YOUNG
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Florian Kiebel

The Accountability and Legitimacy of the Wagner Group

An Analysis Based on Critical Security Theory

Tectum

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An Analysis Based on Critical Security Theory

With a Foreword by Prof. Dr. Manuel Fröhlich

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Foreword

The activities of the 'Wagner Group' in Ukraine, Syria, Libya, Sudan, Mozambique, Mali or the Central African Republic have established the reputation of an equally dubious and dangerous military actor. From early manifestations of its influence in the Donbas region in 2014 to the self-proclaimed, and ultimately aborted rebellion against Moscow as well as the death of its leadership in a mysterious plane crash in 2023, the group had become a factor in national and international affairs. And yet, the tools and theories of the discipline of International Relations have had their difficulties in grasping the nature and essence of this peculiar entrepreneur of violence: At first sight, the concept of a 'private military company' offers a fitting description of this actor. But the concept may also obscure specific features of the group.

Against this background, Florian Kiebel has ventured to undertake the task of more specifically categorizing this special actor. His research question is centered on the twin concepts of accountability and legitimacy. Kiebel derives these concepts from current debates in International Relations, Critical Security Studies as well as International Law. While his study combines and operationalizes these two concepts, it also tries to apply them systematically to different levels and relationships relevant to the understanding of the 'Wagner Group': accountability and legitimacy are discussed and analyzed with regard to the level of the states in which 'Wagner' is operating, on the level of the state in which it originates (Russia) and the level of the international system where different national and multilateral actors try to deal with the group.

The two-pronged conceptual strategy to deal with both accountability and legitimacy reveals a remarkable juxtaposition: While legiti-

macy is presumed by actors on the level of host and sending state and denied by actors on the international level, calls for accountability are more or less neglected on the national but reinforced on the international level. This juxtaposition hampers efforts to more closely regulate the 'Wagner Group' and it also seems to be a constitutive feature of its operations which are characterized by a mix of formal and informal agreements as well as the provision of deniability and the diffusion of responsibility.

The relevance of Kiebel's productive study is not limited to this conceptual work. It also offers a concise empirical mapping of available information on the activities of the 'Wagner Group' in various conflict settings and thus contributes to a growing but still relatively small body of academic work on this actor. I am happy to see that Florian Kiebel's topical research is now being published as part of the 'Young academics'-series. It originated from the interdisciplinary master program 'International Relations and Diplomacy' at Trier University that combines perspectives from International Relations, International History and International Law. It documents an effort to keep track of emerging actors in international security that, on purpose, try to operate on the margin and outskirts of established categories and wisdom. Trying to bring some light into the conceptual and empirical shadows that accompany these actors should not only be of interest to scholars of Critical Security Studies or Peace and Conflict Research but to the broader public at large.

Trier, August 2024
Prof. Dr. Manuel Fröhlich

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I. List of Abbreviations

ADF	Africa Defense Forum
CAR	Central African Republic
CFR	Council on Foreign Relations
CPC	Coalition of Patriots for Change
CSIS	Center for Strategic and International Studies
CSS	Critical Security Studies
DW	Deutsche Welle
EO	Executive Outcomes
EU	European Union
EUAM-RCA	European Advisory Mission in the Central African Republic
EUTM-RCA	European Training Mission in the Central African Republic
FACA	Forces Armées Centrafricaines
FADM	Forças Armadas de Defesa de Moçambique
FAMa	Forces Armées Maliennes
GNA	Government of National Accord
IHL	International Humanitarian Law
ISS	International Security Studies
LNA	Libyan National Army
LPR	Luhansk People's Republic
MINUSCA	Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	Multidimensional Integrated Stabilization Mission in Mali
NATO	North Atlantic Treaty Organization
OCCRP	Organized Crime and Corruption Reporting Project
OSCE	Organization for Security and Cooperation in Europe
PSC	Private Security Company
PMC	Private Military Company
PMSC	Private Military Security Company

I. List of Abbreviations

RSF	Rapid Support Forces
RSLMF	Republic of Sierra Leone Military Forces
RUF	Revolutionary United Front
SIPRI	Stockholm International Peace Research Institute
UAE	United Arab Emirates
UNDP	United Nations Development Programme
US/A	United States of America
USD	US Dollar

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1. Introduction

"Wagner chief Yevgeny Prigozhin presumed dead after Russia plane crash"[1]

This headline appeared in media outlets around the world in late August 2023. Yevgeny Prigozhin, Russian oligarch, caterer and "Putin's chef", head of the notorious Wagner Group and for a short time even traitor and rebel against the Russian government, met his end alongside several of his trustees. While the death was not mourned by many, especially in the European Union (EU), the United States of America (US/A) and Ukraine, it raised many questions: Was he murdered or was it an accident? If he was murdered, was the order given by Putin himself or by one of his various enemies in the Russian establishment? Finally, the most important question: What would happen to the Wagner Group? Was this the end of it? The first questions can only be answered speculatively and might remain a mystery altogether. The answers to the last two questions can only partially be answered, as Prigozhin's death was only two months ago when this is written.[2] Nevertheless, it is a good moment to look at Wagner's missions over the past few years, starting in Ukraine in 2014. This work has two aims: The first one is a descriptive part, to paint a coherent picture of the group's actions from 2014 to August 2023, looking at the places where the group was (or still is) active and what it did/does there. The

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1 Gardner, Frank; Greenall, Robert; Lukiv, Jaroslav (2023): Wagner chief Yevgeny Prigozhin presumed dead after Russia plane crash. In: BBC News, 24.08.2023. URL: https://www.bbc.com/news/world-europe-66599733 [31.10.2023].
2 This work was written between May and November 2023. Any events after these dates have not been taken into account.

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second aim is to look at the actions of Wagner through the lens of the theoretical constructs of legitimacy and accountability, asking

How can the legitimacy and accountability of the Wagner Group be classified?

As this work will be written in the contextual nexus between security studies and critical security studies, it is important to specify the term security for the thesis before moving on to legitimacy and accountability. The next step is to define the concepts of legitimacy and accountability. There are two ways of approaching both. The first one is the theoretical perspective. The concepts have been debated by numerous authors from different backgrounds, so both can be examined without being specifically modified for a subject. The second approach is exactly that, both concepts modified specifically for Private Military Companies (PMCs). This work will discuss both perspectives, to define an adapted notion of legitimacy and accountability.

Using the established terms of the analysis grid, Wagner will be analyzed by examining three specific relationships: Wagner and its operational states, Wagner and the Russian State and Wagner and the international system. This allows reviewing the history of the group and gathering as much information as possible without curtailing the work by focusing only on one specific type of operation. Wagner is active in many countries, and information about what is happening there varies from place to place as much as the missions themselves do. Therefore, it is useful not to apply the same standards to a defined set of countries, but to look at every piece of information and use it to paint a complete picture.

1.1 Literature Review

Overall, this work will be built on three main pillars, which will be presented in the following section.

International Security

It would be difficult to pinpoint the exact moment in time, when the first scholar wrote about international security. Rather than looking at the individual contributions written over time, this work will rely primarily on two anthologies, namely "International Security Studies: Theory and Practice," edited by Peter Hough, Andrew Moran, Bruce Pilbeam, and Wendy Stokes from 2021, and "Security Studies: An Introduction," edited by Paul D. Williams from 2008. The reason for this is rather practical: This is not intended to be a purely theoretical work and looking at the whole genesis of the concept of international security could fill more than one master's thesis. In these two anthologies though, several authors – like Shahin Malik, Edward Smith, Colin Ellman, and Matt McDonald – have made valuable contributions in presenting different approaches to the concept of international security, which is a good basis to build on. Still, other works will be included as well, especially when whole schools of thought are based on them, such as "Security: A New Framework for Analysis" from 1998 by Barry Buzan, Ole Waever and Jaap de Wilde, as this was the main basis for the Copenhagen School. Another example is Buzan's "People, States and Fear," which is not exactly foundational for a school of thought, but has been mentioned by several authors of the field as one of the most influential works in international security studies. The idea is to articulate a concept for security for this work, by analyzing the different schools of thought.

The concepts of Legitimacy and Accountability

In 2008, Peter Walgenbach and Renate Meyer published their work "Neoinstitutionalistische Organisationstheorie". While most of the contents are not relevant to this thesis, their definition of legitimacy is a good starting point, also supported by the texts of Mark Suchman from 1995. Using their work, the concept of legitimacy will be approached from a theoretical perspective. On the other hand, considering Wagner as a PMC, there is a practical approach to this topic, which looks at the idea of legitimacy in relation to PMCs. One very important

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contribution is "The Montreux Document: On pertinent international legal obligations and good practices for states related to operations of private military and security companies during armed conflict," which has been signed by many states operating with or hosting PMCs and provides a good overview on possible approaches to the topic. Furthermore, several authors such as Deborah Avant in "The Market for Force: The Consequences of Privatizing Security" in 2005 and Peter Singer in "Corporate Warriors: The Rise of the Privatized Military Industry" in 2003 have discussed the practical reasons why states might want to use a PMC and what would give them legitimacy. These reasons are supported by additional statements of several experts on the topic in Nick Bicancic's documentation "The Shadow Company," in which – among others – Singer, Madelaine Drohan, and Robert Young Pelton present some thoughts and data on the state of PMCs and what makes them legitimate in the eyes of some and illegitimate in the eyes of others. Alongside these comments, there will also be a number of news articles about the activities of PMCs to support the arguments presented.

The concept of accountability will be approached in a similar way. First, there will be two theoretical approaches, one by Ronald Oakerson from 1989 and the other by Andreas Schedler from 1999. Both are intended to open up the debate and then to look at the practical concepts of holding PMCs accountable. Marcus Hedahl and Christine Huskey made valuable contributions in Criminal Justice Ethics Volume 31, Issue 3 in December 2012, which they dedicated completely to the question of the accountability of PMCs. Other significant works are again presented by Singer, who also wrote several papers on the question of accountability, as well as parts of the Montreux Document and more statements taken from Bicancic's documentation and news reports. This will create a solid foundation for the analysis of the group's relations.

The Wagner Group

The Wagner Group has received increasing interest from scholars in recent years. One of the most valuable contributions at this time was

made by Candace Rondeaux in 2019 in "Decoding the Wagner Group: Analyzing the Role of Private Military Security Contractors in Russian Proxy Warfare." In her work, she analyzed the whereabouts of the group and how they were and are used in the Kremlin's strategy. Still, her work can only contribute to this one in a limited way, due to its unique approach to accountability and legitimacy paired with its understanding of security. The most important basis for this work will be the report by Julian Rademeyer, Julia Stanyard, and Thierry Vircoulon for Global Initiative "The grey zone: Russia's military, mercenary and criminal engagement in Africa," in which they thoroughly examine Wagner's actions in several African countries. In addition, there are several news reports about actions of the Wagner Group, as well as documentaries by the BBC and Deutsche Welle (DW). Finally, there are original sources such as statements by the Russian Government or an interview with the current president of Mali. The aim is to gather as much information as possible to paint a coherent picture of the group's development over time and to analyze them in terms of accountability and legitimacy.

By formulating approaches to legitimacy and accountability in the context of this work, two significant research gaps can be detected. The first one is that the ideas of legitimacy and accountability have mostly been thought from a "Western" perspective, meaning that authors mostly assumed that a PMC operated in a constitutional state. While this work will touch on this subject, it does not aim to dismantle it, as it is not a theoretical one. The second gap is that, so far, no author has analyzed the Wagner Group through the lens of accountability and legitimacy. The latter gap will be closed by this thesis.

1.2 Definition

While Private Military Companies have been around for some years now, there is no universally accepted definition of what a PMC is. The following section will outline the various possibilities of what a PMC is and is not. While one could debate the different meanings

and concepts, it would unnecessarily prolong the work. Therefore, this thesis will rely on the differentiations made by Singer in "Corporate Warriors".

While it is difficult to find common denominator between all PMCs, Singer presents one: "The single unifying factor for the privatized military industry [...] is that all the firms within it offer services that fall within the military domain."[3] The range of services is still quite wide and is explained by the "Tip of the Spear" typology, which categorizes PMCs according to their proximity to the battlefield. Closest to the battle are "Military Provider Firms," which "provide services at the forefront of the battlespace, by engaging in actual fighting, either as line units or specialists (for example, combat pilots) and/or direct command and control of field units."[4] The second type of firm are "Military Consulting Firms," "that provide advisory and training services integral to the operation and restructuring of a client's armed forces [...] They offer strategic, operational, and/or organizational analysis."[5] The biggest difference between consulting companies and provider firms is that, officially, consultants are very close to the units they advise, but do not engage in confrontations themselves. As a third category, Singer presents "Military Support Companies" that "provide supplementary military services [...] These privatized functions, include nonlethal aid [sic!] and assistance, including logistics, intelligence, technical support, supply, and transportation."[6] Using these three categories, it will be seen whether it is possible to place Wagner within them or not. Two things should be noted: As is often the case when academic criteria meet reality, it may not be possible to make a final, clearly separable classification, as a company might offer services that fit two or even three categories. A second argument is mentioned by Singer himself, especially concerning military providers, as they are the ones getting the biggest publicity:

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3 Singer, Peter Warren (2003): Corporate Warriors. The Rise of the Privatized Military Industry. Ithaca/London: Cornell University Press. P. 88.
4 Ibid. P. 92.
5 Ibid. P. 95.
6 Ibid. P. 97.

"For this reason, understandably, most firms within this sector [Military Provider Firms; Author's Note] are quick to deny that they offer tactical military services, often claiming just to be military advisers. [...] Others claim to only be providing "security" or "guarding facilities". But, as noted earlier, this security entails military-style protection, from military threats in the midst of war."[7]

This does not make Singer's classifications any less useful or practicable. Rather, it sharpens the analysis, as it shows that when classifying something, it is important to look at what a company does rather than listening to what it says it does. With these definitions at hand, it is now time to move on to the theoretical chapter, which will establish an analytical framework.

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7 Ibid. P. 95.

2. Security, Legitimacy and Accountability in (Critical) Security Studies

The following chapter will first portray different understandings of security by examining the different understandings of various schools of thought, with the aim of establishing a definition of security this work can then follow. The second part of this chapter will then explore the terms of accountability and legitimacy, customized for the analysis of PMCs.

2.1 Security

> *"Undoubtedly, feeling secure and well protected is one of humankind's most cherished goals."*[8]

The concept of security is one that is debated substantially in academia. These debates range from the definition of what security actually is and what its referent object is, to the philosophical question whether or not security is truly something inherently good and whether such a thing as "objective" security exists. Some of these debates exist next to each other, not really picking up the points the other one is making while others are strongly intertwined. The following section aims to take these different debates and bring them into an order to eventually find a definition for security that will serve as a central point of orientation for the rest of this work.

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8 Malik, Shahin (2021 a): Framing a discipline. In: Peter Hough et al. (Ed.): International Security Studies. Theory and Practice. Abingdon/Oxon: Routledge. Ps. 3–11. P. 4.

The leading question for the following chapter will be "What is security?". Of course, this is not easy to answer, and in some cases, it might have to be reduced to the question "When is a referent object considered secure?". Nevertheless, the questions have the potential to guide through the following chapter and portray the nuances of different concepts of security.

Realism and Security

When looking for the roots of (International) Security Studies (ISS), it is impossible to avoid realism and liberalism. Realist and liberal ideas have been shaping the ideas around ISS for decades. Therefore, the following section will be a quick overview on how these traditional ideas have influenced the contemporary debate on ISS.

Edward Smith formulates three questions, that according to him were the basis for the discourse and therefore shaped it:

1. What is the referent object of security?
2. What are the threats it may face?
3. How should we provide security against such threats?[9]

The realist school answers the first question rather one-dimensionally: The state, or – as there are multiple in the international system – states, are sovereign entities and should be the main referent object of security.[10] The question "What is a state and how can we define it?", has been raised by many authors. As this work is not purely theoretical and does not aim to conceptualize the whole debate within realism, it is worth noting that Buzan dedicated one whole chapter of "People, States and Fear" to this question.

The state's "desire for more power is rooted in the flawed nature of humanity, states are continuously engaged in a struggle to increase their

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9 Smith, Edward (2021): The traditional routes to security. Realism and Liberalism. In: Peter Hough et al. (Ed.): International Security Studies. Theory and Practice. Abingdon/Oxon: Routledge. Ps. 12–29. P. 12.

10 Cf. Ibid.

capabilities."[11] Neorealists later abandoned the idea of explaining the strive for power with human nature, but found the reason in the structure of the international system. According to neorealists, states exist in an anarchic environment, in which their very existence is constantly threatened, and they therefore have to strive for more power, which equals military capacities.[12] Realist scholars extended their studies of security in different directions: Offensive and defensive realists made minor adjustments to Neorealism, while Neoclassical realists adopted some ideas from constructivism, highlighting the importance of ideology in the decision-making of states.[13][14] While all of these schools differ in nuance, they answer the questions of Edward Smith the same way: The state is the referent object of security, it is threatened by other states, and military is the best (and sometimes only) way to protect oneself against these threats. Paul D. Williams describes the realist scholars of security studies from the 1950s and 60s as "advocating political realism and being preoccupied with the four Ss of states, strategy, science and the status quo".[15] Following political realism, they made the state their main referent object. Strategy was therefore the idea of "devising the best means of employing the threat and use of military force."[16] Scientific meant what scholars at the time claimed to be not just political opinion, but objective truth. Lastly, the idea of keeping the status quo meant that changes, especially big changes in the international system, were not seen as something good and therefore had to be prevented.[17]

One problem that still arises in this context is the answer to the question "When is the referent object secure?". Stephen Walt describes the common understanding of this in all realist theories as follows: "A

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11 Elman, Colin (2008): Realism. In: Paul D. Williams (Ed.): Security Studies. An Introduction. Abingdon/Oxon: Routledge. Ps. 15–28. P. 17.
12 Cf. Smith (2021). P. 28.
13 Cf. Ibid. Ps. 17–18.
14 Cf. Elman (2008). Ps. 25–26.
15 Williams, Paul D. (2008): An Introduction. In: Paul D. Williams (Ed.): Security Studies. An Introduction. Abingdon/Oxon: Routledge. Ps. 1–12. P. 3.
16 Ibid.
17 Cf. Ibid.

state is thought to be secure if it can defend against or deter a hostile attack and prevent other states from compelling it to adjust its behavior in significant ways or to sacrifice core political values."[18] This definition answers the first two questions raised by Smith by clearly identifying the state as the referent object and other states as the main threat. Note that, while putting an emphasis on the potential military threat, Walt does not exclude other potential threats, like economic pressure. As his text was first published in 2010, it could be taken as an indicator that at least some realist scholars have broadened their view to some extent. Still, it is apparent that the realist approach to security is a narrow one, with a single referent object and a small number of threats. The next section will take a look at the liberal approach and where it has differences and similarities with the realists.

Liberalism and Security

The liberal ideas on ISS have many things in common with the realist view. They share the claim that the international system is an anarchic one and that, if nothing is done against it, states tend to be aggressive towards each other. Therefore, states remain the main referent object of liberal scholars and they also consider other states as the main threat to security.[19] Still, liberals widened the focus in comparison to many realists. One important idea was that not only other state's military can be a threat, but also economic "attacks" like sanctions and embargoes, for example during the first oil crisis in 1973.[20] Generally though, the biggest difference to realism are the answers that different liberal theories, like Liberal Peace Theory (or Democratic Peace Theory) and Neoliberal Institutionalism, give to Smith's third question. Liberal Peace Theory has its roots in the thoughts of Immanuel Kant and his ideas of

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18 Walt, Stephen (2010): Realism and Security. In: Oxford Research *Encyclopedia of International Studies, 22.12.2017. URL:* https://oxfordre.com/internationalstudies/display/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-286 *[15.11.2023].*

19 Cf. Smith (2021). P. 19

20 Cf. Ibid. P. 16.

Perpetual Peace. As liberal democracies do not go to war with each other, "the occurrence of inter-state conflict is best mitigated by the spread of liberal democracy wherever and whenever possible."[21] Neoliberal Institutionalism also believes in the potential taming of insecurity and anarchy, though through other means. By establishing international organizations, states should be able to communicate clearly and settle their disputes without using military force.[22] Liberal scholars therefore do not consider military confrontation between states as inevitable, but as something that can be prevented by the establishment of international regimes, laws or the establishment of liberal democracies.[23]

This short paragraph does not do the liberal approaches justice, as they are rather specific and very different in their nuances. Nevertheless, as this work does not only focus on the different understandings of security, it is necessary to shorten this theoretical approach and focus on the following: While the liberal approach slightly opened up the narrow view which realists had (and still have) on ISS, it still very much accepted many of their premises, with the state being the main referent object and the threat to its security being other states.

