most recent conflicts, new forms of military action have appeared [...]. The Libyan case [...] where PMCs were widely used, is emblematic in this respect [...] We must recognize that although we understand the essence of traditional military actions conducted by regular armed forces,

31. "Wagner on safari: our mercenaries have reached the Central African Republic," *Novaya Gazeta*, 12 June 2018, <https://www.novayagazeta.ru/articles/2018/06/13/76787-safari-dlya-vagnera>, accessed June 2018.

32. Concerning the wave of assassinations of several separatist figures in Eastern Ukraine, see Jack Losh: "Is Russia Killing Off Eastern Ukraine's Warlords?," *Foreign Policy*, 25 October 2016, <https://foreignpolicy.com/2016/10/25/who-is-killing-eastern-ukraines-warlords-motorola-russia-putin/>, accessed September 2018.

33. "What is the Wagner base line the Molmino region like?," *Znak*, 5 March 2018, https://www.znak.com/2018-03-05/kak_vyglyadit_lager_chvk_vagnera_v_krasnodare, accessed July 2018.

34. Russian Military Doctrine 2014, *Rossiskaia Gazeta*, <https://rg.ru/2014/12/30/doktrina-dok.html>, accessed July 2018.

35. The previous version dated back to 2009.

36. Available on the website of the Security Council of the Russian Federation, <http://www.scrf.gov.ru/security/docs/document133/>, accessed July 2018.

our knowledge of asymmetrical forms of conflict is superficial. The role of military science is primordial here: it must result in an overall theory of these new forms of conflictuality. To this end, the work and research of the Academy of Military Science will be very useful.”³⁷

This progressively increasing attention of the Russian strategic community to the growing role of PMCs coincides with several attempts to give these companies a legal status in Russia. Back in 2012, Vladimir Putin, who was still Prime Minister at the time, had already spoken in favour of their legalization. In answer to questions by a member of the Duma³⁸ concerning the possible creation of a working group to organize the sector of the PMCs tasked in Russia with training foreign troops, Mr Putin indicated that PMCs “constitute an instrument for achieving national [Russian] interests without the direct participation of the authorities³⁹ and [...] it is necessary to reflect on this subject.”

Since this public position by Mr Putin, several bills for the legalization of PMCs have been submitted, in 2014 and 2016, and have been systematically rejected as unconstitutional.

In a present context marked by the proliferation of reports and investigations into the role of Russian PMCs, and in particular of the Wagner Group, Sergei Lavrov has also recently spoken in favour of their legalization. In his New Year press conference in January 2018, the Russian foreign minister, in answer to a question on the fate of two Russian citizens, Grigori Tsurkanu and Roman Zabolotny, captured and probably executed by ISIS in Syria in October 2017, stated that it was necessary “to clearly define a legal foundation, so that these persons can also act within a framework established by law and receive protection.”⁴⁰

Russia still not ready for legalization?

The declarations of Sergei Lavrov were rapidly followed by the announcement by Mikhail Emelianov, deputy of A Just Russia (a fraction of the Duma), of a new attempt at legalization, based on the previous bills, that it submitted to the government at the end of February 2018.

For the authors of the new bill, the aim of adopting a legal framework for the activity of PMCs is to provide the members of these companies with legal protection. In an interview with the *Znak*,⁴¹ news website, Viktor Ananiev, another sponsor of the bill and member of the council of experts of the Committee for Security and Anti-Corruption of the Duma and director of the Institute for security issues and sustainable development, summarized the main arguments in favour of a law of this nature.

In addition to providing guarantees to employees of the PMCs, this law would permit reinforced control of PMCs by the State. More particularly, the Defence Ministry, following the model existing in the United States, could be tasked with issuing operating licenses to the PMCs. Conferring legal status on them would also allow the systematic use of Russian PMCs for the protection of strategic Russian assets abroad, which are still mainly guarded by non-Russian PMCs. For example, Viktor Ananiev deplored that Lukoil sites in Iraq were guarded and monitored by British PMCs. The same criticism has been formulated by Oleg Krinitstin, reserve officer and CEO of the RSB-Group.