Keeping that in mind, there are many angles of possible criticism. First and foremost, there is the question of the referent object. Is it right to consider the state as the only legitimate referent object or should the focus go beyond the state, for example to individuals or groups? Would it not be right to think of climate change as a security threat, given that many states in the world will face massive problems from rising temperatures and sea levels? Another potential area could be the society of a state and the potential impact fake news might have on it. Therefore, the first point of criticism is the choice of the referent object.

Smith's second question can be approached in two ways: The first way accepts the state as the main referent object, but still asks if it may face more threats than solely military ones. As pointed out above,

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21 Ibid. P. 20.
22 Cf. Navari, Cornelia (2008): Liberalism. In: Paul D. Williams. (Ed.): Security Studies. An Introduction. Abingdon/Oxon: Routledge. Ps. 29–43. P. 43.
23 Cf. Ibid. P. 42.

climate change or fake news are non-military threats, which still have the potential to at least destabilize a state. Another example, which became most prominent after 9/11, is the threat of terrorist groups and other non-state violent actors, like organized crime or guerillas. This shows that even if we accept the state as the main referent object of security, there are numerous other threats beside other states and their militaries. The second way to answer this question is to accept that the state is not the sole referent object, but only one of many. This greatly complicates the debate, as there might be countless referent objects and even more threats to them.

Moving towards the third question, a critical reflection then finds some similarities with the second. Depending on whether the main referent object is still the state or not, there is more or less room for criticism. Even if the state is accepted as the main referent object, it has been shown above that there are many more threats than only military ones, and therefore it cannot be assumed that a state can only rely on its own military to protect itself from such threats. Climate change is the best example here: While some of its potential negative effects could be resolved by the use of military force, such as the struggle for resources or the defense of a border against unwanted immigration, the problem itself needs to be solved by other measures, like the abolition of fossil fuels. As stated in question number two, the number of potential threats explodes when the state is not the only referent object. If society is accepted as a referent object and fake news is considered a threat, there are numerous ways to tackle this problem. A government could decide to solve the problem in a "classic way," by attacking the suspected source of fake news with (military) force, especially when it comes from another country. As identifying the original source of fake news is often near impossible and the justification for going to war over it is questionable, other measures might be more practical. These could include censorship of certain parts of the internet, like social media, as well as educating society to be more sensitive towards potential fake news.

Aside from these three questions, there are several other ways to formulate criticism towards the traditional ISS approaches. The first one is to question the general idea of framing security as something inherently good. Throughout this chapter so far, the assumption has been that if something is secure, it is good as it is now safe from a potential threat. Another potential point of criticism is the supposed claim to objectivity, which is shown in the four Ss listed by Williams. While traditionalists consider security as something that can exist objectively, others would probably disagree. There is a notable quote at the beginning of this chapter by Shahin Malik, who has already said that feeling protected and secure is a cherished goal, which leads to the question: Is security actually an objective or a subjective concept?

Many scholars agree that one of the most influential works on these questions is Barry Buzan's "People, States and Fear" from 1983. In it, he criticizes the narrow focus of ISS or, – as the branch more or less did not exist at the time it was written – Strategic Studies, and wants to broaden its views. The following section picks up the questions raised above, trying to portray the different critical approaches to traditionalist thinking in ISS.

Human Security

> *"For too long, the concept of security has been shaped by the potential for conflict between states. For too long, security has been equated with the threats to a country's borders. For too long, nations have sought arms to protect their security."*[24]

The first concept that will be portrayed in the following section is the idea of human security. The quote above was taken from a 1994 UNDP report. In it, the UNDP campaigned for a reframing of the whole idea of security. In the section following the quote, they outlined the meaning:

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24 UNDP (United Nations Development Programme) (1994): Human Development Report 1994: New Dimensions of Human Security. New York. P. 3.

"For most people today, a feeling of insecurity arises more from worries about daily life than from the dread of a cataclysmic world event. Job security, income security, health security, environmental security, security from crime – these are the emerging concerns of human security all over the world."[25]

The background was the end of the Cold War. With the end of the struggle between the two superpowers, the overriding fear of a nuclear war was much smaller. At the same time, weak states formerly supported by either one of the superpowers collapsed. Civil wars like the ones in Afghanistan and Somalia replaced the more prevalent proxy wars. In these violent environments, people not only feared to lose their lives directly to the conflict, but to further consequences like inadequate health care or lack of food and drinking water. This concept was then picked up and developed by numerous scholars and organizations all around the world, sometimes with different emphases, but agreeing on one primary point: the key referent object should be the individual.[26] However, the discussion of placing the individual as a potential referent object is nothing the UNDP came up with out of the blue. While Barry Buzan eventually concluded that "individual security […] is essentially subordinate to the overarching political structures of state and international system," he had already discussed the question of individual security in 1983/1991.[27]

With the answer to Smith's first question, the change of the referent object opens up a great potential of what could be a threat to an individual. Due to the very different nature of an individual compared to a state, it is useful to pose the question of "When is an individual secure?" Edward Newman put it this way: "In broad terms human security is 'freedom from want' and 'freedom from fear': positive and

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25 Ibid.
26 Cf. Malik, Shahin (2021 b): Human Security. In: Peter Hough et al. (Ed.): International Security Studies. Theory and Practice. Abingdon/Oxon: Routledge. Ps. 58–71. P. 65.
27 Buzan, Barry (1991): People, States and Fear. An Agenda For International Security Studies In The Post-Cold War Era, Boulder/Colorado: Lynne Rienner Publishers. 2nd Edition. P. 54.

negative freedoms and rights as they relate to fundamental individual needs."[28] Other definitions choose a narrower interpretation, for example Fen Osler Hampson: "One way is to define it negatively, i.e. as the absence of threats to various core human values, including the most basic human value, the physical safety of the individual."[29] A mere cursory review of literature shows that there are numerous concepts of human security, ranging from a very negative to an entirely positive understanding. Depending on that understanding, it is now possible to move towards Smith's second question. With a narrow negative understanding, only threats that have a direct impact on human lives are important (freedom from fear). The main threat for realists and liberals, an inter-state war, is of course part of that, as a war between two states inevitably has an impact on human lives, soldiers as well as civilians. Yet there are many more: If we consider violence, it would also include civil wars (Afghanistan, Somalia) or organized crime violence (Mexico), which are relatively common occurrences nowadays.[30] Without trying to name every possible threat there is to human life, Iztok Prezelj presents the following:

> "economic threats, food threats, health threats, environmental threats, personal threats, community threats, political threats, demographic threats, crime in all forms, including terrorism, natural disasters, violent conflicts and wars, genocide, anti-personnel mines, SALW [Small Arms and Light Weapons], etc."[31]

Looking at this list, it is already evident that there are no clear-cut lines between a positive and a negative understanding of human security.

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28 Newman, Edward (2010): Critical human security studies. In: Review of International Studies, January 2010, Vol. 36 (1), Ps. 77–94. P. 78.

29 Fen Osler Hampson (2008): Human Security. In: Paul D. Williams. (Ed.): Security Studies. An Introduction. Abingdon, Oxon: Routledge. Ps. 229–243. P. 231.

30 Cf. Woody, Christopher (2017): Killings in Mexico climbed to new highs in 2016, and the violent rhythm may only intensify. In: Businessinsider, 09.02.2017. URL: https://www.businessinsider.com/mexico-homicides-in-2016-under-enrique-pena-nieto-2017-2 [11.06.2023].

31 Prezelj, Iztok (2008): Challenges in Conceptualizing and Providing Human Security. In: HUMSEC Journal Issue 2, Ps. 6–26. Ps. 12–13.

For example: If a man living in Somalia has a job that provides the sole income for his family, is him losing that job ("economic threat") a threat to human security or not? A very negative interpretation would probably say no, as the physical safety of him and his family is not threatened by the mere loss of his job. If the loss means that he will not be able to provide enough food or money for health care, then the loss could be considered a threat to human lives on a secondary level. The same point could be made about an "environmental threat" like climate change. The constantly warming world, with a few exceptions, does not threaten human lives directly. Yet the consequences of climate change, like droughts, floods, hurricanes, or other natural disasters, are a very real threat to human lives. Interestingly, the concept of human security not only allows looking into crisis-ridden countries mainly in Africa, Asia and South-America, but also into Western Democracies. Health threats like the opioid crisis in the USA cause 100,000 deaths a year, and while natural disasters often hit harder in the Global South, they are still very much a threat in the Global North as well.[32] Since human security is only one of many concepts shortly portrayed here, the concept will not be explored in depth, instead focusing on Smith's third question.

As shown above, there are numerous threats to human security, no matter if the understanding is a narrow negative or a wide positive one. This makes it almost impossible to list all the possible ways to tackle the problems. It does, however, bring up a point, which has not been addressed in the debate between realism and liberalism: Who is the security actor? This question is easier to understand looking at an example, in this case the civil war in Somalia. Considering the civil war as a major threat to human security, the goal would be to stop it as soon as possible. The problem is that the major actor (at least for realism and liberalism), namely the state, is not able to do so, and might have even ceased to exist in some regions. It is therefore necessary to consider

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32 Cf. Elsenbruch, Niklas (2022): Valium fürs Volk. Opioidkrise in den USA. In: Süddeutsche Zeitung, 11.02.2022. URL: https://www.sueddeutsche.de/kultur/sackle r-purdue-pharma-empire-of-pain-opioidkrise-1.5526724 [11.06.2023].

other actors who might be able to provide the security the state cannot, for example the international community. At the same time, there is no single right answer to "How to stop a civil war?", but many different opinions from different directions. Prezelj presents the following ways to provide human security:

> "humanitarian intervention or humanitarian help, peacekeeping operations, peacebuilding, arms verification operations, respect for human rights and liberties, sustainable economic development, early warning, diplomatic missions, focused (smart) sanctions, preventive deployment of armed forces, preventive diplomacy, stronger civil society, empowerment strategies, assuring the minimal life standards, etc."[33]

This list includes both preventive and reactive measures to tackle the problem, but more importantly, it shows how complicated the whole process of responding to a security threat becomes when the referent object is individual human beings. Even though the concept differs between a strongly negative and a strongly positive interpretation, it is much broader than the realist and liberal concepts, which have been portrayed earlier. By changing the referent object in favor of individuals, the term security is moved far away from the traditionalist understanding. At the same time, and this is a criticism shared by many, it blurs the contours and makes ISS a vague study, as many things could be considered threats to human security.

While criticizing the traditional security approaches of liberalism and realism, hardly any scholar considers Human Security as a part of Critical Security Studies (CSS). So, when does something count as CSS? The first school of thought that is counted as CSS by some is the Copenhagen school, which will be presented in the next section.

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33   Prezelj (2008). P. 15.

Copenhagen School

When looking for the roots of the Copenhagen School, Shahin Malik located the beginning in Buzan's "People, States and Fear" of 1983.[34] As Buzan (together with Ole Waever) is one of the most prominent minds behind the Copenhagen School and some similarities can be spotted when comparing "People, States and Fear" with "Security: A New Framework for Analysis" from 1998 by Buzan, Waever and de Wilde, this does not answer the question of the theoretical background the Copenhagen School has. Buzan et al. answer it as follows: "Our securitization approach is radically constructivist regarding security, which ultimately is a specific form of social praxis."[35] By naming constructivism as the official school of thought behind their understanding of security, the scholars of the Copenhagen School already take a radically different approach on security than the traditionalists. As already stated, multiple times, both realism and liberalism aspire to be objectivist. Without answering the questions posed by Smith, the claim to be constructivist rather than objectivist lifts the criticism of the Copenhagen School to another level, as they do not only question the aspects of the traditionalist approach by presenting more referent objects, but the whole system on how to understand security. Shahin Malik frames it like this: "The perceptions, opinions, subjectivity and consciousness of the observer provide meaning to the subject matter, thus ensuring that there are no neutral and entirely objective facts."[36] It is therefore no surprise that some consider the Copenhagen School a part of CSS.

Looking for the referent object now, the basis could again be found in Buzan's earlier work, where he had already argued that the traditional focus on only military threats was too narrow, presenting political, military, societal, economic and environmental threats as possible secu-

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34 Cf. Malik, Shahin (2021 c): Constructing Security. In: Peter Hough et al. (Ed.): International Security Studies. Theory and Practice. Abingdon/Oxon: Routledge. Ps. 72–84. P. 79.

35 Buzan, Barry; de Wilde, Jaap; Waever, Ole (1998): Security. A New Framework for Analysis. Covent Garden/London: Lynne Rienner Publishers. P. 204.

36 Malik (2021 c). P. 79.

rity threats.[37] The same sectors were later reused in "Security: A New Framework for Analysis". In addition to questioning the general framework, in which international security takes place, the Copenhagen School also puts more emphasis on the process than the traditionalists.[38] The key word in this case is *securitization*, which Matt McDonald characterizes in the following way:

> "Securitization [...] refers to the discursive construction of threat. More specifically, securitization may be defined as a process in which an actor declares a particular issue, dynamic or actor to be an 'existential threat' to a particular referent object. If accepted as such by a relevant audience, this enables the suspension of normal politics and the use of emergency measures in responding to that perceived crisis."[39]

This abstract contains a lot of information: While the outcome is important, securitization is very much concerned with process as well. Another important factor, which also answers the question of the referent object, is given: According to the Copenhagen School anything can be a referent object. The process, by which an actor declares an existential threat to the referent object to a relevant audience is called a *speech act*. Note here that the scholars of the Copenhagen School do not claim that everything is or should be a referent object, only that it can be. One more idea, that has not been addressed by any of the other theories or schools of thought so far, is the relevant audience, which needs to accept or at least tolerate the securitization of a referent object. Finally, according to the Copenhagen School, security politics differs from normal politics in that it responds to existential threats. Moving on to Smith's second and third questions, the answers are more complicated than for Human Security: If anything can become a referent object, the number of threats is infinite. Question number

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37 Cf. Buzan, Barry (1991).
38 Cf. Ibid.
39 McDonald, Matt (2008): Constructivism. In: Paul D. Williams (Ed.): Security Studies. An Introduction. London and New York: Routledge. Ps. 59–72. P. 69.

three cannot be answered by approaching the problem in this way. It is necessary to delve deeper into the ideas of the Copenhagen School.

Securitization, as mentioned above, takes a problem out of the "normal" political way of dealing with it or as Malik phrases it: "Securitization involves a rejection of the rules which govern the relationship between two units under normal conditions."[40] Buzan et al. put it this way: "it is possible to ask with some force whether it is a good idea to make this issue a security issue – to transfer it to the agenda of panic politics – or whether it is better handled within normal politics."[41] The framing, especially panic politics, gives the justified impression that the scholars behind the Copenhagen School consider securitization as something not necessarily good. They argue in favor of *desecuritization* or *politicization* of problems, as securitization removes it from democratic control mechanisms.

While the whole concept is definitely worth thinking about, one cannot help but realize that it is a concept very much based on the assumption that the process of securitization takes place within a liberal democracy. McDonald presents the issue of immigration as one of the best examples of how leaders of (liberal) democracies in Europe use their speech acts to frame something as a security threat.[42] At the Polish border with Belarus, one can see how a problem that is not necessarily a security threat has been securitized and militarized.[43] In a case like migration from Africa and the Middle East to Western European countries, the ideas of desecuritization and politization would then also make sense. The problem with the concept is whether and how it could be applied to states that are not liberal democracies. Who is the relevant audience in Mali or Russia? Is it still the people or just a certain part of the elites who are also the securitizing actors? McDonald

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40 Malik (2021 c). P. 81.
41 Buzan; de Wilde; Waever (1998) P. 34.
42 Cf. McDonald (2008). P. 70.
43 Cf. Adam, Martin (2022): Zwischen Abwehr und Aufnahme. Geflüchtete an der polnisch-belarussischen Grenze. In: Deutschlandfunk. 12.12.2022. URL: https://www.deutschlandfunk.de/hintergrund-gefluechtete-an-der-polnisch-belarussischen-grenze-100.html [25.06.2023].

raises several more questions, for example when to identify the end of a securitization process, or which audience needs to be convinced to successfully securitize something.[44] The answer to all of these questions is "it depends." The relevant audience depends on the country as well as the issue, the end of the process depends on the process itself. While this might be an answer, it is certainly not a very satisfying one. It is thus necessary to move on to the next (or, depending on who you ask, THE) school of CSS.

Aberystwyth School

As its name already betrays, CSS has evolved as a school of thought critical towards traditional ISS approaches. For the Aberystwyth School, Ken Booth was probably the most influential thinker. In 1991 he published two articles, *Security in Anarchy: Utopian Realism in Theory and Practice* and *Security and Emancipation*. Together they mark the beginning of what is now known as the Aberystwyth or Welsh School of CSS. In terms of theoretical background, it is based on the post-Marxist critical theory of the Frankfurt School. With many scholars trying to open up ISS as a whole, thinking "critically" about it was not surprising.

For the Welsh School, the only path to (true) security is emancipation, which is defined as follows:[45]

> "Emancipation is the freeing of people (as individuals and groups) from those physical and human constraints which stop them carrying out what they would freely choose to do. War and the threat of war is one of those constraints, together with poverty, poor education, political oppression and so on. Security and emancipation are two sides of the same coin. Emancipation, not power or order, produces true security. Emancipation, theoretically, is security."[46]

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44 Cf. McDonald (2008). P. 70.
45 Cf. Booth, Ken (1991 a): Security in Anarchy: Utopian Realism in Theory and Practice. In: International Affairs, Vol. 67 (3), Ps. 527–545. P. 539.
46 Booth, Ken (1991 b): Security and Emancipation. In: Review of International Studies, Vol. 17 (4), Ps. 313–326. P. 319.

This quote from one of Booth's earlier works contains a lot of information and needs to be broken down. First, Booth defines the referent object: Individuals and groups. The second sentence presents the ultimate goal, as everyone should be able to carry out what they would freely choose to do. He identifies possible threats and therefore gives the answer to Smith's second question. While the Human Security approach did not use the concept of emancipation, there is arguably much common ground between the two approaches. A closer look at the whole concept of CSS is needed, to understand the difference. Ken Booth put it this way:

> "Security is what we make of it. It is an epiphenomenon intersubjectively created. Different worldviews and discourses about politics deliver different views and discourses about security. New thinking about security is not simply a matter of broadening the subject matter (widening the agenda of issues beyond the merely military)".

The first sentence, a reference to Alexander Wendt's "Anarchy is what states make of it", is the most important part.[47] Security is understood as something dynamic that depends on actors and circumstances.[48] The approach is simultaneously inclusive and exclusive: It recognizes that there are different approaches to security in the world, hence the existence of this form of security. At the same time, it neglects the claim, particularly made by realism, that there is only one right idea of security. Taken together with the last sentence, it is also a critique of approaches like Human Security, as it is not enough for a critical approach to simply increase the number of referent objects and/or threats. Another systemic factor mentioned by Booth is that "True (stable) security can only be achieved by people and groups if they do

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47 Booth, Ken (1997): Security and Self. Reflections of a Fallen Realist. In: Krause, Keith; Williams, Michael C. (Ed.): Critical Security Studies. Concepts and Cases. Ps. 83–120. P. 106.

48 Cf. Wendt, Alexander (1992): Anarchy is what states make of it: the social construction of power politics. In: International Organization, Vol. 46 (2), Ps. 391–425. P. 391.

not deprive others of it."[49] States, societies, and individuals must be inherently peaceful; one's security cannot result in the diminishment of another's. The answer to how the approach of the Welsh School differs from that of Human Security therefore lies in the systemic background. While Human Security might have the same referent object and threat, it only extends the traditional approach, which still sees states as the most important actors, and does not break with the general view on the international system. Critical theory can free itself from these traditional constraints, or as Malik phrases it: "Although the Human Security approach appears to make the individual the referent object of security – it does not oppose traditional constructions such as "state sovereignty", "balance of power" or "national security"."[50] For critical theorists, it is not enough to just broaden the field, the whole way security is thought about needs to be questioned. The following part will now examine the relations between the Aberystwyth School and the Copenhagen School.

A comparison between these two schools of thought is not particularly easy, as their ideas on how to analyze security differ not only in their outcomes, but also in their process. As seen in the previous section, the Copenhagen School is a) very much focused on the process and b) considers securitization as something mostly bad that should be revoked through desecuritization. The Welsh School, on the other hand, accepts that there are multiple understandings of security, but claims that there is one right way that leads to true security: emancipation. If security is understood as emancipation, then it is good and there is no need for something like desecuritization. Many scholars have tried to merge these two schools, as both of them are heavily critical of traditional approaches. One attempt was made by Rita Floyd, who promotes "a consequentialist evaluation of security". In her work, Floyd criticizes both schools, for – in her opinion – not having the right

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49 Booth (1991 b). P. 319.
50 Malik, Shahin (2021 d): Challenging Orthodoxy. Critical Security Studies. In: Peter Hough et al (Ed.): International Security Studies. Theory and Practice. Abingdon/Oxon: Routledge. Ps. 30–42. P. 35.

approach on security. The Copenhagen School in general is too negative, as it considers most cases of securitization as something wrong. The Welsh School, on the other hand, has an approach that is too positive, maybe even naïve. Her solution lies in the consequentialist evaluation, which accepts that there is positive and negative securitization, and that each case has to be analyzed separately. This, according to her, would bring both schools together on the ideal ground.[51]

While the attempts of numerous authors to address potential connections between the two schools of thought should not be neglected, the answer to the problem is probably easier to find than expected. Buzan et al. actually addressed it in "Security: A New Framework for Analysis", as they wrote:

> "With our securitization perspective, we abstain from attempts to talk about what "real security" would be for people, what are "actual"; security problems larger than those propagated by elites, and the like. To be able to talk about these issues, one has to make basically different ontological choices than ours and must define some emancipatory ideal. Such an approach is therefore complementary to ours; it can do what we voluntarily abstain from, and we can do what it is unable to: understand the mechanisms of securitization while keeping a distance from security—that is, not assuming that security is a good to be spread to ever more sectors."[52]

This paragraph already answers how these two schools might be brought together: The Copenhagen School itself "voluntarily abstains" from establishing a definition for security. It focuses on the mechanisms of security, not the outcomes. Therefore, according to the scholars of the Copenhagen School, it could definitely be compatible with the Welsh School.

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51 Cf. Floyd, Rita (2007): Towards a Consequentialist Evaluation of Security: Bringing Together the Copenhagen and the Welsh School of Security Studies. In: Review of International Studies, Vol. 33 (2), Ps. 327–350. P. 349.
52 Buzan et al. (1998). P. 35.

The question is: Why was it necessary to portray all of these different approaches on security, and how does it help to explain Wagner's actions all around the world? The answer is given by Booth when he explains that different worldviews produce different definitions of security: "Security is what we make of it." This work takes a social-constructivist approach, including both, the Copenhagen and the Welsh School. The strength of this approach lies in its inclusiveness. While it denies the realist claim its one-dimensional take on security, it does not deny the existence of this idea. While the idea of desecuritization will not play a major role in this work, the mechanisms of securitization could be very useful when looking at dynamics of legitimacy and accountability, looking at what is securitized by whom. The Aberystwyth School has its own understanding of how security *should* work, but it does not claim that security only works one way. Therefore, when speaking about security later, it is important to identify *who* provides security for *whom,* as the idea of security is actor-dependent. Returning to the quote that started this chapter, security is understood as something subjective, in opposition to the positivist and objective understanding of realists. Before the following chapters take a look at the concepts of legitimacy and accountability, it is necessary to phrase the guiding question for this chapter, asking: To what extent can a common understanding of security be discerned in the relationships between Wagner and the actors studied here?

It should be noted that the Copenhagen School and the Welsh School are not the only critical approaches towards security. In recent years, Feminist and Post-Structuralist approaches have also begun to address the problem from their perspective. As this is not a purely theoretic work, I will refrain from describing them further and move on to the questions of legitimacy and accountability.

2.2 Legitimacy & Accountability

With this definition of security, it is now time to move on to the concept of legitimacy. There are hundreds of definitions that try to

capture the concept of legitimacy, and they cannot all be described here. Instead, I will start with a definition by Walgenbach and Meyer:

> "Eine Organisation wird als legitim betrachtet, wenn ihre Aktivitäten innerhalb gesellschaftlicher Werte, Normen, Vorstellungen und Festlegungen wünschenswert, richtig und angemessen erscheinen. Wichtig ist, dass Legitimität verliehen wird, also im Sinne der obigen Ausführungen weniger etwas ist, das eine Organisation besitzt, als vielmehr etwas, das sie zugesprochen bekommt."[53]

This definition contains two sentences that are both equally important. The first part defines the criteria for legitimacy: Values, norms, expectations, and determinations that are considered good and right. The second part makes it clear that legitimacy is not something that is inherently possessed, but given by an audience. It is partly based on the works of Suchman, who wrote that "legitimacy represents a relationship with an audience, rather than being a possession of the organization".[54] The first and most obvious question that arises then is "Who is the audience?". While it is entirely correct to ask this, it raises another question: "In what environment does the relationship between organization and audience exist?" Do the same rules apply to democratic governments that apply to authoritarian ones? This question will arise several times in this work, as often when authors talk about legitimacy (and also accountability) they are writing from a Western perspective, expecting the state to be a liberal democracy with a functioning constitution. This problem will be addressed as follows: First, the structure of this work has already established the environments in which it will take place: The operational states, the sending state and the international level. For each environment different rules apply, and for every level one could pose the question: When is an actor legitimate? To answer

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53 Meyer, Renate; Walgenbach, Peter (2008): Neoinstitutionalistische Organisationstheorie. Stuttgart: Verlag W. Kohlhammer. P. 64.
54 Suchman, Mark C. (1995): Managing Legitimacy. Strategic and Institutional Approaches. In: The Academy of Management Review, Vol. 20 (3), Ps. 571–610. P. 594.

this question the four terms of Meyer and Walgenbach will be used: Values, norms, expectations and determinations.

When looking for shared values on the use of PMCs, it is necessary to look for common ground between a majority of states. In this case it is almost impossible to separate norms and values, as the norms towards PMCs are rooted in values. First and foremost, it needs to be noted that PMCs as such do not officially exist in International Humanitarian Law (IHL), as the structure of such companies did not exist when the relevant articles were written. The debate on how to treat private contractors in warzones according to IHL has been going on ever since the emergence of the first companies in South Africa.[55] According to IHL, there are only two statuses in a conflict: combatants and non-combatants. Who counts as a combatant is defined by the Third Geneva Convention of 1949 in article 4, A (1), (2), (3) and (6) and article 43 (2) of the First Additional Protocol to the Geneva Convention of 1949. Most scholars conclude that the combatant status of private contractors remains questionable in most cases. In the conclusion of her thorough analysis, Lindsey Cameron put it this way: "We must conclude that there is only a very limited basis in law for some PMCs in Iraq to be classified as combatants under international humanitarian law."[56] Therefore, if a majority of PMCs have to be considered non-combatants, they are protected as civilians under IHL. Another approach could be to classify PMCs as mercenaries under article 47 (2) of the First Additional Protocol to the Geneva Convention from 1977. The debate about whether PMCs are mercenaries or not is as old as the companies itself. If accepted, it would label many PMC activities illegal under IHL, as it would deprive them of legitimate combatant status. However, there are several problems with this approach.

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55 Cf. Drohan, Madelaine (2006). In: Bicancic, Nick; Bourque, Jason: The Shadow Company. Purpose Films. Time stamps: 6:08–7:06. URL: https://www.youtube.com/watch?v=9yCONEdFgWo [30.07.2023].

56 Cameron, Lindsey (2006): Private military companies. Their Status Under International Humanitarian Law and its Impact on Their Regulation. In: International Review of the Red Cross Vol. 88 (863), Ps. 573–598. P. 586.

A debate would not be very promising for this work, as the outcome would not change the approach. If the result of the debate were that PMCs should not be considered mercenaries, we would still be at the same point thinking about norms and values. On the other hand, if the conclusion were that they should be considered mercenaries, it would also not really help the debate, as PMCs are present all over the world and one has to deal with them. Simply declaring them illegal and blocking any further debate does not match the realities on the ground. Therefore, this step will be skipped by immediately looking at possible shared values and norms towards PMCs. Nevertheless, the legal status of PMCs will be taken into account, as it is an important part of the shared norms and values.

The Montreux Document

One of the most prominent documents on PMCs in the international system is "The Montreux Document: On pertinent international legal obligations and good practices for states related to operations of private military and security companies during armed conflict," which will only be called the 'Montreux Document' from now on. Between 2006 and 2008, a Swiss initiative brought together 17 governments in the city of Montreux to work on a common set of rules for PMCs. The countries coming together were rather diverse: On the one hand, they included the USA and the UK, namely the countries hosting many of the companies active around the world. On the other hand, there were also representatives from Iraq and Afghanistan, two countries where many PMCs were active at the time. Eventually, they agreed on a 43-page document, in which they established certain guidelines and "good practices" for the industry. Until today, 58 states have signed the Montreux Document, expressing their will to implement these rules in their countries. Furthermore, the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), and the North Atlantic Treaty Organization (NATO) have pledged their support for

the document.[57] As can be deduced from the title, the document wants to recapitulate existing rules and laws in IHL, as well as defining "good practices" for PMCs in armed conflicts. Before delving deeper into the analysis of the document, it is important to mention that "This document, and the statements herein, do not create legal obligations."[58] The states which signed the Montreux Document can therefore not be held directly accountable if they do not stick to the rules mentioned in the document. However, as it is one of the few documents about PMCs that major players could agree on, it is still worth a closer look. Starting at the beginning, it defines PMCs in the following way:

> "PMSCs" are private business entities that provide military and/or security services, irrespective of how they describe themselves. Military and security services include, in particular, armed guarding and protection of persons and objects, such as convoys, buildings and other places; maintenance and operation of weapons systems; prisoner detention; and advice to or training of local forces and security personnel."[59]

While, this definition may seem very clear-cut at first glance, the first and second sentences contain a contradiction. In the beginning, PMCs are companies that perform military and security services. What a military is supposed to do, among many other things, is openly engaging in military conflicts. The second sentence even lists potential tasks which do not include any notions of offensive operations. Even though this paragraph is designed to clarify the operational spaces for PMCs, it leaves a certain grey area where it is unclear what tasks PMCs should

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57 Cf. Montreux-Dokument. Eidgenössisches Department für auswärtige Angelegenheiten EDA. URL: https://www.eda.admin.ch/eda/de/home/aussenpolitik/voelkerrecht/humanitaeres-voelkerrecht/private-sicherheitsunternehmen/montreux-dokument.html [22.07.2023].

58 The Montreux Document: On pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict. Part 1.

59 Ibid. Preface, Paragraph 2 (a), P. 9.

be allowed to carry out. To clarify, it is worth looking at the legal status of PMCs according to the document. There it says that PMCs

> "are protected as civilians under international humanitarian law, unless they are incorporated into the regular armed forces of a State or are members of organized armed forces, groups or units under a command responsible to the State; or otherwise lose their protection as determined by international humanitarian law;"[60]

This actually sheds some light on the matter, as PMCs should generally and primarily be considered civilians. It could be counted as an answer to the question of whether PMCs are allowed to participate in offensive military actions: The answer is yes, if they are integrated into the regular armed forces of a state. A question of a more practical nature arises now: How does one treat contractors who are clearly distinct from the army (therefore not incorporated into the army) guarding a military convoy? Considering the famous quote "Amateurs discuss tactics, professionals discuss logistics" (which unfortunately cannot be clearly attributed to one single person), it sounds like a very promising strategy to attack a country's logistics during war. Would it be immediately illegal according to IHL if such a convoy was guarded by PMCs? Since this is not a work of a military practitioner, the pros and cons of attacking logistical lines will not be elaborated on. The question of whether the guarding personnel of a military convoy is a legitimate target is important to point out the difficulties arising from legal sources or legal recommendations like the Montreux Document. Another problem, which will be addressed in the chapter on operating states, is the nature of today's conflicts. What if guerillas and terrorists fight a war in which they do not care particularly about IHL? Letting that question rest for a moment, it is still worth to look at the rest of the Montreux Document.

The first part of it differentiates between four kinds of states: contracting, territorial, home, and all other states, and recalls all legal obligations. While the terms are rather self-explanatory, this shows that

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60   Ibid, Part One, Article 26 (b), P. 14.

not only a state that has a contract with the PMC or the state it is operating in have legal obligations, but that every state in the chain (and even outside of it) has certain responsibilities and has to make sure that the PMCs it is dealing with/hosting are acting in accordance with International Law and IHL. These rules include paragraphs from the Fourth Geneva Convention of 1949 and the 1977 and 2005 Additional Protocols. To quote every article of the Montreux Document would take up too much space, thus the following passages are portraying its most important outlines. Article 3 of the Montreux Document states that contracting states have to "ensure that PMSCs that they contract and their personnel are aware of their obligations and trained accordingly".[61] Article 4 establishes that "Contracting States are responsible to implement their obligations under international human rights law, including by adopting such legislative and other measures as may be necessary to give effect to these obligations."[62] Generally, the Montreux Document puts the biggest emphasis on contracting states, as there are eight articles concerning contracting states, five concerning operating states, and four articles for both home states and all the other states. Article 6 urges contracting states "to investigate and, as required by international law, or otherwise as appropriate, prosecute, extradite or surrender persons suspected of having committed other crimes under international law."[63] Finally, if atrocities have been committed by a PMC working for a state, the latter has "to provide reparations for violations of international humanitarian law and human rights law caused by wrongful conduct of the personnel of PMSCs."[64] The first part becomes rather repetitive from there, as home-, territorial-, and all the other states are all supposed to ensure, within their power, that PMCs act in accordance with IHL. As the document does not create legal obligations and is only supposed to recall already existing legal

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61 Ibid. P. 11.
62 Ibid.
63 Ibid.
64 Ibid.

obligations, it is more interesting to move on to the good practices listed in the second part.

For the good practices the focus logically changes for every type of country. Looking at the contracting states, the most important is the selection procedure, as well as the arrangement of the contract. First of all, states should reflect on what tasks they expect a PMC to perform and then check whether or not it is capable of doing them. This includes financial and human resource capacity as well as training and equipment.[65] When selecting a PMC there are several criteria to be met, for example "ensuring that the PMSC has: a) no reliably attested record of involvement in serious crime (including organized crime, violent crime, sexual offences, violations of international humanitarian law, bribery and corruption)."[66] Criteria like these and several others should be taken into account when drafting a contract. The fifth part of the document offers some mechanisms to ensure oversight and accountability. States are "To provide for criminal jurisdiction in their national legislation over crimes under international law and their national law committed by PMSCs and their personnel."[67] Looking at territorial states, the focus is shifted towards the process of authorization. "Territorial States should evaluate whether their domestic legal framework is adequate to ensure that the conduct of PMSCs and their personnel is in conformity with relevant national law, international humanitarian law and human rights law."[68] Without going deeper into the analysis of the criteria presented in the document, the question of the practicability of this sentence comes to mind. In the documentary "The Shadow Company" by Nick Bicancic, Peter Singer was interviewed and gave the following statement about operational zones of PMCs: "They do not typically operate in healthy states. They are not operating in Iraq because good things are going on there. They typically operate in failed

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65 Cf. Ibid. Part Two. P. 17–18.
66 Ibid. P. 17.
67 Ibid.
68 Ibid. P. 20.

state zones, in combat zones, that's the nature of the business."[69] While the list of rules may have good intentions, it is questionable how a state that needs PMCs because it cannot provide security on its own, has the capacity to enforce certain rules on those PMCs that safeguard the very survival of the state. Considering the home states, the document recommends an authorization system that ensures only PMCs following certain rules can establish themselves within a country. As it has been questioned if and how some territorial states would even be able to enforce laws on their own territory, this is another point that tries to prevent any potential crimes through reliable rules in the home state of the PMC.

Generally, the Montreux Document offers some useful contributions, considering that there was no official document on the use of PMCs before. It offers a set of rules for states to follow, if they want to. Yet it is not legally binding and has a limited number of participants, which certainly limits its efficiency. Moving away from Montreux, a more general question pops up: Why do states decide to rely on PMCs instead of regular troops? What expectations do they have of them? What could a PMC achieve that the regular army could not? Possible reasons will be portrayed in the following chapter.

Reasons for the use of PMCs

Ever since the end of the Cold War, PMCs have become a regular sight in combat zones around the world. The first case which became very popular, and a very good advertisement for the industry, was the civil war in Sierra Leone, when the South African PMC "Executive Outcomes" (EO) was hired by the government to push back the Revolutionary United Front (RUF). EO had agreed to deploy "150 to 200 soldiers (fully equipped with helicopter support) to support, train, and aid the RSLMF [(Republic of Sierra Leone Military Forces); Authors

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69 Singer, Peter Warren (2006): The Shadow Company. In: Bicancic, Nick; Bourque, Jason: The Shadow Company. Purpose Films. Time stamps: 29:18–29:28. URL: https://www.youtube.com/watch?v=9yCONEdFgWo [07.08.2023].

Note] in their war against the RUF."[70] The RSLMF, which had suffered major defeats against the rebels, was suddenly advancing against the RUF, pushing them away from the capital and the biggest diamond mines of the country.[71] Apparently, a small but well-equipped and trained force of only 150 to 200 could make a major difference in a civil war like the one in Sierra Leone. The example of EO shows two reasons why a state might rely on a PMC: First, the company showed a certain degree of *effectiveness*. Second, they had access to proper military equipment and training and thus were highly specialized (which also contributed to their effectiveness). The hiring of specialized outsiders is something that Peter Singer describes as very common throughout time, saying "When quality mattered more than quantity, the activity and significance of mercenaries was typically higher."[72] Given that military equipment – especially tanks, jets and helicopters – are getting more complex rather than easier, the hiring of a PMC because of its *specialization* is also noteworthy.

The story of EO in Sierra Leone was a good example of why companies became attractive for governments in need on their own turf. But what are the reasons for states operating in other countries to heavily rely on PMCs? Why did the number of contractors in Iraq exceed the one of every foreign military combined (excluding the US)?[73] One reason presented by Doug Brooks, a lobbyist for the PMC industry, is the financial aspect. The general idea is that a contractor may be paid more than a regular soldier, but due to the time limit of the contract it would eventually be cheaper than keeping a large army.[74] While this work does not intend to prove whether or not it is cheaper for govern-

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70 Avant, Deborah D. (2008): The Market for Force. The Consequences of Privatizing Security. Fourth Printing. Cambridge/New York: Cambridge University Press. P. 86.

71 Cf. Singer, 2003. P. 4.

72 Ibid. P. 38.

73 Cf. Singer, Peter Warren (2004): The Private Military Industry in Iraq: What have we learned and where we go next? In: Geneva Centre for the Democratic Control of Armed Forces Policy Papers. November 2004. P. 4.

74 Cf. Brooks, Doug (2006): The Shadow Company. In: Bicancic, Nick; Bourque, Jason: The Shadow Company. Purpose Films. Time stamps: 27:55–28:04. URL: https://www.youtube.com/watch?v=9yCONEdFgWo [07.08.2023].

ments to hire PMCs instead of using regular armed forces, it needs to be noted that not everybody agrees with the opinion of the lobbyist. Peter Singer, for example, explained that 40% of the contracts given out by the Pentagon had no bidding on them, thus the potential to assess different offers by various companies to be able to negotiate was not used, which ignores the idea of a competitive free market.[75] In a short article, David Isenberg combines several arguments, pointing out that people like Doug Brooks keep saying that private contractors are cheaper than regular soldiers, but have failed to provide an evidence-based study to support their claim.[76] Another point is that the financial argument, be it true or not, can also apply to local governments like the one in Sierra Leone, which might have to pay other prices than only money. In fact, the argument is easier to understand in this case, as the government of Sierra Leone would most likely have been removed and its representatives killed had they not hired EO, which could be considered the ultimate price.

Another reason why a government might want to rely on PMCs is a certain form of *"disassociation,"* which comes in two forms. The first one can be taken from the following statement of Singer in 2005: "No one can give you the exact number of private contractors that have been killed in Iraq, because no one is formally tracking them. Our estimates [...] come together to be about right now 250."[77] The death of a soldier abroad, especially one that has been killed in combat, is something that usually creates a huge outcry in a society. It also makes wars more and more unpopular when soldiers die abroad, as could be seen in Vietnam, Somalia after the Battle of Mogadishu, Iraq, or Afghanistan. For contractors it is different, as the quote from Singer already tells. Madeleine Drohan puts it even more plainly, when she says "These body bags don't come home with a US flag on them"[78]. The

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75 Cf. Singer (2006): Time stamps: 28:11–28:17.
76 Cf. Isenberg, David (2009): Contractors and Cost Effectiveness. In: CATO Institute, 23.12.2009. URL: https://www.cato.org/publications/commentary/contractors-cost -effectiveness# [07.08.2023].
77 Singer (2006). Time stamps: 1:11:40–1:11:52.
78 Drohan (2006). Time stamps: 1:12:02–1:12:06.

chance for a public outcry is smaller if the dead person was not directly employed by the government. It should be noted though that this is not always true and very much depends on the case. When four members of the infamous "Blackwater" company were killed, humiliated, and burned in the streets of Fallujah in 2004, the pictures of the tortured bodies caused a huge outcry in the US.[79] Another factor of disassociation is the possible deniability for a country that uses a PMC. While the association of soldiers can and should be easily recognizable, there are no such clear rules for a PMC. Contractors could appear somewhere and work in the interest of a government, without notice of the public in the home state or even other governments.