In an interview with Russia Today in January 2018, he remarked that “Russian companies abroad are guarded by foreign private military companies” and stated that “this type of service cannot be placed in foreign hands [...] The adoption of a legal framework would correct this problem.” This argument was also advanced by Mr Emelianov, who stated in an interview with *Kommersant* that “the urgency of a law on PMCs has become evident after the events in Syria. However, this law is also necessary due to the implication of Russian companies in numerous “flashpoints. Russian PMCs should be able to protect our fellow-citizens working in these places.”⁴²

37. Valery Gerasimov, “The value of science in prediction,” *VPK*, 26 February 2013, <https://www.vpk-news.ru/articles/14632>, accessed July 2018.

38. Alexei Mitrofanov, of the A Just Russia party.

39. “Putin supports the creation of private military companies in Russia,” *Ria Novosti*, https://ria.ru/defense_safety/20120411/623227984.html, accessed July 2018.

40. “Will PMCs finally be legalized in Russia?,” *Vzgliad*, 12 February 2018, <https://vz.ru/opinions/2018/2/12/907989.html>, accessed July 2018.

41. “A beneficiary: the State,” interview with Victor Ananiev, *Znak*, 15 February 2018, https://www.znak.com/2018-02-15/avtor_proektov_zakona_o_chvk_rasskazal_chno_priunset_rossii_legalizaciya_naemnikov, accessed July 2018.

42. “Private military companies could be coming out of the shadows,” *Kommersant*, 17 January 2018, <https://www.kommersant.ru/doc/3522194>, accessed July 2018.

As with the previous bills, the initiative proposed by Mr Emelianov was rejected by the authorities concerned. The reason for the decision was the same as for all the previous attempts: it was judged to be unconstitutional. This is because legalization would contradict article 13 paragraph 5 of the Russian Constitution, which prohibits the formation of armed units.⁴³

Beyond this official reason, other causes for rejection can be suggested. According to an approach critical of the bureaucracy, the rejection could also be due to the fact that the question of the competent authority to be appointed responsible for PMCs has not yet been decided. In substance, this was the cause cited by general Vladimir Shamanov, who declared that “this is a very complex subject, requiring in-depth analyses before the concept is transcribed into reality.”⁴⁴ According to several commentators, such as Vladimir Neelov, of the Centre for Strategic Conjunction,⁴⁵ the question of who would oversee PMCs if they are made legal is a major apple of discord between the Ministry of Defence and the FSB; this dispute has not yet been resolved, while the sponsor of the bill is said to be in favour of supervision by the Ministry of Defence.⁴⁶ This type of bureaucratic dispute is commonplace and characterizes many more or less direct aspects of the reform of Russia’s defence apparatus. As is shown by Tor Bukvoll in his articles on special forces in Russia,⁴⁷ the creation of a high command for special forces in Russia was considered by the GRU as a serious blow to its authority, since the command structure in question, being placed under the direct authority of the Chief of Staff, took over some of its powers.

The rejection of the draft law can also be explained by security considerations, the fear being that, once legalized, PMCs would go out of control and represent a new threat. More generally, the legalization of PMCs would formalize the fact that the authorities no longer hold a monopoly on the use of violence. In the words of Alexander Rakitin, Vice-President of the Federal Council Committee for Defence and Security (Russian Senate), on the day after the bill was rejected by the government, “there was no rush to adopt a law on PMCs in Russia, to the extent that we consider the use of armed force to be a prerogative of the State.”

What prospects for PMCs in Russia?

So, the interest in the phenomenon of PMCs has grown in Russia over the last few years. This can be seen in the recent inclusion of PMCs in official defence and security texts, the declarations of several senior authorities in favour of a broader legal framework for them and the increasing coverage of this subject in the media and expert community.