One last point, which is also connected to the idea of disassociation, is the nature of the business that is supposed to be done. If a state's army cannot and/or should not be linked to certain actions, then a PMC could be the better choice. An example is the "Sandline Affair," when the government of Papua New Guinea wanted to clear a rebel camp which was holding an important mine and could not/did not want to use their own army.[80] Another example would be the failed "Wonga Coup" in Equatorial Guinea in 2004, when Sandline International was hired by private actors, namely Sir Mark Thatcher, son of former Prime Minister Margaret Thatcher, to overthrow dictator Teodoro Obiang.[81] While both of these missions failed, it shows that at least some PMCs were ready to step in when no official military force was willing or able to perform certain tasks. Moving away from the practical reasons, there is another factor in the nexus between legal

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79 Cf. Gettleman, Jeffrey (2004): Enraged Mob in Falluja Kills 4 American Contractors. In: The New York Times. 31.03.2004, URL: https://www.nytimes.com/2004/03/31/international/worldspecial/enraged-mob-in-falluja-kills-4-american.html [07.08.2023].

80 Cf. McCormack, Tim (1998): The 'Sandline Affair': Papua New Guinea Resorts to Mercenarism to End the Bougainville Conflict. In: Yearbook of International Humanitarian Law, Vol. (1), Ps. 292–300. P. 295.

81 Cf. Boffey, Daniel (2013): Margaret Thatcher 'gave her approval' to her son Mark's failed coup attempt in Equatorial Guinea. In: The Guardian. URL: https://www.theguardian.com/politics/2013/apr/14/thatcher-knew-of-equatorial-giunea-coup-atte mpt [07.08.2023].

considerations and the pragmatic use of PMCs: The habituation of the world towards contractors in conflict zones.

As many different cases have been presented above, it can be seen that over the years the use of PMCs has become normalized in the international system. Starting with EO in South Africa, the US and the UK became major host countries for PMCs. At the same time, with conflicts unfolding in Afghanistan and Iraq, they also became major contract countries, in dire need of competence and manpower. Flying mostly under the radar at the beginning, the presence became known through several events, like the participation of PMCs in the Abu Ghraib torture scandal, the Nisour-Square-Massacre, or the afore-mentioned killing of four contractors in the streets of Fallujah.[82][83] It would go too far to claim that the extensive use of PMCs by many states (and also companies) all around the world made their appearance customary international law. The debate whether or not that is the case would be a legal and rather theoretical one, which is not the goal of this work. Leaving legality aside for a moment, it is more important to view the matter through a pragmatic lens. If many actors are relying on a system, in this case the use of PMCs, it is only logical that other countries will sooner or later copy their strategy. To put it boldly: The excessive use of PMCs by the US and other Western Partners may have paved the way for their emergence and use in other countries.

Concerning the legitimacy of PMCs, this work has cited different sources and given different ideas on how to approach the matter. First, there is the Montreux Document, which recapitulates the legal obligations of PMCs and gives some ideas about what could be good practices for the different kinds of states doing business with PMCs. One takeaway is that contractors should generally be considered civilians unless they are incorporated into the army. Even more important

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82 Cf. Apuzzo, Matt (2014): Blackwater Guards Found Guilty in 2007 Iraq Killings. In: The New York Times. URL: https://www.nytimes.com/2014/10/23/us/blackwater-verdict.html [08.08.2023].

83 Cf. Ackerman, Spencer (2014): Abu Ghraib torture suit against contractor revived by federal court. In: The Guardian. URL: https://www.theguardian.com/law/2014/jun/30/iraq-lawsuit-defense-contractor-torture-abu-graib [08.08.2023].

though is the differentiation in the document. Contracting-, territorial-, and home states all have a certain degree of responsibility. These responsibilities vary, and it is important to look at the possibility of practical implementation. If a territorial state has only limited capacities to implement and prosecute laws on its own territory, it is clear that (if some amount of control is desired) home and contract states have a greater responsibility. The second section about legitimacy dealt with the practical reasons why states might want to hire PMCs, including *effectiveness*, a need for *specialization*, a hope for *economic advantages,* and the chance of a certain degree of *disassociation*. These, together with the *legal* aspects, are all criteria which might give a PMC a form of legitimacy in the eyes of their contracting partner. Note that these might not be the only ones, and that for every chapter it will also be necessary to look at the partners involved and look for individual reasons of legitimacy.

One important part of legitimacy, which has so far been neglected in this chapter, is the question of the relevant audience. The relevant audience very much depends on various factors: First of all, as was also presented in the Montreux Document, there are mainly three kinds of states in this equation: Contract-, home- and territorial states. The general idea here is that the contracting state is the most relevant as it uses and pays the PMC. While this might be true, one state can also have two functions at the same time. In the case of Sierra Leone and EO the contracting state was also the territorial state. A territorial state that is asking a PMC to participate in hostilities might have to answer to local actors more than others. In fact, referring to the Sandline Affair in Papua New Guinea once more, one could actually see what happens when the relevant audience is not convinced. Another example for a state embodying two functions at the same time is the use of PMCs by the US in Iraq, where home state and contracting state overlapped. While the audience of the territorial state is less of an issue in this case, there might be problems in the home state if something happens to a contractor, as seen after the Blackwater incident in Fallujah. A final point to be made about the relevance of the audience is its individuali-

ty: Every state in the world is different and has diverging interests. For this work, this means identifying the relevant audience for Russia, as well as for several states in which the Wagner Group operates in.

As the last point of this section, it is now necessary to link the different understandings of security to the legitimacy of PMCs. Many of the services PMCs offer claim to provide "security", be it by transporting VIPs, guarding buildings, or -in the case of EO- driving back an entire rebel group to ensure the contracting government is not overrun. Even the training of soldiers could be described as a secondary provision of security, as they prepare others to provide it. It is crucial though to take into account what a contractor's idea of security is when he moves into a country to provide security. The best example is Robert Young Pelton describing the way contractors in Iraq engaged civilian vehicles approaching their convoys:

> "You tell people "yla 'iimashi", you know, back, and if they don't see your fist, if they don't see, then the gun goes up. If they don't see the gun a round is fired, usually from the PKM, creates like a zipper pad in front of the car and if they don't stop, the second burst goes into the engine and if they continue to come, the third burst goes into the driver."[84]

Leaving aside all questionable legal matters in this case, this is the perfect example of how the understanding of security of the acting subject matters. Practically, (not necessarily morally) there is nothing wrong about these contractors' understanding of security. They provided security for their referent object and themselves. Civilians were just not part of this equation and, due to the hostile environment in Iraq, were seen as a potential threat. The idea of security of these contractors was not one rooted in an approach of Human Security or the Critical Security Studies of the Aberystwyth School, but very much based on realism. Depending on who is considered the relevant audience, this can lead to

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84   Pelton, Robert Young (2006): The Shadow Company. In: Bicancic, Nick; Bourque, Jason: The Shadow Company. Purpose Films. Time stamps: 32:37–32:54. URL: https://www.youtube.com/watch?v=9yCONEdFgWo [07.08.2023].

a loss of legitimacy. The Nisour-Square-Massacre, for example, caused an outrage in Iraqi society and led the Iraqi government to terminate all contracts with Blackwater.[85] On the other hand, and without pre-empting anything from the analytical chapter, if a nefarious government does not care about its citizens or their opinions, but wants a PMC that definitely performs its tasks without any moral questioning, a more realist understanding of security might even be desired. This then also affects the issues a contractor can be held accountable for. The next chapter will portray the idea of accountability for PMCs.

Accountability

For the concept of accountability, two different quotes from Oakerson and Schedler will be presented. Oakerson describes accountability this way: "*To be accountable means to have to answer for one's action or inaction, and depending on the answer, to be exposed to potential sanctions, both positive and negative.*"[86] Schedler defines it a bit different: "*A is accountable to B when A is obliged to inform B about A's (past or future) actions and decisions, to justify them, and to suffer punishment in the case of eventual misconduct*".[87] While both share some basic aspects- such as the fact that one actor has to answer to another and that the second actor can impose sanctions on the first one- there are some non-neglectable differences. Oakerson, for example, points out that sanctions can be both negative and positive, while Schedler only mentions punishment. Schedler's concept contains not only one, but three parts: information, justification and punishment. Schedler himself though relativizes this list two sentences later, stating

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85 Cf. Al Jazeera (2009): Blackwater end operations in Iraq. In: Al Jazeera, 07.05.2023. URL: https://www.aljazeera.com/news/2009/5/7/blackwater-ends-operations-in-iraq [09.08.2023].

86 Oakerson, Ronald J. (1989): Governance Structures for Enhancing Accountability and Responsiveness. In: Christensen, Robert K.; Perry, James L. (Ed.): Handbook of Public Administration. San Francisco: Jossey-Bass. Ps. 114–130. P. 114.

87 Schedler, Andreas (1999): Conceptualizing Accountability. In: Diamon et al. (Ed.): The Self-Restraining State. Power and Accountability in New Democracies. London: Lynne Rienner Publishers. Ps. 13–28. P. 17.

"they do not form a core of binary "defining characteristics" that are either present or absent and that must be present in all instances we describe as exercises of accountability. They are continuous variables that show up to different degrees, with varying mixes and emphases. Furthermore, even if one or two of them are missing we may still legitimately speak of acts of accountability."[88]

Both definitions have been presented here, since using only one would not have captured the full potential for an adequate definition. Oakerson provides the idea that consequences of accountability do not have to be negative, as it is framed by Schedler. On the other hand, the second definition provides three potential categories which may not always be present but could still be useful as analytical categories. It is now necessary to identify how and by whom PMCs can be held accountable.

As already mentioned in the section about the Montreux Document, certain types of states can be identified when looking at PMCs: First of all, there is the contract state which hired the PMC to perform a certain task. Second, there are territorial states, the states in which the PMC is operating. Third, there are the home states where PMCs are based. The last category of state, which is also the least influential, are all the other states that do not fit into categories one to three. The question now is how these different types of states are able to hold a PMC accountable, and for what?

When asked about the accountability of his company, Tim Spicer, CEO of the PMC "Aegis Defence Services," once claimed: "Not accountable to who? World opinion? Outside Politicians? I can only speak for [my company] but we were always accountable, to our own policies and ethos, and to our client government with whom we always have a binding contract."[89] Referring to this quote, Marcus Hedahl claims that PMCs have a "contractual accountability," which then refers

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88 Ibid.
89 Stanger, Allison (1999): One Nation Under Contract: The Outsourcing of American Power and the Future Foreign Policy. New Haven: Yale University Press. P. 28.

to the contracting state.[90] The effectivity of this contractual account-ability remains questionable, though. Hedahl and Stanger bring up the "problem of divergent interests" that a contractor might face.[91] A contractor is supposed to defend, for example, a VIP or cargo; but what happens if a civilian vehicle approaches that might or might not be a threat? Singer put it as follows: "their private mission is different from the overall public operation. Those, for example, doing escort duty are going to be judged by their bosses solely on whether they get their client from point A to B, not whether they win Iraqi hearts and minds along the way."[92] This implies that while such contractual accountability may exist, it very much depends on the contract. A contractor working in Iraq put it even more bluntly when talking to former Provisional Authority advisor Ann Exline Starr: "Our mission is to protect the principal at all costs. If that means pissing off the Iraqis, too bad."[93] This quote shows that, when in doubt, a contractor might have to prioritize the protection of the principal over the pro-tection of civilians, as he would be held accountable for failure due to his contract. Therefore, if contractual accountability is supposed to protect everyone and not just make sure that a duty is carried out no matter the cost, the contract would need to include certain rules the PMC has to follow while performing its duties, and that not following these rules has consequences. An example of questionable contractual accountability can be found in the history of Aegis. In 2005, a former Aegis employee uploaded videos of him shooting at civilian Iraqi cars while driving in a convoy. An investigation by Aegis itself later confirmed that everything seen in the video happened in accor-

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90 Cf. Hedahl, Marcus (2012): Unaccountable: The Current State of Private Military and Security Companies. In: Criminal Justice Ethics Vol. 31 (3), Ps. 175–192. P. 177.

91 Cf. Ibid.

92 Singer (2007): Can't Win with 'Em, Can't Go To War without 'Em: Private Military Contractors and Counterinsurgency. In: Foreign Policy Paper Series (4), Ps. 1–18. P. 6.

93 Fainaru, Steve (2007): Where Military Rules Don't Apply. In: Washington Post, 20.09.2007, Ps. 1–8, P. 8.

dance with the present rules of engagement.[94] Whether or not these engagements made sense from a military perspective, it was definitely the destruction of private property of Iraqi civilians, which did not face any consequences. It is therefore not surprising that Hedahl comes to the following conclusion: "contractual accountability can never provide the appropriate kind of accountability."[95] Still, what could a contractual sanction be? The Montreux Document offers some ideas:

> "a) contractual sanctions commensurate to the conduct, including:
>> i. immediate or graduated termination of the contract;
>> ii. financial penalties;
>> iii. removal from consideration for future contracts, possibly for a set time period;
>> iv. removal of individual wrongdoers from the performance of the contract"[96]

These potential penalties can be, especially from a financial perspective, painful for a company. Yet, it seems insufficient to have the termination of a contract as the sole punishment for crimes like murder. It appeared to be the only possibility for the Iraqi government after the Nisour-Square-Massacre, as was presented above. Responsible contractors were later tried in the US, but that was more because the US was the home state of the PMC Blackwater than because it was the contracting state. The question to what extent a state that only has a contract with the PMC and is neither the territorial- nor the home state could be held accountable is indeed interesting, but irrelevant for this work, as it is never applies to Wagner. What still needs some attention is the third point about not considering a company for future contracts. In a case where state A refrains from contracting company B because of referenced misconduct of company personnel in earlier contracts, this might even be described as holding them accountable for their earlier

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94 Cf. Baer, Robert (2007): Iraq's Mercenary King. In: Vanity Fair, 06.03.2007. URL: https://www.vanityfair.com/news/2007/04/spicer200704 [15.08.2023].
95 Hedahl (2012). P. 177.
96 The Montreux Document: Part 2, Page 20.

wrongdoings. So, while a contracting state might not have the power or possibilities to hold a company or individuals working for a company accountable, they have the biggest potential to avoid misconduct and indirectly hold a company accountable by looking at past references of companies. As Kristine Huskey puts it: "During the Contracting Phase, the Hiring State is of paramount importance, as, during this stage, it is the primary enabler and gatekeeper."[97] Thus, from the contracting perspective, the selection process and monetary punishments are possible ways of ensuring accountability, but a purely contractual accountability lacks certain aspects of ensuring punishment, especially for larger crimes like murder or torture. But do home- and territorial states have more potent sanctions at their disposal than a contracting state might have?

When it comes to territorial states, various factors further complicate matters. Since PMCs are mostly considered civilians, the territorial state would be in charge of prosecuting a suspect if they committed a crime. Coming back to Singer's stance, that these companies do not operate in healthy states, it is questionable whether or not a territorial state is actually capable of prosecuting a contractor. Going even further, if the state is somehow occupied by other forces, as was the case in Iraq, these other nations might impose rules that make it impossible for territorial states to prosecute anybody, as the USA did in Iraq: "Contractors shall be immune from Iraqi legal process with respect to acts performed by them pursuant to the terms and conditions of a Contract or any sub-contract thereto."[98] How contractors can be prosecuted by a territorial state therefore very much depends on how strong the institutions of this state are. However, one option that still exists is the deprivation of authorization for a company to operate in a country, like the Iraqi government did with Blackwater.[99] The case

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97 Huskey, Kristine (2012): Accountability for Private Military and Security Contractors in the International Legal Regime. In: Criminal Justice Ethics Vol. 31 (3), Ps. 193–212. P. 196.

98 Coalition Provisional Authority Order 17, Section 4 (Contractors), Paragraph 3. 27.06.2004.

99 Cf. Al Jazeera (2009).

for solely territorial states therefore remains complex: In theory, they should have the potential to hold individuals or even entire companies accountable for actions on their territory. In practice, this is frequently not the case, as many states have limited sovereignty, particularly when they are subject to occupation by foreign powers. Furthermore, many contractors are foreigners. As soon as they leave the territorial state, the chance of prosecuting them (in the territorial state) is minimal. Robert Young Pelton put it this way when asked about the accountability of PMCs: "The only rule that I know of is that if you do something wrong "pouf", you're flown out of the country immediately."[100] Even if a territorial state was willing to prosecute certain people, it gets almost impossible as soon as the suspected individual manages to flee the country. If a state is the contracting- and territorial state (as it was the case with EO in Sierra Leone), it is arguably in a stronger position. This might be true in some cases, as the state now has more different options to hold PMCs accountable. In this case, it is important to analyze what role the PMC plays in the state, or more specifically, whether it can be quickly and easily replaced. For example, if the PMC only provides some guarding services and can be replaced by another PMC on short notice, the territorial/contracting state has greater bargaining power. Yet, if the PMC is crucial for the security of the state, it is questionable whether or not the bargaining power of the state is bigger than that of the company. If a state has the choice between keeping a PMC and ignoring their misconducts or sending them away and risk being overthrown by rebels, is this actually a choice? This means that, while territorial states theoretically have the potential to hold PMCs accountable, the reality can look very different.

When looking at home states, there appears to be the greatest potential for the establishment of a functioning set of rules. First of all, while these companies might not operate in healthy states, their home states mostly are exactly that. That means laws are more likely to be applied. The home state has different potential here, especially before and after

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100 Pelton (2006): Time stamps: 30:00–30:05.

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a contract applies. The Montreux Document, for example, recommends the establishment of an authorization system:

> "54. To consider establishing an authorization system for the provision of military and security services abroad through appropriate means, such as requiring an operating license valid for a limited and renewable period ("corporate operating license"), for specific services ("specific operating license"), or through other forms of authorization ("export authorization")."[101]

Such a system would allow a state to look into companies before they are even allowed to go on their first mission and, if necessary, withdraw authorization if there are signs of misconduct. Aside from authorization, the home state also has the potential to evaluate its own laws and check if they are applicable to crimes which might be committed by contractors. This automatically leads to the second point where the home state is important: After contract responsibility. To avoid cases like the one mentioned by Pelton, the home state still has the option to prosecute somebody, even after they left the country where the misconduct happened. The potential difficulty for the home state lies in the investigation of cases. If the home state is not able to conduct their own investigations on the ground and has to rely on the territorial state to provide the necessary proof, it will hinder an investigation. Another factor comes into play when the home state is also the contracting state. If that is the case, there is another circumstance of divergent interests. Anything bad that happened might be reflected back upon the party who has offered the contract, i.e. the state. Even if certain parts of the judicial system are willing to investigate an issue, it is harder if parts of the state involved are not willing to cooperate or are even torpedoing the investigation. Nevertheless, as the conviction of the Blackwater em-

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101 The Montreux Document. Part 2, P. 25.

ployees involved in the Nissour-Square-Massacre showed, home states can effectively hold contractors accountable.[102]

Even though the three main categories have now been covered, there is still one last one which needs to be addressed: The international system. Could contractors be held accountable for their actions by institutions like the International Criminal Court (ICC)? As the ICC only prosecutes individuals, it cannot try whole companies. Still, if an individual working for a PMC committed a crime such as genocide, crimes against humanity, war crimes or crimes of aggression, and they fell under the preconditions of jurisdiction of the articles 12 of the Rome Statute, they could be tried[103] Either the home state or the territorial state would need to have recognized the ICC, accepted its jurisdiction, or if neither is the case, the UN Security Council needs to have sent the matter to the ICC for further investigation. The question whether this is actually probable will be discussed later with proper examples. Another point that should be addressed briefly is sanctions. If a state (or a group of them) decided that the behavior of a PMC was against their interests, they have the option of sanctioning them, hence forbidding any company from their own country to enter into a contract with them etc. But can that be described as an accountability mechanism? Moving back to the definition of accountability in the beginning, it is questionable whether a PMC has to answer for actions or inactions to a country it does not operate in, that is not its home state, and that it does not have a contract with. Yet the company might still be exposed to sanctions for certain actions, which is then part of an accountability dynamic. While not one of the classic accountability relations, sanctioning will still be taken into account.

The accountability of PMCs is multifaceted and cannot be described in a general way. One important criterion is the condition the territorial state is in: The weaker it is, the harder it becomes for it to

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102 Cf. Spiegel: Blackwater-Söldner muss lebenslang in Haft. In: Spiegel Online 2019. URL: https://www.spiegel.de/politik/ausland/massaker-im-irak-blackwater-soeld ner-muss-lebenslang-in-haft-a-1282000.html [17.08.2023].

103 Rome Statute, Article 5.

hold contractors accountable. Another matter of importance is the nature of the contract: Due to the lack of accountability when committing crimes in the territorial state on one side and the strong contractual accountability on the other side, a contractor might often be drawn towards putting the contract above everything else. The last point is the will of the home state, which has the biggest potential for holding companies accountable, but also the greatest responsibility. If the home state decides it is not willing to investigate a case, it is almost impossible for a territorial state to do anything about it after a contractor has left the country.

Concluding the theoretical chapter, it is now time to apply all the gathered knowledge on the case of the Wagner Group, asking:

1. What understanding of security do the Wagner Group, Russia, and the countries it operates in or work for have?
2. Where does the Wagner Group derive its legitimacy from?
3. Who is holding it accountable?

3. The Relations of the Wagner Group

Over the years, the name Wagner has been connected to many places around the world. First there was Ukraine, when the "little green men", soldiers without insignia or anything that would reveal their affiliations, took over Crimea.[104] More countries quickly followed: Syria, the Central African Republic (CAR), Sudan, Libya, Mozambique, and others.[105] The following chapter has two aims:

1. Trace the development of the Wagner Group between March 18, 2014 and August 2023.
2. Classify these developments in terms of legitimacy and accountability by using the theoretical basis established in chapter two.

In doing so, this chapter will provide a coherent picture of the group, its motivations and actions, as well as its development over the past years. As stated above, Wagner personnel appeared in many countries over the years. It would go beyond the scope of this work to investigate every mission in detail. The idea is to look at cases which provide answers to the questions asked above. It is therefore not the aim to present every move that the Wagner Group has made over the past years, but to provide a coherent picture by examining some carefully selected examples. The first chapter will take a look at Wagner and its

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104 Cf. Schwarzer, Matthias (2023): Was Sie über die Wagner-Gruppe wissen sollten. Die wichtigsten Fragen und Antworten. In: Redaktionsnetzwerk Deutschland, 24.06.2023. URL: https://www.rnd.de/politik/prigoschin-und-wagner-was-steckt-hinter-der-soeldner-gruppe-und-wer-kaempft-fuer-sie-JD7BQ7ATVNA3ZJLMS7OK6SXWFE.html [19.08.2023].

105 Cf. Rademeyer, Julian; Stanyard, Julia; Vircoulon, Thierry (2023): The Grey Zone. Russia's Military, mercenary and criminal engagement in Africa. Geneva: Global Initiative. P. 22.

position in the territorial states. Notably, Ukraine will not be discussed in this chapter, but in the following section 3.2, as it is not a classic territorial state for several reasons that will be explored later.

3.1 Wagner and the Territorial States

Before a classification of whether or not Wagner is gaining legitimacy through effectiveness and specialization, it is necessary to look into the group's tasks on the ground. The Council on Foreign Relations (CFR) lists three major services Wagner provides: Combat duties, training lessons, as well as disinformation campaigns.[106] Other important tasks include the protection of mines and VIPs.[107] Just by scanning these five tasks one can see that most of them (except maybe for the disinformation campaigns) are nothing only Wagner can provide, but tasks which are offered by PMCs (and sometimes also militaries) all around the world. This does not mean that there might not still be a good reason for these countries to employ Wagner: The contractors might be particularly good at providing those services or extremely affordable, but most countries could have chosen a different supplier for their needs. Another reason could be that some states actually rely on the fifth quality, Wagner's ability to influence public opinion through disinformation campaigns. The reasons will be examined in the following sections. Apart from Ukraine, which will be examined in chapter 3.2, Wagner is known to have participated in combat missions in six countries: Mali, the CAR, Sudan, Mozambique, Libya, and Syria.[108][109]

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106 Cf. Rampe, William (2023): What is Russia's Wagner Group doing in Africa? In: Center on Foreign Relations. URL: https://www.cfr.org/in-brief/what-russias-wagner-group-doing-africa [21.08.2023].

107 Cf. Fasanotti, Federica (2023): The Wagner Group's future in Africa. In: Geopolitical Intelligence Services. URL: https://www.gisreportsonline.com/imprint/ [21.08.2023].

108 Cf. Rademeyer et al. (2023) P. 22.

109 Cf. Gibbons-Neff, Thomas (2018): How a 4-Hour Battle Between Russian Mercenaries and U.S. Commandos Unfolded in Syria. In: New York Times, 24.05.2018. URL: https://www.nytimes.com/2018/05/24/world/middleeast/american-commandos-russian-mercenaries-syria.html. [22.08.2023].

Syria (2015–today)

The oldest example, Syria, is a good starting point, as it could be seen as an ideal Wagner success story. Several factors make it special: First, it was the first known engagement of Wagner after Ukraine. Second, it would prove to be a very bloody one, with Wagner becoming involved in major combat with the Islamic State (which will be called Daesh) and other rebels. Before diving deeper into the analysis, a quick overview of the situation in September 2015 is needed. After four years of civil war, the regime of Bashar al-Assad found itself in a bad spot. While they had managed to regain control of some parts of the country, with help from Iranian and Lebanese allies, they now faced a new threat in the form of Daesh, which had managed to take over large parts of the country, as well as neighboring Iraq.[110] In this situation, Putin decided to step in and support the struggling government forces with an air campaign by the Russian Airforce. Within three months, the Institute for the Study of War (ISW) reported that the Russian intervention had shifted the balance on the battlefield in favor of pro-government forces. Yet, they were lacking manpower on the ground, as the ISW stated in December 2015: "The regime nonetheless suffers from chronic shortages of manpower that render it unable to fully capitalize upon the expanded support provided by Russia and Iran."[111] This is the point when Wagner came into play. The exact day when the first contractor set foot on Syrian soil cannot be determined. Marat Gabidullin, a former Wagner employee claims that he and his companions arrived in late December 2015.[112] Throughout his book, he introduces several men fighting alongside him. Most of

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110 Cf. Institute for the Study of War (2015): Control Terrain in Syria: September 14, 2015. In: Institute for the Study of War, 14.09.2023. URL: https://www.understandingwar.org/sites/default/files/Syria%20Blobby%20Control%2014%20SEP_7.png [25.08.2023].

111 Institute for the Study of War (2015): Control of Terrain in Syria: December 23, 2015. In: Institute for the Study of War, 23.12.2015. URL: https://www.understandingwar.org/sites/default/files/Syria%20Blobby%20Control%20Map%2022%20DEC%2015_2.pdf [25.08.2023].

112 Cf. Gabidullin, Marat (2022): Wagner. Putins Geheime Armee. First Edition. Neuilly-sur-Seine: Econ. P. 59.

them were former members of the Russian armed forces, often elite units, and some of them even had combat experience from previous conflicts like Afghanistan, Chechnya, or Ukraine.[113] The exact number of contractors sent to Syria is unknown, but several reports suggest that there were around 5000 men in the country at the height of the mission.[114] The first mission they took on, according to Gabidullin, was to provide training to the Syrian PMC "Desert Hawks".[115] In addition to these tasks, Wagner participated in many battles throughout Syria. Sometimes it was there to guide its Syrian allies or provide targets for the Russian Airforce, in other cases its members made up the bulk of the ground forces, acting as shock-troops.[116] It would exceed the scope of this work to analyze every battle Wagner participated in, but there are still some factors that are worth pointing out. The first one is Wagner's entanglement in the Syrian economy. Gabidullin wrote that during his training he received a payment of 80,000 Rubles per month, for going abroad a contractor would get 120,000 Rubles, and for participating in combat missions it would even be 150,000 Rubles.[117] Yet, one can imagine that the Syrian government in 2015 was not really capable of paying a company such amounts of money. Several sources reported that Wagner troops in Syria were getting paid through the oil- and gas revenues from the fields they liberated. Reuters wrote that the Evro Polis LLC, an oil company related to Prigozhin, has a contract with the Syrian state company Petroleum Corp, which guarantees a 25% share of the revenues.[118] For the Syrian government this is a double-edged

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113 Cf. Ibid. P. 64.

114 Cf. Thoms, Sija (2023): Russia's Wagner Group: Where is it active? In: Deutsche Welle, 25.06.2023. URL: https://www.dw.com/en/russias-wagner-group-where-is-it-active/a-66027220 [26.08.2023].

115 Cf. Gabidullin, (2022). P. 63.

116 Cf. The Economist (2017): How "Wagner" came to Syria. In: The Economist, 02.11.2017. URL: https://www.economist.com/europe/2017/11/02/how-wagner-came-to-syria [15.11.2023].

117 Cf. Gabidullin (2022) P. 46–47.

118 Cf. Reuters (2023): What does the Wagner Group do? Operations in Africa and the rest of the world explained. In: Reuters, 30.06.2023. URL: https://www.reuters.com/world/europe/wagners-global-operations-war-oil-gold-2023-06-29/ [25.08.2023].

sword. One positive effect was that they could avoid immediate costs, as the payment would be handled later. Another was that the payment through oil- and gas also created further incentive for the company to make sure that the contractors secure the oil- and gas fields, as it would not get paid otherwise. After all, 75% revenues are better than 0%: As long as the fields were under the control of Daesh or other rebels, the Syrian government would not profit from them at all, or even worse, their enemies were profiting from them. The negative side becomes visible in the long run: No information can be found anywhere about the lengths of these contracts. From a business perspective, it would only make sense for Wagner if these were long term contracts to compensate for the losses during the campaign and to eventually get money out of it. Two points can be taken from this: First, the "Business-Model-Wagner" might seem quite appealing for a rogue government with small money but a lot of potential resources. Second, it shows that Wagner is more than just a mere PMC, as it is not just providing military services, but also getting involved in the exploitation and trade of resources. Before moving on to the next country, there is one last thing that needs to be addressed: Wagner personnel is suspected to have committed several crimes against civilians in Syria. The most famous case was the brutal murder of Mohammad Taha al Ismail Abdallah, whom they had suspected to be a deserter of the Syrian army or, according to other sources, a jihadist.[119] The video of men torturing and beheading the Syrian went viral and journalists were later able to identify one of the men in the video as a member of Wagner.[120] There is no indication that the people involved in the killing were held accountable by Syrian law enforcement or even questioned. Nor is there information, for example provided by Gabidullin, that contractors ever had to fear being held accountable by a Syrian for anything they might have done. As there is no more information about the accountability of Wagner within Syria,

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119 Cf. Roth, Andrew (2019): Man who filmed beheading of Syrian identified as Russian mercenary. In: The Guardian, 21.11.2023. URL: https://www.theguardian.com/world/2019/nov/21/man-filmed-killing-torture-syrian-identified-russian-mercenary-wagner [24.08.2023].

120 Cf. Ibid.

the next country Wagner is known to be active in and that will be explored is Sudan.

Sudan (2017–today)

Sudan became the first example of Wagner involvement on the African continent. In 2017, Russian officials met with then-president of Sudan, Omar al-Bashir. Russia and Sudan had been getting closer since 2014, as evident from "oil, arms and nuclear energy deals to the potential establishment of a Russian military base at Port Sudan."[121] Deepening the relations, the Wagner linked company M Invest would get access to gold mines in Sudan.[122] Leaked documents show that the 100 Wagner operatives advised al-Bashir in his struggle to suppress the pro-democratic protests at the time through means like fake news, for example branding the protestors as pro-Western, pro-LGBTIQ*, and anti-Islamic, or even to publicly execute some of the protestors.[123] Wagner itself was also responsible for some crimes against civilians: According to the Africa Defense Forum (ADF), contractors killed several artisanal gold miners in the region of South Darfur.[124] Despite these efforts, the military leadership of Sudan decided to oust al-Bashir when protests erupted throughout the country, not only threatening the dictator, but also the dominant position of the Sudanese military in society and economy.[125] The end of al-Bashir did not mean the end of Wagner in Sudan though, as it kept its ties and deepened its relations with

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121 Rademeyer et al. (2023). P. 55.

122 Cf. Government of Russia (2017): Dmitry Medvedev's meeting with President of the Republic of Sudan Omar Al-Bashir. In: The Russian Government, 24.11.2017. URL: http://government.ru/en/news/30259 [27.08.2023].

123 Elbagir, Nima; Lister, Tim; Shukla, Sebastian (2019): Fake news and public executions: Documents show a Russian company's plan for quelling protests in Sudan. In: CNN, 25.04.2019. URL: https://edition.cnn.com/2019/04/25/africa/russia-sudan-minvest-plan-to-quell-protests-intl/index.html [27.08.2023].

124 Cf. ADF (2022): Wagner Group terrorizing Sudanese Gold Miners. In: ADF, 19.07.2022. URL: https://adf-magazine.com/2022/07/wagner-group-terrorizing-sudanese-gold-miners/ [27.08.2022].

125 Schauseil, Wasil (2020): Die demokratische Revolution im Sudan. In: Deutsche Gesellschaft für die Vereinten Nationen, 21.10.2020. URL: https://dgvn.de/meldung/die-demokratische-revolution-im-sudan [27.08.2023].

the leader of the Rapid Support Forces (RSF), Mohammed Hamdan Daglo, called Hemeti.[126] Especially after the coup d'état by the RSF and the Sudanese military against the interim civil-military government, the relationship deepened. Still, Wagner also tried to keep good relations with the military leadership to protect their businesses in Sudan. Interestingly, reports show that in this case Wagner was paying the Sudanese company Aswar, which has links to the Sudanese military, to provide "security services" for M Invest., as the Organized Crime and Corruption Reporting Project (OCCRP) states.[127] When fighting broke out between the RSF and the Sudanese Military, Wagner did not enter the battlefield on any side. However, several reports indicate that, while not fighting themselves, Wagner companies provide support by delivering arms to the RSF.[128] To do so, they appear to use their bases in neighboring countries of Sudan, namely Libya and the CAR. The next section will examine Wagner's activities in the CAR.

Central African Republic (2018–today)

Following their activities in Sudan, Wagner pushed into other African countries. One of the most famous examples is the CAR, as the case could be described as a perfect template for possible services of Wagner and their respective costs. They guard the president, they train and support the CAR military in their struggle against rebel movements, they spread fake news to delegitimize opposition movements and the former colonial power France, and they secure and operate mines.[129] The contractors entered the country in 2018, when the capital was threatened to be overrun by rebels. Their exact number cannot be

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126 Cf. Rademeyer et al. (2023). P. 56.

127 Cf. Dihmis, Lara; Klazar, Erin; Sharife, Khadija (2022): Documents Reveal Wagner's Golden Ties to Sudanese Military Companies. In: OCCRP, 02.11.2022. URL: https://www.occrp.org/en/investigations/documents-reveal-wagners-golden-ties -to-sudanese-military-companies [27.08.2023].

128 Cf. Arvanitidis, Barbara; Elbagir, Nima; Mezzofiore, Gianluca; Qiblawi, Tamara (2023): Exclusive: Evidence emerges of Russia's Wagner arming militia leader battling Sudan's army. In: CNN, 21.04.2023. URL: https://edition.cnn.com/2023/0 4/20/africa/wagner-sudan-russia-libya-intl/index.html [27.08.2023].

129 Cf. Rademeyer et al. (2023). P. 49.

estimated as it has varied over time. A report from February 2023 indicated that around 1,000 Wagner personnel were in the country.[130] After the mutiny and the attempted march on Moscow however, it was reported that a number of contractors had left the country, which was denied by CAR government sources. Just a month later, and only a few days before the CAR was to hold a referendum for a change of the constitution, more current reports indicated that more contractors were flown into the country to "provide security" during the referendum.[131]

Before examining Wagner's activities in the CAR more closely, it needs to be clarified that it is not the only foreign security actor in the country, as there is also the European Training Mission in the Central African Republic (EUTM-RCA), the European Advisory Mission in the Central African Republic (EUAM-RCA), and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).[132] The UN itself states that it currently has 13,396 troops in the CAR, with the potential of deploying 14,400, with Rwanda being the biggest supplier of 2,148 soldiers.[133] Rwanda also has several bilateral agreements of sending troops to the CAR in exchange for mining concessions and land for agricultural products.[134] The UN-mission has

> "the protection of civilians as its utmost priority. Its other initial tasks included support for the transition process; facilitating humanitarian assistance; promotion and protection of human rights;

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130 Cf. Burke, Jason; Salih, Zeinab Mohammed (2023): Wagner mercenaries sustain losses in fight for Central African Republic gold. In: The Guardian, 02.02.2023. URL: https://www.theguardian.com/world/2023/feb/02/wagner-mercenaries-sustain-losses-in-fight-for-central-african-republic-gold [24.08.2023].

131 Cf. Africanews (2023): Hundreds of Wagner fighters arrive in Central Africa: Russian security group. In: Africanews, 17.07.2023. URL: https://www.africanews.com/2023/07/17/hundreds-of-wagner-fighters-arrive-in-central-africa-russian-security-group/ [28.08.2023].

132 Cf. Rademeyer et al. (2023). P. 50.

133 Cf. UN (2023): MINUSCA Fact Sheet. In: United Nations Website, 28.08.2023. URL: https://peacekeeping.un.org/en/mission/minusca [28.08.2023].

134 Cf. International Crisis Group (2023): Rwanda's growing role in the Central African Republic. In: Crisis Group Africa Briefing Vol. 191. P. 1.

support for justice and the rule of law; and disarmament, demobilization, reintegration and repatriation processes."[135]

For EUTM-RCA, the mandate is the following:

"The mandate consists in the support of the CAR authorities in the preparation and implementation of the upcoming Security Sector Reform by assisting the FACA [Forces Armées Centrafricaines; Authors Note] to manage their situation and to build the capacity and quality needed to meet the goal of a future modernized, effective, ethnically balanced and democratically accountable FACA."[136]

The EUAM-RCA advises the CAR government in terms of security sector reform efforts.[137] It is important to highlight the presence of these other forces, as they could be described as a "contamination of the sample." A good example is the offensive by the rebel alliance Coalition of Patriots for Change (CPC) in December 2020, which was stopped in a joint effort by Central African Armed Forces cooperating with Wagner and a contingent of the Rwandan army.[138] In a case like this it is difficult to determine the impact of Wagner, as there is no control sample of the same battle in which only Wagner supported the FACA against the CPC. It is therefore necessary to focus on cases and information that can safely be traced back to Wagner.

First of all, there is Wagner's engagement in the economic sector of the CAR. Companies with ties to Prigozhin operate in various fields all across the CAR. The most important one is the mining of gold and diamonds, using the companies Lobaye Invest and Midas Resources.[139] The CAR government granted these companies mining concessions, to

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135 UN (2023).

136 EUTM-RCA (2022): EU Training Mission RCA Fact Sheet. In: EUTM-RCA, 22.11.2022. URL: https://www.eeas.europa.eu/sites/default/files/documents/20221123_Fact%20Sheet%20EUTM-RCA_MPCC.pdf [28.08.2023].

137 Cf. EUAM (2023): EU Advisory Mission in the Central African Republic. In: EUAM, 28.08.2023. URL: https://www.eeas.europa.eu/euam-rca_en?s=3344 [28.08.2023].

138 Cf. Rademeyer et al. (2023). P. 50.

139 Cf. Ibid. P. 52–53.

the detriment of artisanal miners and other foreign companies. While the Canadian company Axmin only had its contract revoked and has been in negotiations with the CAR government ever since then, contractors allegedly attacked artisanal miners, sometimes even crossing the border into South Sudan.[140] These two companies are part of a large net of companies and individuals which are based in Russia, the CAR, and Madagascar, and more or less loosely connected.[141] Wagner is also more and more entering the wood market, selling timber from regions they liberated through the company Bois Rouge.[142] UN personnel also suspect that Wagner will try to move into other lucrative businesses like cattle theft and the protection of herders.[143] The example of the CAR therefore shows that Wagner and its associated companies are able and willing to get into different markets, more or less violently pushing out competitors.

Another important factor of Wagner's presence in the CAR is their informational warfare, which has two major aims. The first one is to promote and legitimize Russia as a player in the CAR and in Africa generally. Wagner affiliates helped to build up a radio station which has a pro-Russian agenda.[144] Another important contribution was the movie "Tourist," which portrays the heroic saving of the CAR by Wagner.[145] The Wagner mining companies also organize sports- and cultural events, like the screening of "Tourist," where they also handed out "Je suis Wagner" shirts.[146] While promoting Russia, the information machinery of Wagner also has the goal to discredit "Western" actors

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140 Cf. Ibid. P. 54–55.

141 Cf. Ibid. P. 52.

142 Cf. Carter, Sarah; Patta, Deborah (2023): How Russia's Wagner Group funds its role in Putin's Ukraine war by plundering Africa's resources. In: CBS News, 16.05.2023. URL: https://www.cbsnews.com/news/russia-wagner-group-ukraine -war-putin-prigozhin-africa-plundering-resources/ [28.08.2023].

143 Cf. Rademeyer et al. (2023). P. 55.

144 Cf. Ibid. P. 51.

145 Cf. Campbell, Matthew (2022): Wagner Group: The Russian mercenaries hunting Zelensky. In: The Times, 05.03.2022. URL: https://www.thetimes.co.uk/article/wa gner-group-the-russian-mercenaries-hunting-zelensky-dttx20zj6 [29.08.2023].

146 Cf. Rademeyer et al. (2023). P. 51.

in the region, most famously France, which used to have troops in the country. The French soldiers were deployed in the CAR after fights broke out in 2013. Even though the mission officially ended in 2016, some units remained in the country to train and advise the FACA until 2021. The troops were eventually ordered to leave the CAR due to the presence of Wagner.[147] Until today, Wagner uses a network of social media accounts on X (previously Twitter) and Facebook to fuel anti-French ressentiments, the latest example trying to link the murder of nine Chinese nationals in a mine in the CAR to France, saying they wanted to discredit the Wagner Group by linking the murders to them.[148] This work does not try to deny any potential failures and possible neo-colonial behavior by France in its old colonies. Yet, the goal is to describe the behavior and missions of Wagner, not to explore the potential neocolonialism of France in its former colonies. And Wagner for sure profits from depicting France as the old colonial power, not willing to give up its resources in the former colonies. Whether or not the information provided by Wagner is true is not necessarily important, as long as the message catches on with the local population.