The latest rejection of the draft law does not imply that the question of the legalization of PMCs in Russia, as de facto formal recognition of a situation that already exists, has been definitively laid to rest. Several organizations, including the Academy of the General Staff and the Academy of Military Science, are reportedly contributing to the preparation of another bill.⁴⁸

This inclusion of PMCs on the legislative agenda also concerns the organizations for regional integration of which Moscow is a member. On 27 March 2018, two framework laws on private security and detective companies were adopted by the Inter-parliamentary Assembly of the CIS. A draft framework law is also currently being examined by the secretariat of the Inter-parliamentary Assembly of the Collective Security Treaty Organization (CSTO), since the 2017-2020 roadmap of this institution stipulates the adoption of various regulations concerning PMCs.⁴⁹ The document currently being examined by the CSTO envisages several provisions that could provide the outlines for a possible future law on PMCs in Russia, if it is adopted. According to this document, which prefers to use the term “private military and security organization”⁵⁰ rather than PMC, the members of these organizations – unlike their western equivalents – would be reviewed by ad hoc administrations. These organizations could only be used in compliance

43. Russian Constitution, <https://www.zakonrf.info/konstitucia/13/>.

44. “Shamonov: the DOSAAF is drafting a bill on PMCs,” Interfax agency, <http://www.interfax.ru/russia/600580n>, accessed July 2018.

45. “Will PMCs finally be legalized in Russia?,” *op. cit.*

46. “One beneficiary: the State,” *op. cit.*

47. Tor Bukvoll, “Military Innovation Under Authoritarian Government – the Case of Russian Special Operations Forces,” *Journal of Strategie Studies*, 38:5, 2015, p. 602-625.

48. Shamanov: the DOSAAF is drafting a bill on PMCs,” *Interfax*, <http://www.interfax.ru/russia/600580n>, accessed July 2018.

49. “Possible legalization of PMCs in the countries of the CSTO,” *Parliamentskaya Gazeta*, <https://www.pnp.ru/politics/v-stranakh-odkb-mogut-legali-zovat-chastnye-voennye-kompanii.html>, accessed July 2018.

50. In Russian: частная военно-охранная организация.

with the interests of their country of origin, and, if deployed abroad, in compliance with the interests of the host company, pursuant to previously concluded bilateral agreements. The text therefore envisages reinforced control of the sector by the authorities.

CONCLUSION

A degree of confusion surrounding the sector of PMCs in Russia has to be dissipated. If this question has been in the news again in Russia over the last few months, it is mainly because of the adventures of Wagner, an organization that cannot accurately be described as a PMC. Wagner, as we have seen, is more reminiscent of the groups of irregular fighters operating more or less directly on behalf of Moscow during the post-Soviet conflicts of the early 1990s than a modern-day PMC. This error of appreciation is due in particular to the fact that, in the context of the major reforms of the Russian defence apparatus at the end of the 2000s and Moscow's interventions in Ukraine and Syria, the accent has been placed on the changes in Russia's vision of conflict, at the risk of occasionally masking some important constants.

Regarding PMCs in the strict sense of the term – i.e. commercial organizations that intervene in the military domain but do not take part in armed operations –, although Russian PMCs did appear towards the end of the 2000s, they also had their roots in the exclusively for-profit mercenary groups active in Russia in the early 1990s.

In this respect, the possible legalization of PMCs in Russia would have more impact on PMCs in the strict sense of the term than on groups like Wagner, for which one of the key added values that they have to offer the Kremlin is precisely their legal opacity. This opacity is what enables Moscow to deny the existence of these formations, while using them wherever the use of regular forces would be too compromising, and then “forcing” them to disappear.

Legalization of PMCs, in other words providing a legal definition and framework for a phenomenon that already exists, would enable the Russian authorities to reinforce their control over a sector where Russia lags behind its main rivals, despite several comparative advantages, such as the abundance of relatively inexpensive manpower and less restrictive political conditions for sending PMCs abroad. In a more structured form than at present, Russian PMCs would constitute a discreet but effective instrument for protection, training and export support missions in countries or zones where Moscow is seeking to strengthen its influence without having to implicate itself directly. In this respect, the arrival of Russian PMCs in Sudan (winter 2017) and then CAF (spring 2018) for training and advisory activities with Sudanese and Central African forces could prefigure a new Russian diplomacy of private security, since these deployments followed the recent visits to Russia by the presidents of the Central African Republic (October 2017) and Sudan (November 2017).

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