The CAR also has one more important function due to its geographical location. Reports show that Wagner used its bases in the CAR to smuggle weapons for the RSF militia in Sudan in its fight against the Sudanese military.[149]

The most prominent case of human rights violations in the CAR, in which many also suspect the involvement of Wagner, was the murder of three Russian journalists in July 2018, who wanted to investigate

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147 Cf. Africanews (2021): Last French soldiers leave Central African Republic. In: Africanews, 15.12.2021. URL: https://www.africanews.com/2022/12/15/last-french-soldiers-leave-central-african-republic/ [29.08.2023].

148 Cf. Bate, Felix; Irish, John; Pineau, Elizabeth (2023): France targets Wagner and Russian disinformation in Africa. In: Reuters, 21.06.2023. URL: https://www.reuters.com/world/africa-france-targets-russian-wagner-disinformation-2023-06-21/ [29.08.2023].

149 Cf. Elbagir, Nima (2023): Kill, terrorize, expel: Testimonies detail atrocities by Wagner-backed militia in Sudan. In: CNN, 17.06.2023. URL: https://edition.cnn.com/2023/06/16/africa/darfur-sudan-wagner-conflict-cmd-intl/index.html [29.08.2023].

the activities of the group. They were working for the Dossier Center of former Russian oligarch Khodorkovsky, who is living in exile.[150] The Russian foreign ministry blamed the murder on a local gang, but also partly on the journalists themselves, as they were travelling with tourist visa instead of officially registering as journalists.[151] This was not the only case where Wagner is thought to be involved in the killing of non-combatants. As in Syria and Sudan, there are several reports on Wagner committing crimes against civilians; for example, in July 2021, when suspected Wagner personnel killed twelve unarmed men near the city of Bossangoa.[152] In 2021 this, along with other incidents and international pressure, forced the CAR to create a commission to investigate any possible involvement of Russians in crimes against IHL. The commission later reported that instructors might have participated in these events, but that they were only to be prosecuted by Russian military tribunals.[153] Keeping these findings in mind, the next example examined will be Libya.

Libya (2018–today)

As in the other cases, it is not possible to pinpoint the exact moment when Wagner entered Libya. While "The Grey Zone" found proof of

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150 Cf. Mudge, Lewis (2020): The Murder of Three Russian Journalists Should Not Go Unsolved. In: Human Rights Watch, 10.08.2020. URL: https://www.hrw.org /news/2020/08/10/murder-three-russian-journalists-should-not-go-unsolved [29.08.2023].

151 Cf. Kara-Murza, Vladimir (2018): The Kremlin's mysterious mercenaries and the killing of Russian journalists in Africa. In: Washington Post, 21.08.2018. URL: https://www.washingtonpost.com/news/democracy-post/wp/2018/08/21/the-kr emlins-mysterious-mercenaries-and-the-killing-of-russian-journalists-in-africa/ [29.08.2023].

152 Cf. Human Rights Watch (2022): Central African Republic: Abuses by Russia-Linked Forces. In: Human Rights Watch, 03.05.2022. URL: https://www.hrw. org/news/2022/05/03/central-african-republic-abuses-russia-linked-forces [24.08.2023].

153 Cf. Valade, Carol (2021): RCA: le rapport de synthèse de la commission d'enquête spéciale laisse des questions en suspens. In: Radio France Internationale, 03.10.2021. URL: https://www.rfi.fr/fr/afrique/20211002-rca-le-rapport-de-synth% C3%A8se-de-la-commission-d-enqu%C3%AAte-sp%C3%A9ciale-laisse-des-quest ions-en-suspens [29.08.2023].

Wagner's presence in Libya from at least February 2019, other reports indicate that they had already entered the country in October 2018.[154] After the death of long-term dictator Gaddafi in 2011, civil war broke out between several factions. When Wagner entered the country, the main line of conflict was between the internationally recognized Government of National Accord (GNA) in Tripoli and the Libyan National Army (LNA) in the east around Benghazi and Tobruk under Chalifa Haftar. Wagner joined the side of the LNA, which is also supported by Egypt and the United Arab Emirates (UAE), while the GNA is supported by Türkiye and Qatar.[155] As always, the exact number of Wagner employees cannot be determined because there is no exact information and it varied over time. For example: In April 2019, between 350 and 400 contractors directly participated in the LNA offensive against Tripoli, while there were roughly 3,000 Wagner employees in the country.[156] Reports indicate that the other contractors occupied military facilities as well as oil plants in eastern- and southern Libya. While the presence in Libya does not seem to stand out from the cases already presented, there are details that need more attention.

First, there is the specialization of the contractors involved. Of course, this was important in the previous cases as well. Nevertheless, many analysts point out the significance in this case. DW interviewed GNA soldiers who fought on a front line against the Wagner forces close to Tripoli. According to them, it was not only the better training of the contractors that was visible on the field. They were also equipped with much more sophisticated weaponry than their Libyan

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154 Cf. ADF (2023): Wagner Mercenaries Remain a Barrier to Peace in Libya. In: Africa Defense Forum, 28.02.2023. URL: https://adf-magazine.com/2023/02/wagner-mercenaries-remain-a-barrier-to-peace-in-libya/ [13.11.2023].

155 Cf. Lacher, Wolfram (2020): Libyen. In: Bundeszentrale für politische Bildung, 16.12.2020. URL: https://www.bpb.de/themen/kriege-konflikte/dossier-kriege-konflikte/54649/libyen/#node-content-title-0 [09.09.2023].

156 Cf. UK Foreign Affairs Committee (2022): Written Submission on Wagner's Activities in Libya. In: UK Foreign Affairs Committee, 05.2022. URL: https://committees.parliament.uk/writtenevidence/108429/pdf/ [09.09.2023].

adversaries.[157] While this was implied and sometimes mentioned in the cases presented before, it shows better than anything else that Wagner relied (and still relies) on well-trained former military members. The evidence becomes even stronger when looking at the equipment they ordered from Russia: T-72 tanks and high-end radar equipment, which – according to military analysts – cannot be operated if a soldier is not properly trained.[158] A report about Wagner's activities in Libya to the committee on foreign affairs of the UK listed Wagner's tasks during the offensive on Tripoli in 2019:

> "Wagner provided tactical assistance and Intelligence, Surveillance, Reconnaissance (ISR) for artillery and aerial strikes. Contrary to media reports, there were never more than 350–400 Russians directly engaged in the battle for Tripoli, most of whom were not involved in frontline duties, with their most important contributions being aircraft maintenance, specifically of helicopters close to the frontline."[159]

US intelligence also indicates that Wagner was supplied from Syria with fighter jets for close air support in Libya.[160] All of this information from Libya shows that Wagner is more than just some rag-tag group of mercenaries with guns, but that it can rely on fighters who are well trained in the use of equipment, and that these fighters also received the equipment they needed to operate successfully.

The second exceptional part about Libya is the way Wagner employees get paid. In an oil-rich country like Libya, one would expect them to try to get similar concessions from Haftar as they did in Syria. While Haftar indeed controls many of the oil fields in the country,

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157 Cf. DW (2023): The Wagner Group in Libya – Who's pulling the strings? In: Erastov, Andrei. DW &BBC. Time Stamps: 03:45–04:55. URL: https://www.yout ube.com/watch?v=5eLF8Ssm1Po [09.09.2023].

158 Cf. Ibid. Time Stamps: 43:50–45:19.

159 UK Foreign Affairs Committee (2022).

160 Cf. Africom (2020): Russia Deploys Military Fighter Aircraft to Libya, Africom Officials say. In: U.S. Department of Defense, 26.05.2020. URL: https://www.defe nse.gov/News/News-Stories/Article/Article/2197202/russia-deploys-military-fight er-aircraft-to-libya-africom-officials-say/ [09.09.2023].

the resource can only be sold on the international market through the National Oil Corporation, which is based in Tripoli.[161] Furthermore, according to an expert interviewed for "The Grey Zone" report, it is not that profitable to sell oil on the black market: "In Libya, the dynamics are structurally not the same, [...] While fuel smuggling is a multibillion-dollar industry, the capital-intensive nature of the sector, coupled with the logistics involved in smuggling the oil, render this a slightly more expensive and complicated effort to carry out."[162] The question thus remains: How does Wagner get its money for a rather big mission, in which they also rely on expensive, high-end equipment? Reports indicate that, at least until the end of the offensive on Tripoli, Wagner received payments through a company based in the UAE.[163] This shows that Wagner does not only rely on just one way to finance their operations, but that the organization has a certain amount of flexibility. Nevertheless, the report submitted to the UK committee on foreign affairs indicates that the UAE's support for Wagner had already ended after the failed military operation on Tripoli. While there is no prove for that claim, it is expected that the Russian Defense Ministry then took over the financing of Wagner in Libya.[164]

The following information about Wagner's operations in Libya is neither special nor new, but needs to be mentioned to grasp the whole picture. First, as was the case in all the other examples, Wagner is suspected to have massacred civilians during the offensive on Tripoli.[165] Second, there is the important geographic location of Libya as a bridge-head for further operations on the African continent. It also appears to be using Libya as a hub to deliver weapons to other operations or allied groups, like the RSF in Sudan.[166] In comparison to the CAR, Wagner

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161 Cf. Rademeyer et al. (2023). P. 59.
162 Ibid. P. 60.
163 Cf. Detsch, Jack; Mackinnon, Amy (2020): Pentagon Says UAE Possibly Funding Russia's Shadowy Mercenaries in Libya. In: Foreign Policy, 30.11.2020. URL: https://foreignpolicy.com/2020/11/30/pentagon-trump-russia-libya-uae/ [10.09.2020].
164 Cf. UK Foreign Affairs Committee (2022).
165 Cf. DW (2023) Time Stamps: 32:28–33:53.
166 Cf. Elbagir, (2023).

is not really present as an economic actor in Libya, but very much as a military one. After these two slightly different examples, the next one will be Mozambique.

Mozambique (September 2019–November 2019)

While Syria and Libya and their Islamist insurgencies are well-known conflicts, it is rather unknown that Mozambique has been fighting an Islamist insurgency for quite some time. In 2017, militants affiliated with Daesh overran Mocímboa da Praia, a city in the north of Mozambique.[167] After a meeting between the Mozambiquan president Filipe Nyusi and Vladimir Putin in August 2019, around 200 contractors entered the country in September to support the "Forças Armadas de Defesa de Moçambique" (FADM) in their struggles.[168] Only two months later, Wagner had suffered a dozen casualties and left Mozambique with business unfinished. Research by the Institute for Security Studies indicates that there were several problems between the FADM and Wagner. Nyusi appealed to Putin in the hope that Russia would send official troops to the country.[169] The other problem was the unwillingness of the FADM to simply use Wagner methods. When the contractors had singled out what they believed to be insurgent bases, they wanted to bomb them, which was rejected by military officials.[170] This lack of coordination is suspected to be the reason behind Wagner's casualties. Details on how Wagner was paid, or supposed to be paid, were never published. As the north of Mozambique is relatively rich in minerals and has a large offshore gas field, one assumption is that payment was intended to be made through exploitation rights after they pacified the region.[171] Even though this was a very short operation, Wagner's

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167 Cf. Vooren, Christian (2023): Der Terror kam um 15 Uhr. In: Zeit Online, 30.08.2023. URL: https://www.zeit.de/politik/ausland/2023-08/cabo-delgado -mosambik-terroristen-gruppe-wagner-total-energies [10.09.2023].

168 Cf. Rademeyer et al. (2023). P. 58.

169 Cf. Nhamirre, Borges (2021): Will foreign intervention end terrorism in Cabo Delgado? In: Policy Brief 165, ISS, October 2021. P. 3.

170 Ibid.

171 Cf. Rademeyer et al. (2023). P. 58–59.

engagement in Mozambique still reveals some information. So far, it is the only operation it withdrew from. While the reasons behind this departure seem relatively obvious, there is no answer to the question of who ordered them to leave the country. Were they ordered to return by Russian officials? Were they thrown out by the Mozambicans? Or did they leave of their own accord because of the disagreements and casualties mentioned above? As any answers to these questions would be mere speculation, it is necessary to focus on the obvious that differentiates Wagner's presence in Mozambique from all the others. Wagner operations are not necessarily lasting and it can happen that the group (has to) leave a country into which it was invited. However, the FADM later managed to drive the Islamists out of the major cities with the help of the Rwandan army.[172] Keeping these findings in mind, it is now time to move on to the last and latest example: Mali.

Mali (2021–today)

Wagner was invited to Mali in 2021 to fight Islamist insurgents mainly present in the north and the border regions. The conflict itself dates back further: In 2012, Tuareg militias aligned with local Islamists to drive out the Forces Armées Maliennes (FAMa) from the north and establish an independent Tuareg nation. While they were successful in fighting off the FAMa, the Islamists soon turned against their former allies and drove them out of the major cities they had previously captured together. In March 2012, officers of the FAMa staged a coup against president Touré, as he had failed to fight off the Tuareg and Islamists. Interim president Traoré then asked the UN and France for help when the Islamists threatened to march on Bamako. After the French retook the bigger cities in operation "Serval", the UN established the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to pacify the country, protect humanitarian aid for civilians, and secure

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172 Cf. Vooren, Christian (2023).

the reconstruction process.[173] Fast forward to 2021: While the military had agreed to share the power with civilian representatives after a coup in 2020, they now ousted the interim government and took power all by themselves.[174] The new rulers distanced themselves from their former colonial power France and MINUSMA and found their new allies in Russia.[175] In September 2021, the junta entered negotiations with the Russian government to bring Wagner into the country to support the ongoing struggle against the Islamist insurgents. With Wagner present, France decided to withdraw its troops.[176] By the end of 2023, MINUSMA will have left the country, after the junta requested it from the UN Security Council.[177][178]

After this quick historical overview, it is now necessary to investigate Wagner's actions on the ground. As always, numbers can only be roughly estimated, but sources mention that Wagner started with 1,000 contractors and increased them to 2,000 in 2022.[179] While Malian officials claim these are only instructors to train the FAMa, several reports indicate that Wagner participates in operations to supervise and support the Malian soldiers.[180] This aligns with Singer's observation

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173 Cf. Klatt, Christian (2020): Mali. In: Bundeszentrale für politische Bildung, 05.11.2020. URL: https://www.bpb.de/themen/kriege-konflikte/dossier-kriege -konflikte/175842/mali/ [11.09.2023].

174 Cf. Ehl, David (2021): Mali: Was hinter dem Putsch im Putsch steckt. In: Deutsche Welle, 27.05.2021. URL: https://www.dw.com/de/mali-was-hinter-d em-putsch-im-putsch-steckt/a-57675765 [11.09.2023].

175 Cf. Der Spiegel (2023): USA verhängen Sanktionen wegen Einsatz von Wagner-Söldnern in Mali. In: Der Spiegel, 25.07.2023. URL: https://www.spiegel.de/ausla nd/mali-usa-verhaengen-sanktionen-wegen-einsatz-von-wagner-soeldnern-a-fbfe 688f-0fcc-4090-9cda-cff5520fbf0c [11.09.2023].

176 Hahn, Norbert (2022): Wagner-Söldner verbreiten "Klima der Angst". In: Tagess-chau, 03.09.2022. URL: https://www.tagesschau.de/ausland/afrika/mali-wagner-1 01.html [11.09.2023].

177 Cf. Der Spiegel (2023).

178 Note that this work has been written between May and November 2023, therefore the withdrawal had not been complete when it was handed in the first time. It can be now confirmed that all MINUSMA troops had withdrawn by the end of 2023.

179 Cf. Ibid.

180 Cf. Africa Center for Strategic Studies (2023): Mali Catastrophe Accelerating under Junta Rule. In: Africa Center for Strategic Studies, 10.07.2023. URL: https:/

that some PMCs involved in direct fighting will claim that they are not and that they are just "overseeing" how their trainees are doing in the field. First of all, the size of the mission has to be put into relation. Whether a mere 2,000 contractors are more capable of tackling an insurgency than the entire MINUSMA force plus over 2,400 French troops, remains highly questionable.[181] This then raises the question what "providing security" actually means when relying on Wagner for it. According to the Africa Center for Strategic Studies, there are several indicators that the security situation has been worsening during the presence of Wagner: "Mali is on pace to see over 1,000 violent events involving militant Islamist groups in 2023, eclipsing last year's record levels of violence and a nearly three-fold increase from when the junta seized power in 2020."[182] The same report also claims that much of the northern territory of Mali was lost to insurgents over the last year.[183] Furthermore, the step by step withdrawal of MINUSMA forces appears to reignite the conflict between the central government in Bamako and the Tuareg forces in the north.[184] There are also several statements that indicate civilians were massacred during joint operations of Wagner and FAMa.[185]

Looking at the financial structures, there are no clear signs of how Wagner is trying to penetrate into the Malian economy. The Malian government claims that they are paying Wagner 10 million USD a

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/africacenter.org/spotlight/mali-catastrophe-accelerating-under-junta-rule/ [22.08.2023].

181 Cf. Al Jazeera (2022): Last French troops leave Mali, ending nine-year deployment. In: Al Jazeera, 16.08.2023. URL: https://www.aljazeera.com/news/2022/8/16/last-french-troops-leave-mali-ending-nine-year-deployment [22.08.2023].

182 Africa Center for Strategic Studies (2023).

183 Cf. Ibid.

184 Cf. Ehrich, Issio (2023): Im Sahel droht ein neuer Bürgerkrieg. In: Zeit Online, 22.08.2023. URL: https://www.zeit.de/politik/ausland/2023-08/mali-sahel-tuareg-fama-buergerkrieg [22.08.2023].

185 Cf. Human Rights Watch (2023): Mali: New Atrocities by Malian Army, Apparent Wagner Fighters. In: Human Rights Watch, 24.07.2023. URL: https://www.hrw.org/news/2023/07/24/mali-new-atrocities-malian-army-apparent-wagner-fighters [24.08.2023].

month for their services.[186] As that would heavily strain the already weak economy of the state, some observers think that Mali, similar to the CAR, offered mining concessions to Wagner once they freed the mines from rebels.[187] When asked about it in an interview, current Prime Minister of Mali, Choguel K. Maïga, answered that Wagner was currently paid with money from the Malian people, but that the model of paying them in resources is not off the table.[188] Whether or not that will be the case in the future remains to be seen, as it also depends on Wagner's capabilities to actually secure the mining sites and hold them. What is similar and comparable on the other hand, is Wagner's use of Fake News to further discredit the French presence and promote the Wagner Group as a better choice for Malian security.[189]

One topic that has only briefly been mentioned in the Sudan section, are arms imports from Russia by territorial states. Deals like these are profitable for both, Russia and the territorial states: For Russia, it grants revenue, as well as influence and an ongoing relationship with many of the states, as it is necessary for them to maintain good relations if they want to have ammunition and spare parts for their acquired weaponry in the future. For the territorial states, Russia is often the only possible choice, as the case of Mali shows. Siemon Wezeman, who is working for the Stockholm International Peace Research Institute (SIPRI), framed it the following way:

"For Mali, for example, the United States no longer has the will [to deliver arms to the country], nor do European countries, because

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186 Cf. Paquette, Danielle (2022): Russian mercenaries have landed in West Africa, pushing Putin's goals as Kremlin is increasingly isolated. In: Washington Post, 09.03.2022. URL: https://www.washingtonpost.com/world/2022/03/09/mali-russia-wagner/ [11.09.2023].
187 Cf. Rademeyer et al. (2023). P. 61.
188 Cf. Choguel K. Maïga (2022): "Pourquoi je parle de trahison". In: Radio France Internationale, 22.02.2022. Time Stamps: 10:21–10:50. URL: https://www.youtube.com/watch?v=5Fq-ANyUASg [11.09.2023].
189 Cf. Lebovich, Andrew (2021): Russia, Wagner Group, and Mali: How European fears weaken European policy. In: European Council on Foreign Relations, 02.12.2021. URL: https://ecfr.eu/article/russia-wagner-group-and-mali-how-european-fears-weaken-european-policy/ [11.09.2023].

of internal democracy problems. [...] We see it in Mali, we also see it in Libya and the Central African Republic. Even if there is a UN embargo, the weapons are coming in and they are coming in with Wagner."[190]

This statement is a strong indicator that the Russian arms exports to countries like Mali and Libya are strongly intertwined with Wagner. In these cases, Russia provides not only the weaponry, but also the staff to train the armies of the states that acquired them. Yet, there are still questions if the connection is mandatory, or, putting it more boldly: Does the Malian government actually have a choice whether or not to take Wagner in if they want the weapons? Framing it differently, one could ask: Are there weapon deliveries without Wagner and is there Wagner presence without weapon deliveries? Can these countries have only one of the two things? Unfortunately, there is no information on this topic, but it is an indicator that Wagner may be used as part of a set of geopolitical tools of the Russian government.

Apart from Ukraine, the sections above now cover all of Wagner's military engagements. In the attachments of this work, there is a table summarizing Wagner's activities. Yet, there are countries in which Wagner's presence was documented or suspected, but without any military engagements, like Madagascar and Zimbabwe. Cases like these show that Wagner is more than just a mere PMC, as they offer services like disinformation campaigns detached from military services.[191] They also show that the presence and work of Wagner does not necessarily rely on military presence. Yet, there is not enough information about these cases, which is why there is no section for them. Keeping all of these findings in mind, it is now time to reflect upon the findings from the sections above and apply the criteria for legitimacy and accountability.

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190 Douet, Marion (2023): Russia overtakes China as leading arms seller in sub-Saharan Africa. In: Le Monde, 29.03.2023. URL: https://www.lemonde.fr/en/le-monde-africa/article/2023/03/28/russia-overtakes-china-as-leading-arms-seller-in-sub-saharan-africa_6021018_124.html [06.11.2023].

191 Cf. Rademeyer et al. (2023). P. 62.

Legitimacy & Accountability

In the theoretical chapter, four possible pragmatic reasons that legitimize PMCs in the eyes of a country were presented: *effectiveness, specialization, economic advantages* and the *possible disassociation*. Were these reasons for the territorial states to hire Wagner? Considering the effectiveness and specialization of Wagner, the question is what the object of comparison is. If one compares Wagner with the respective armies/militias they are fighting or replacing, then the answer is rather clear: Yes, as former members of Russian special forces, most contractors have had a better training than the FAMa, RSF or LNA. Yet, the question is whether these forces are the right objects of comparison. Another approach is to look at the forces Wagner is/was supposed to replace, like MINUSMA and the French army. In Mozambique, the Rwandan army even proved that they were capable of delivering a service which Wagner was not able to provide. Therefore, the statement that Wagner is better trained and more suited for the tasks provided would be a bold statement. Thoroughly comparing the armies of Germany, France, Rwanda, and other countries to the backgrounds of the Wagner fighters would go beyond the scope of this work. Asking for the effectiveness of Wagner, the findings do not conclude that Wagner performed like EO did in Sierra Leone. The two cases in favor of Wagner would be Syria and, to some extent, Libya. In Syria, their operations as ground troops against Daesh were undoubtfully successful. Yet, it would go too far to give all the credit to Wagner, as they were not the only actor in this case. Especially the support of the Russian Airforce raises the question whether Wagner would have been able to conduct its operations without the support and puts another question mark behind the claim of effectiveness. For Libya, the case was a bit different, but the conclusion remains the same. While the contractors in the country were valued by their allies and feared by their enemies due to their superior training and weapons, it did not lead to the eventual victory of the LNA. Looking at the CAR, the findings are similarly unclear. While some consider it to be a rather successful mission for the group itself, the examples have shown that Wagner is not the

only military force present in the country and it would therefore be premature to claim that any military success in the country is only due to their own specialization. In the case of Mozambique, one could even make the opposite point; that the contractors sent were not qualified for the tasks required, as they did not manage to combat the Islamist insurgents and had to leave without having achieved anything. The conclusion that Wagner was purely chosen because of its specialization and effectiveness thus always needs to be put into perspective, as it heavily depends on the object of comparison. Looking at the armies of the hiring states the answer is yes, Wagner is more qualified and there is a valid reason to choose them due to their specialization and effectiveness. Looking at other PMCs or armies from other states, the answer is no, as Wagner so far has not shown in any of its missions why it should be considered more capable than its competitors.

When looking at the economic advantages for territorial states to hire Wagner, there are some indicators that it is economically advantageous to hire the group. Wagner's business model in Syria and the CAR, offering military assistance in exchange for access to local resources, can be very profitable for governments with a small purse and large military problems. The choice between having no military support and no mine/oil field, or having military support and an oil field/mine from which one must surrender a defined price, seems like an easy one for these governments. However, the idea of getting paid through mining concessions is not something Wagner invented. The often-quoted operation by EO in Sierra Leone was judged similarly by some analysts. David Francis wrote the following:

> "As such, the security of the mining fields takes precedence over the security of the whole country. A major preoccupation of EO'S operations in Sierra Leone was to secure the mining fields. It could be argued that these companies are not interested in the speedy

and successful completion of their contracts, and may even possibly prolong violence in order to secure further mining concessions."[192]

This quick intervention is necessary to show that the operations conducted by Wagner are not necessarily innovative, but relying on the strategies and behaviors of others. If somebody else pays for the salaries of the contractors, like it happened in Libya through the UAE company, there is also an economic reason to hire Wagner. Yet, there is Mali for instance, where the economic argument does not really apply, as Mali now has to pay Wagner's presence, whereas MINUSMA was paid for by the UN. Therefore, the argument does not apply to all of the above cases, and especially for the case of Mali, it is necessary to look for reasons other than economic motivation.

There are no indicators that territorial states might be using Wagner to not be associated with certain actions. Therefore, the case for why territorial states have chosen Wagner is rather thin so far: While Wagner contractors are more specialized than most of the militaries or militias they are working with, this cannot be said for potential "competitors" like other PMCs or foreign militaries. In Syria, the CAR, Sudan and Libya, the use of Wagner had some economic advantages over the use of another PMC. Still, there is the case of Mali, where the government requested the UN and French troops, for which they did not have to pay to leave the country and invited Wagner, for which they are now paying. This implies that there must be more reasons than only the ones presented above.

First, there is one reason that became apparent in every case: Wagner is more than a mere PMC. It is a conglomerate of companies that offers multiple services. In all cases, but especially in the CAR, it could be seen that Wagner spreads anti-French ressentiments and pro-government propaganda. In comparison to other PMCs or military forces, that is a unique feature. Sticking to the example of the CAR, the government there was not only in dire need of military support, it

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192 Francis, David (1999): Mercenary Intervention in Sierra Leone: Providing National Security or International
Exploitation? In: Third World Quarterly, Vol. 20 (2), Ps. 319–338. P. 333.

also needed to win over at least part of the public to ensure enduring support. A very prominent way of promoting Wagner and Russia is portraying the French presence in many of the countries as neo-colonial. Due to the history of many of these countries – in which the Soviet Union supported anti-colonial movements – it is a fruitful approach. Wagner and Russia are welcomed as anti-colonial allies, to pacify the country and finally claim the natural resources for the local people instead of multi-billion companies. For the question of legitimacy, this is also a good answer when asked about the relevant audience in the countries. Through its information campaigns, Wagner basically legitimizes itself, as it spreads information that favors the presence of its contractors and companies as well as the government requesting it. Therefore, Wagner is a legitimate choice not only due to their military capabilities, but also through their non-military services in the public relations sector.

One point that has only been briefly addressed in the Mali and Sudan sections is the connection to Russia. By letting Wagner into the country and signing arms deals with it, countries make a political statement that is connected to the potential anti-colonial motivation. They distance themselves from other actors, especially Western ones. In exchange, they receive Russian weapons and military support through Wagner. As the example of Mali shows Russia does not question any possible human rights abuses; in Mali, Wagner contractors appear to be involved in many cases of them. It makes Wagner more appealing for governments with little regard for human rights. Their notorious disregard for human rights may even be relevant for the legitimacy of the group. In almost every case presented there are reports about Wagner killing and torturing civilians or suspected enemies. It might legitimize the group in the eyes of countries it is invited to that they are willing to carry out tasks other militaries – and especially UN missions – are not willing to, for example fighting rebels and insurgents with the "appropriate" force. Another indicator for this is that Wagner sometimes tried to market cruelty as part of their brand, for example by sending

a sledgehammer with fake blood on it to the European Parliament.[193] This reading contrasts with the interpretation that Wagner continues to be hired not because of, but despite, its crimes against humanity. Yet it is an indicator that Wagner and many of its territorial states share the same idea of what security actually is. Looking again at the case of Mali from the perspective of the Copenhagen School, the military junta in Mali securitized the presence of French troops and MINUSMA because they were seen as a threat to their government. While MINUSMA forces and French troops may be more capable of protecting Malian citizens against terrorism, it is unlikely that they would have supported the junta forever without any concessions, for example new and free elections. This is another legitimizing factor of Wagner, as there are no reports (and it is unlikely that there will be) of Wagner associates asking for fair and free elections or a democratization process in the countries the group operates in. Taking all cases together, one can make the claim that Wagner and the governments it fights for share an understanding of security which is aimed to keep certain actors in power, but has no problem with the disregard for human rights. It is therefore far closer to a realist understanding of security than to a Human Security/Welsh School understanding. Keeping this in mind, it is now time to ask: Has Wagner ever been held accountable for anything during their missions?

So far, there is no record of Wagner being held accountable for any crime they might have committed during a mission. One of the best examples is the aforementioned beheading of the Syrian deserter. Some of the men in video were publicly identified; yet, when asked about it, Putin's press secretary Dmitry Peskov only replied "This has absolutely no relation to Russian soldiers, no matter what is being published about it".[194] Even more interesting is the report from the CAR, in which

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193 Merz, Kathrin (2022): Wagner-Gründer schickt offenbar Blut-Hammer an EU – Estland sendet Handschellen. In: Berliner Zeitung, 25.11.2022. URL: https://www .berliner-zeitung.de/news/wagner-gruender-jewgeni-prigoschin-schickt-offenbar -blut-hammer-an-eu-estlands-aussenminister-urmas-reinsalu-sendet-handschelle n-nach-den-haag-li.290943 [06.11.2023].
194 Roth (2019).

the investigations came to the conclusion that even if contractors were involved in unlawful killings or other crimes, the CAR would not have the jurisdiction to prosecute them. This shows some similarities to the American presence in Iraq, when contractors could only be prosecuted by the US itself. This would mean that Wagner employees could only be held accountable by the Russian state. Considering contract accountability, the only possible example is Mozambique, which Wagner left after only two months. The problem is that the exact nature of the departure has not been disclosed yet and there are different interpretations. If Wagner had to leave the country because Mozambique did not want them anymore due to their failures combatting the insurgents, it could be described as a case of contract accountability. Yet, if they left the country because they were ordered to by Russia due to the lack of cooperation from the FADM, that would not exactly fit the definition of contract accountability. With these findings at hand, it is now possible to move towards the next chapter, analyzing Wagner's position within the Russian state, what legitimizes them in the eyes of the relevant actors and audience and how they are being held accountable.

3.2 Wagner and the Russian State

Having portrayed (almost) all major operations of Wagner in the previous chapter, it is now necessary to ask why the Russian government is actually relying on contractors. At the same time, this chapter aims at examining Wagner's position within the Russian system, especially their relationship with the Russian military. Before going there, though, Wagner's actions in Ukraine need to be classified. The reason why Ukraine shows up here is that it is not a "classic" territorial state. In all the cases presented above, Wagner – or at least Russia – was invited by a relevant party inside the respective country. While these are mostly, but not exclusively, official governments, Ukraine was a very different case, as Russia was never invited there by any major party.

Wagner in Ukraine

When talking about Wagner in Ukraine, one has to distinguish between two time periods. The first one is between 2014 and 2015, which was the first time reports about their activities surfaced. The second period begins with the large-scale invasion of Ukraine by Russia in February 2022 and ends with the suspected death of Prigozhin in August 2023. The information about Wagner operations during the first period is rather scarce. It is generally agreed that contractors were amongst the "little green men" who took over Crimea and helped to bring it under Russian control.[195] When Crimea was secured and the conflict in the Donbas region started, Wagner was moved to Luhansk, officially to support local militias in the struggle against the Ukrainian army. The tasks taken on by the group largely include operations which could also be seen in their other engagements above. A report from the Center for Strategic and International Studies (CSIS) names four main categories, which were then subdivided further: Combat tasks, paramilitary, intelligence and information warfare.[196] Not every task of Wagner needs to be laid out, especially those that have already been presented in the cases above; yet it is necessary to give a quick overview and show which tasks were unique for Ukraine in 2014/2015. While the exact number of contractors is, as always, unknown, it is estimated that around 1,500 operated in Ukraine by the end of 2014.[197] An interesting aspect of this presence is that Wagner was not only there to provide military support to the separatists, but also to control them. Sergey Sukhankin even describes it as one of the main operations of Wagner between 2014 and 2015:

> "Purging (including physical liquidation) of the so-called "opposition forces" confronting Igor Plotnitsky, the then-head of the

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195 Cf. Ghaedi, Monir (2023): Who are Russia's mercenary Wagner Group? In: DW, 27.06.2023. URL: https://www.dw.com/en/who-are-russias-mercenary-wagner-group/a-64429380 [23.09.2023].

196 Cf. Doxsee et al. (2021): Russia's Corporate Soldiers. The Global Expansion of Russia's Private Military Companies. In: CSIS, July 2021. P. 25–27.

197 Cf. Ibid. P. 25.

self-proclaimed "Luhansk People's Republic" (late 2014–early 2015). Ukrainian sources have claimed that Wagner Group was responsible for the "liquidation of opposition leaders, as well as militants from 'unlawful military groups,' Cossacks and other military formations," including many well-known separatist leaders ([*noms de guerre*] 'Foma,' 'Kosogor,' 'Batman'). It is also known that Wagner Group conducted disarmaments of whole (para)military units, with the best-known case being the disarmament of the "Odessa" formation, which was securing control over strategically important Izvaryne (an urban-type settlement located in Luhansk Oblast and a central transit point on the Russo-Ukrainian border)."[198]

This statement can be extended with the descriptions of Marat Gabidullin during his first mission, when he was stationed in and around Luhansk.

> "… wir blieben mit den Technikern allein in unserem Hauptquartier zurück. Unsere Einheit war im Zentralkrankenhaus der Stadt stationiert worden. Die Gründe, die unsere Anwesenheit hier erforderlich machten, waren eher prosaisch. Sie illustrierten sehr gut, welche Zustände in der Republik herrschten, die sich selbst für unabhängig erklärt hatte. Zwischen den separatistischen Milizen, oder besser gesagt: zwischen den Soldaten der VRL [Volksrepublik Luhansk; Authors Note], kam es immer wieder zu Raufereien, bei denen Alkohol keine unwesentliche Rolle spielte. Solche Prügeleien endeten oft mit Schusswaffengebrauch. Viele Kämpfer legten ihre Waffe nie ab, selbst im Krankenhausbett nicht."[199]

From Gabidullin's description, it could be said that Wagner had the function of a police force, keeping the peace between different militias and ensuring there were no larger confrontations. Yet, the picture is

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198 Sukhankin, Sergey (2019): Unleashing the PMCs and Irregulars in Ukraine: Crimea and Donbas. In: The Jamestown Foundation, 03.09.2019. URL: https://jamestown.org/program/unleashing-the-pmcs-and-irregulars-in-ukraine-crimea-and-donbas/ [23.09.2023].

199 Gabidullin (2022). P. 51.

completed by the information Sukhankin provides: Wagner was far more than a police force and also took on tasks other than those of a classic PMC. It was used to pacify the region in general, keeping an eye on all the militias present and sometimes acting to stop any sign of rebellion. This could range from disarmament, as happened to the Odessa brigade, to killing the leaders of some of the militias. However, the Russian government has never confirmed this information, particularly not the part about killing the leaders. The official Russian narrative is that the leaders were killed by Ukrainian saboteurs.[200] Ukrainian sources on the other hand claimed to never have participated in the killings. Another reason to be suspicious about this explanation is that many of these murdered leaders were in conflict with the then-leader of the LPR, Plotnitsky.[201] Therefore, the claim that Wagner participated in executions against local warlords is not far-fetched. With the calming of the front, Wagner was mostly pulled out of Ukraine and then engaged in the multiple operations presented in chapter 3.1. It was not until 2022, when Russia launched a full-scale invasion on Ukraine, that the group returned.

On February 24th 2022, Russia launched a "special military operation" in Ukraine. In a TV statement, Putin said

> "Its goal is to protect people who have been subjected to abuse and genocide by the regime in Kyiv for eight years. And for this we will pursue the demilitarisation and denazification of Ukraine, as well as bringing to justice those who committed numerous bloody crimes against civilians, including citizens of the Russian Federation."[202]

While many expected Ukraine to fall within weeks, if not days, the country managed to halt and even push back Russian attempts to seize

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200 Cf. Goncharova, Olena (2016): At least 6 separatist leaders killed in Donbas before Motorola. In: Kyiv Post, 17.10.2016. URL: https://www.kyivpost.com/post/7 649 [23.09.2023].

201 Ibid.

202 Al Jazeera (2022): 'No other option': Excerpts of Putin's speech declaring war. In: Al Jazeera, 24.02.2022, URL: https://www.aljazeera.com/news/2022/2/24/putins-s peech-declaring-war-on-ukraine-translated-excerpts [20.08.2024].

the capital. Russian forces then shifted their focus to the eastern parts of Ukraine, trying to fully occupy the oblasts of Donetsk and Luhansk.[203] While this does not cover the complete scale of the operation, it is relevant for this work to look at the operations of Wagner in Ukraine. The first information about Wagner being present in Ukraine was reported shortly after the invasion. At this point, the contractors allegedly did not take part in the invasion directly, but were sent in as a commando to eliminate Ukrainian president Zelensky.[204] While these reports are hard to confirm, Wagner – and especially Prigozhin – showed themselves more and more openly. In September 2022, a video surfaced that showed Prigozhin in a Russian prison, scouting for recruits for Wagner operations in Ukraine. The prisoners could make a deal with Wagner: For six months service as shock troops in Ukraine all their crimes would be forgiven and they would be allowed to leave and live as free men.[205] This makes Ukraine stand out from all the other examples presented in chapter 3.1. As has been shown, most members of Wagner had a military background, sometimes even as a part of special forces. And while one could claim that they were also used as shock troops in Syria, the scope in Ukraine was entirely different. When Wagner was labeled a transnational crime organization by the Department of Treasury of the United States in January 2023, John Kirby, spokesperson of the security council, said that Wagner approximately had 50,000 fighters in Ukraine, 10,000 of whom were contractors and 40,000 former inmates.[206] Even adding up all the con-

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203 Cf. Ibid.

204 Cf. Berliner Zeitung (2022): Russland schickt Wagner-Söldner nach Kiew. In: Berliner Zeitung, 28.02.2022. URL: https://www.berliner-zeitung.de/welt-nationen/russlands-schickt-wagner-soeldner-nach-kiew-li.214345 [24.09.2023].

205 Cf. Triebert, Christiaan (2022): Video Reveals How Russian Russian Mercenaries Recruit Inmates for Ukraine War. In: New York Times, 16.09.2022. URL: https://www.nytimes.com/2022/09/16/world/europe/russia-wagner-ukraine-video.html [24.09.2023].

206 Cf. Kirby, John (2023): US to designate Russia's Wagner Group as 'transnational crime organization'. In: The Guardian, 20.01.2023. URL: https://www.theguardian.com/us-news/2023/jan/20/us-russia-wagner-group-transnational-criminal-organization [24.09.2023].

tractors from the missions in chapter 3.1, it does not reach the numbers of Wagner in Ukraine in January 2023. To put it into larger perspective: When Russia began its invasion, it was estimated that up to 190,000 troops were amassed around Ukraine.[207] This number increased over time, especially after the partial mobilization in Russia in September 2022, and reached up to 300,000 in April 2023.[208] Since Wagner thus made up a significant number of the Russian invading force, it was effectively more an army than a PMC, at least regarding its numbers. Another important point was Wagner's move out of secrecy, which basically started with the video of Prigozhin in the prison. While many people already knew that Wagner existed and who was behind it, it was now made official that it was a PMC fighting on behalf of Russian interests, and that Prigozhin was its leader.[209] Instead of analyzing Wagner's battles in Ukraine one by one, it is more interesting to look at the development of Wagner's relationship with the Russian military over time, of which the invasion of Ukraine was only the last part. This is especially important with regard to the question of where Wagner got its weapons and supplies.

Wagner and the Russian Military

Saying anything about the relationship between Wagner and the Russian military before 2022 is rather difficult, as Wagner did not exist officially and this relationship was not given much attention in most reports about the group. Still, there are some indicators about it: First of all, as already described above, many of the contractors used to be members of the Russian military. As Gabidullin is the only case of a former Wagner member writing down a part of their story, it is a good

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207 Cf. NYT (2022): Russia-Ukraine Tensions. In: New York Times, 18.02.2022. URL: https://www.nytimes.com/live/2022/02/18/world/russia-ukraine-biden-putin [24.09.2023].

208 Cf. Barros, George (2023): Russian Offensive Campaign Assessment, May 30, 2023. In: Institute for the Study of War, 30.05.2023. URL: https://www.understandingwar.org/backgrounder/russian-offensive-campaign-assessment-may-30-2023 [24.09.2023].

209 Cf. Triebert (2022).

starting point to look at his personal positions towards the Russian military. In the beginning of his book, he gives a short summary of his time in the military, and while he describes that he disagreed with some of the structural mechanics within, he regretted leaving in 1993.[210] While not every contractor who used to be part of the Russian military ended his time as a soldier on good terms with them, there is no information in Gabidullin's book about contractors who held grudges because of something that happened in the past. The question is: Does that relationship change as soon as contractors and soldiers are supposed to be working side by side, like they did in Syria? Speaking about his first mission in Syria, Gabidullin said that the material they received was provided by the Russian Ministry of Defense.[211] Throughout the book, there are remarks about his and other contractors' complaints that they were not given any modern equipment:

> "Dennoch war ich ziemlich beeindruckt von der Fülle an moderner Ausrüstung, die es auf dem Stützpunkt gab. Gepanzerte MTWs, Typhoon, Tigr, URAL und KamAZ verkehrten dort dutzendweise. Die Söldner hatten nichts von alldem. Während uns die Armee im Vorjahr großzügig gepanzerte Truppentransporter mit automatischen Kanonen zur Verfügung gestellt hatte, mussten wir uns mit alten Panzern und BRDMs begnügen, die uns die Syrer untergeschoben hatten."[212]

Talking about a Wagner operation close to Palmyra he said: "Die alten, staubigen T-62-Panzer blieben jedoch ihre Achillesferse. Die Armee hütete sich davor, ihnen die neueren T-72-Panzer zu überlassen."[213] Since Gabidullin's statements cannot be verified it is possible there are some exaggerations to support his story of heroic contractors fighting against superiorly equipped enemies and still succeeding. Yet, it is a good starting point for this topic and one of the few, if not the only,

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210   Cf. Gabidullin (2022). P. 38–39.
211   Ibid. P. 63.
212   Ibid. P. 269.
213   Ibid P. 280.

account of a contractor and his perceptions about the relationship between Wagner and the Russian military. For much of the book, Gabidullin barely describes any confrontation or cooperation between Wagner and the Russian military, except for the withholding of modern weapon systems. Yet, during the assault on Palmyra he wrote:

> "Das Kommando der russischen Einheit gehorchte Befehlen von oben. Es erhöhte den Druck auf die Söldner und schränkte unsere Munitionsversorgung ein. Allerdings brauchte die Armee wie schon während des vorherigen Feldzugs unsere Unterstützung, um ihre militärischen Ziele zu erreichen."[214]

No reasons are given why the command might have wanted to "increase the pressure" on Wagner. If it was because of lacking military performance, it appears contradictory to deprive the contractors of capacity, as that would make it even harder for them to achieve military goals. There are different possible explanations for this: The first is that the information provided by Gabidullin is just false. He does not even have to be lying on purpose, perhaps the Russian military simply was not capable of supplying the contractors due to malfunctioning logistics and corruption. The second possible explanation is that Gabidullin is correct, and the Russian command used this as some sort of arbitrary educational style. The last explanation is that Gabidullin is partly wrong and partly right, as the punishment for contractors is to create pressure on the organization, but more on a political scale in Moscow than on the ground in Syria. All three of these are interpretations and cannot be verified. Moving on, there is a famous case which might be able to shed some light on the relationship between Wagner and the Russian military.

The case occurred in Syria on February 7, 2018, when government forces and Wagner contractors attempted to retake an oil field in the Deir al-Zour region of eastern Syria, which was held by the Syrian Democratic Forces, backed by US special forces as well as drones and

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214   Ibid. P. 228.

bombers.[215] The exact numbers of dead contractors are unclear: While the official statement by the Russian government confirmed five dead soldiers (not contractors!), other reports claim that it were rather several dozen.[216] This could just be dismissed as something that happens in warzones and has no greater significance. But there is still something to the case which makes it relevant for this section. No similar incidents between Russians on the one side and US troops on the other were reported before or after this one in Syria. The New York Times wrote this:

> "American military officials repeatedly warned about the growing mass of troops. But Russian military officials said they had no control over the fighters assembling near the river — even though American surveillance equipment monitoring radio transmissions had revealed the ground force was speaking in Russian."[217]

Again, there are different possible explanations. If what the Russian official said is true, it would mean that Wagner not only worked on behalf of the Russian state, but also conducted missions on its own account, together with Syrian allies. Yet, everything that has been written so far makes it hard to believe that the Russian command could not – if it so wanted – recall the contractors from such a mission. A second reading could be that the command knew about Wagner trying to take the oil field, but was not willing to stop them due to conflicts between the military and the PMC. In that case, the command would have accepted the potential and eventual death of several contractors. The third reading is that the official lied and the contractors were there as ordered. In that case, they might have been used as a test run on how far US troops would go to defend their allies. None of the above readings reflect positively on the relationship between the

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215 Cf. Gibbons-Neff (2018).

216 Ballin, André; Meiritz, Annett (2018): Offenbar Dutzende russische Söldner bei US-Luftschlag getötet. In: Handelsblatt, 13.02.2018. URL: https://www.handelsbla tt.com/politik/international/syrien-konflikt-offenbar-dutzende-russische-soeldne r-bei-us-luftschlag-getoetet/20959290.html [07.10.2023].

217 Gibbons-Neff (2018).

Russian military and Wagner: Either they were not able to control it, willingly let it run into a trap or used it as a cheap way to test US troops. Of course, this case, as well as the one presented by Gabidullin, are not very strong, as they are either based on only one source or are fueled by speculation. Nevertheless, these cases appear in another light when looking at the conflicts between Wagner and the Russian military leadership during the invasion of Ukraine in 2022/2023.

When Wagner became a bigger player in Ukraine in 2022, the Russian ground offensive had already forfeited the attempt to take Kyiv and focused their attention on the east of the country to take the oblasts of the Donbas. Wagner forces played a major role in the attack on Soledar and Bakhmut, the last one being an especially long and costly battle from August 2022 until May 2023.[218] While Russia eventually claimed victory in Bakhmut, the battle was long and bloody. The exact number of casualties is unknown as neither of the warring parties are publishing reliable numbers. In a Telegram video from May 2022, Prigozhin claimed that 20,000 contractors were killed and 40,000 injured in the battle.[219] Something else that the ongoing battle showed was the deterioration of the relationship between the Russian army command and Prigozhin. When Soledar was taken, the Russian Ministry of Defense published a note about it without mentioning the participation of Wagner at first, which enraged Prigozhin.[220] Although information was later added, the relationship continued to worsen over the months, reaching a premature climax when Prigozhin threatened to

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218 Cf. Stepanenko, Kateryna (2023): The Kremlin's Pyrrhic Victory in Bakhmut: A Retrospective on the Battle for Bakhmut. In: ISW, 24.05.2023. URL: https://under standingwar.org/backgrounder/kremlin%E2%80%99s-pyrrhic-victory-bakhmut -retrospective-battle-bakhmut [08.10.2023].

219 Cf. Schwarz, Franziska (2023): Tausende Tote bei Bachmut-Schlacht: Wagner-Gruppe gibt Verluste bekannt. In: Frankfurter Rundschau, 22.07.2023. URL: https://www.fr.de/politik/front-wagner-russland-verluste-ukraine-krieg-zahl en-tote-verletzte-prigoschin-soeldner-bachmut-92413780.html [08.10.2023].

220 Cf. Redationsnetzwerk Deutschland (2023): Kreml dementiert Konflikt zwischen Militär und Wagner-Gruppe. In: RND, 16.01.2023. URL: https://www.rnd.de/poli tik/ukraine-krieg-kreml-dementiert-konflikt-zwischen-militaer-und-soeldnergrup pe-wagner-7PB4FKRZF4KKEO3NBYRHH4ZGJ4.html [08.10.2023].

remove all contractors from Bakhmut while the battle was still raging, because – in his view – the army was not supplying them properly.[221] In the Telegram video, Prigozhin also named the two main figures he blamed for this shortage: Russian Minister of Defense, Sergei Shoigu, and Valery Gerasimov, Chief of the General Staff of the Russian Armed Forces.[222] As Wagner withdrew its forces from the front after Bakhmut was taken, it looked like there was an easing of tensions, until Prigozhin announced the march on Moscow which was already mentioned in the introduction. During this march, he also published a video in which he accused the Moscow elite of corruption and of only serving their own interests with the attack on Ukraine, while the lives of young Russian men were just thrown away.[223] Again he addressed Shoigu personally:

> "The Ministry of Defense is trying to deceive the public and the president and spin the story that there were insane levels of aggression from the Ukrainian side and that they were going to attack us together with the whole NATO bloc, [...] The war was needed for Shoigu to receive a hero star. The oligarchic clan that rules Russia needed the war, [...] Shoigu killed thousands of the most combat-ready Russian soldiers in the first days of the war."[224]

While the march was called off before it reached Moscow, Prigozhin's clear statement is rather unusual, as it questioned the Russian narrative about the war, starting already by calling it a war and not "special military operation". It also shows that while doing so, Prigozhin still tried not to name Putin as an enemy and emphasized that the other "elites" were the problem. It was the peak of the struggles between the

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221 Cf. Laack, Stephan (2023): Wagner-Chef droht Moskau mit Abzug aus Bachmut. In: Tagesschau, 05.05.2023. URL: https://www.tagesschau.de/ausland/europa/ukr aine-krieg-bachmut-wagner-100.html [08.10.2023].

222 Cf. Ibid.

223 Cf. Risen, James (2023): Prigozhin Told the Truth About Putin's War in Ukraine. In: The Intercept_, 01.07.2023. URL: https://theintercept.com/2023/07/01/prigoz hin-truth-putin-war-ukraine/ [08.10.2023].

224 Ibid.

Russian military leadership and Prigozhin, as he would soon after die in a plane crash between Moscow and St. Petersburg.

What can be deduced from these relations? First of all, there are some indicators that the deterioration of relations did not occur only after the invasion of Ukraine, but there are signs that this trouble had already started before, especially in Syria. On the other hand, as Gabidullin described – or as it was also noted in the section about Wagner in Libya – there is clear information that Wagner got weapons and ammunition from the Russian Ministry of Defense. Meaning that even if there was some sort of competition or even dispute, the two entities would still cooperate to a certain extent. The question now is: Why would the Russian state rely on Wagner in the first place when they already had a capable military? What can Wagner do that the Russian military cannot? That will be answered in the following section.

Using a PMC instead of the Military

Chapter 2.2. named four pragmatic reasons for hiring a PMC: *effectiveness, specialization, economic advantages* and *possible disassociation.* When looking at Russia using Wagner instead of their own military, there are no indicators why the contractors should be more specialized than the army itself, at least when looking at the missions in Syria and Africa. It is true that many contractors used to be part of Russian special forces. Still, why would somebody who used to be part of a troop count as more specialized than somebody who still is and enjoys the advantage of active training? What might be an advantage for Wagner is that they could recruit from men who had resigned from the military but had valuable combat experience from Chechnya or even Afghanistan. Marat Gabidullin described the companions he met on the day of recruitment the following way:

> "Mich umgaben Menschen aller Art mit den unterschiedlichsten Laufbahnen und Werdegängen. Erfahrene Söldner waren dabei, die an verschiedenen Krisenherden eingesetzt worden waren und gar nichts anderes kannten. Es gab richtige Profis. Aber auch Ro-

mantiker, die unbedingt den Krieg erleben wollten. Einige waren restlos davon überzeugt, dass die bösen Faschisten aus der Ukraine und dem Westen alle Länder verwüsten wollten, in denen Russisch gesprochen wird."[225]

While Wagner was definitely joined by some excellent soldiers, not the whole company was made up of specialists. Therefore, it is unlikely that Wagner contractors could do something the Russian military could not, at least in terms of capabilities. An exception is the war in Ukraine: When Wagner joined the war on a large scale and started recruiting criminals as shock troops, they were the only actor doing so in Russia, as the law forbid this for the regular military. This law was eventually changed in June 2023, allowing the Russian military to recruit from prisons themselves.[226] Therefore, at least for a short time, Wagner had a capability that the Russian military could not offer. This capability made it possible to find recruits for the most dangerous missions. As they came from prisons, the outcry in Russian society would not be as big as if they used regular soldiers.

There are several clues that indicate using Wagner has economic advantages for Russia. Chapter 3.1 portrayed some of the ways Wagner related companies managed to earn money. The first way is to get access to local resources: Oil in Syria, gold in Sudan, timber, diamonds, and gold in the CAR. It has to be mentioned that there are no documents accessible for the public proving that the exploitation of these resources generates enough money to pay for the contractors present. Nevertheless, even if it only pays for part of the salaries and weapons, the practice already takes away some of the liabilities the Russian government otherwise would have to pay. The second way to ensure contractors are paid is taking money from other governments to pay for them. In the case of Mali, the local government provides Wagner with a fixed amount of money per month, with the prospect of additional mining

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225 Gabidullin (2022). P. 44.
226 Adler, Sabine (2023): Russland rekrutiert aus Gefängnissen. In: Deutschlandfunk, 21.06.2023. URL: https://www.deutschlandfunk.de/ukraine-krieg-aktuelle-entwic klungen-dlf-94329198-100.html [08.10.2023].

concessions. In Libya, a UAE company was accused of paying Wagner in the beginning, with the Ministry of Defense eventually taking over. For the invasion of Ukraine in 2022, the Russian government started paying Wagner. After the march on Moscow, Putin explained that the group had been wholly funded by the Russian government. According to him, they got 86.26 billion Rubles (930 million Euros) between May 2022 and May 2023.[227] It is difficult to determine whether, at this time, it was economically beneficial for Russia to use Wagner instead of official soldiers, as that would require a study in itself. However, there is one indicator that Wagner was a self-sustaining business before the large-scale invasion of Ukraine. Putin presented the numbers of the government funding Wagner after the march on Moscow, which can be seen as the break between him and Prigozhin. It was used to show that Wagner heavily depended on the Russian government, to discredit them in the eyes of the Russian public. If Wagner had been strongly funded over years before, it would have been a welcome argument to discredit the group further. This remains rather speculative, but together with the information from the cases of chapter 3.1, it allows the following conclusion: As long as Wagner got access to local resources or was funded by other governments, the organization was able to fund itself. When it had to jump in for parts of the Russian army and perform tasks it was not originally designed for, the Russian state had to finance the group. Therefore, it is relatively safe to say that the Russian government had economic advantages when using Wagner in African countries and Syria. For Ukraine, it is more difficult to say, as it would require a direct comparison of the costs of one Russian soldier to one contractor. Furthermore, economic advantages are not the only reason why a government might hire a PMC.

The last pragmatic reason for using a PMC is the possible disassociation or plausible deniability. For Russia as the home state there are two layers, depending on the audience. The first audience is the Russian

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227 ZDF heute (2023): Putin: Wagner Söldner staatlich finanziert. In: ZDF heute, 27.06.2023. URL: https://www.zdf.de/nachrichten/politik/wagner-prigoschin-gel d-ukraine-krieg-russland-100.html [13.10.2023].

public: When contractors go abroad, they decide to do so themselves. Their deaths do not show up in official statistics and the military does not have to pay expensive survivor's pensions. The second audience is the international community. In Libya, Putin himself was asked about the possible presence of Wagner, which he denied and claimed that if any Russians were present, they were there as private entities.[228] Therefore, when asked if the Russian government used Wagner due to possible disassociation and plausible deniability, the answer is yes. The death of contractors is not perceived the same way as the death of soldiers abroad, hence Wagner could offer something the military could not. On an international level, Wagner gave the chance to deny any presence of troops linked to the Russian government. Keeping these reasons in mind, it is now necessary to look for other possible reasons of why the Russian government started relying on PMCs.

As stated in chapter 2.2, Meyer and Walgenbach named four core parts of legitimacy: *Values, norms, expectations* and *determinations*. Keeping these in mind, another reason why the Russian government and especially Putin use Wagner is their self-perception. One possible way to approach this is to recognize that the relevant actors, especially Putin, think that Russia is a superpower in the international system. After taking over as Russian president in 1999/2000, Putin said: "Russia was and will remain a great power, preconditioned by the inseparable characteristics of its geopolitical, economic and cultural existence."[229] Chapter 2.2 showed that most of PMCs nowadays are based in, as well as used by, the USA. If Russia wants to be a superpower, as the US undoubtedly is, then "possessing" and using PMCs is something worth striving for. The comparison with the US is only one part of the puzzle, though. Since Wagner is far more than just a PMC, the duties it performs go beyond the mere execution of military missions.

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228 Reuters (2020): Russia's Putin: Russians fighting in Libya do not represent the state. In: Reuters, 11.01.2023. URL: https://www.reuters.com/article/us-libya-security-russia-idUSKBN1ZA0N4 [13.10.2023].

229 Oldberg, Ingmar (2007): Russia's Great Power and Policy Ambitions Under Putin. In: Kanet, Roger E. (Ed.): Russia. Re-Emerging Great Power. London: Palgrave McMillan. Ps. 13–30. P. 14.

Wagner offered potential access to countries all over the world, to spread Russian influence and narratives. In conclusion, there are several reasons that legitimize the use of Wagner in the eyes of the Russian government:

1. In most of its missions, the information gathered indicates that Wagner was at least partially economically self-sustaining. Using Wagner was a financial advantage.
2. Wagner offered several services that go beyond mere military missions. Next to informational campaigns, the group offered access to resources all over Africa.
3. The group offered plausible deniability on two levels. On the interior level, the death of contractors abroad does not create as much alarm as the death of soldiers. On the international level, even though it was known that the contractors were present, the Russian government still denied their existence.
4. To some extent, the PMC offered specializations the Russian military could not offer. This refers less to the training of soldiers than to the possibility of recruiting from prisons, which the Russian military at the beginning could not do.

Keeping these points in mind, it is now possible to ask: Was there any form of accountability for Wagner through the Russian government or Russian prosecution?

Accountability

The examples presented in chapter 3.1 made two things clear: There is no doubt that during their missions many Wagner contractors committed crimes against the local civilian population, prisoners of war, or even their own men, as the case of a suspected deserter in Ukraine shows.[230] The second important point is that the contractors have not

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230 Faulconbridge, Guy (2022): Video shows sledgehammer execution of Russian mercenary. In: Reuters, 13.11.2022. URL: https://www.reuters.com/world/europe/sledgehammer-execution-russian-mercenary-who-defected-ukraine-shown-video-2022-11-13/ [15.10.2023].

been held accountable for any of their crimes by the territorial states. The following section will look at the options Russian law offers for dealing with crimes committed by contractors abroad.

Before looking into individual cases, it is necessary to examine the Russian Criminal Code's potential of holding accountable somebody who committed crimes outside of the Russian federation. Article 12, which is named "The Operation of Criminal Law in Respect of Persons Who Have Committed Offences Outside the Boundaries of the Russian Federation" states the following in paragraph 1:

> "Citizens of the Russian Federation and stateless persons who permanently reside in the Russian Federation and who have committed crimes outside the boundaries of the Russian Federation shall be brought to criminal responsibility under this Code, if their deeds have been recognized as crimes in the State on whose territory they were committed, and unless these persons have been convicted in the foreign State. In case of conviction of said persons, the punishments may not exceed the upper limit of the sanction provided for by the laws of the foreign State on whose territory the crimes have been committed."[231]

This makes the case rather clear: Contractors could potentially be brought to justice by the Russian system. The sentence "if their deeds have been recognized as crimes in the State on whose territory they were committed" can be questioned, as it is ambiguous and therefore limits the potential of contractors being brought to justice. The first way to understand this sentence is to view as the only relevant factor whether the law of the state it happened in recognizes something as a crime. The second way to understand it, assumes that it does not only need to be in the law, but that the state also actively has to try the person who committed the crime. For the cases concerning Wagner, the second reading would mean that states – of which many are known for corruption and dysfunction – would be in charge of investigating

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231 The Criminal Code Of The Russian Federation No. 63-Fz Of June 13, 1996. Article 12, Paragraph 1.

crimes for the Russian judiciary to be willing to try these men. Here Singer's quote about PMCs not operating in healthy states comes back to mind. It is strongly questionable whether courts belonging to a state that has to rely on Wagner to fulfill some of its basic security needs are willing, or even able, to investigate such crimes.

Generally, the topic of accountability of PMCs and their contractors in Russia is a difficult one. Even if the law theoretically enables Russian courts to investigate, it remains questionable whether they are free enough to do so if certain political players are against it. Another restrictive factor comes with the deniability presented above. If relevant Russian officials in the government deny any presence of Russians in a country or region and the courts are not free enough to investigate them themselves, tools for holding contractors accountable are very limited. This becomes especially clear in the case of the executed Syrian deserter. Several of the men who took part in torturing and executing the man were later identified, yet the only reply of Dmitry Peskov, spokesman for Vladimir Putin, was the following: "This has absolutely no relation to Russian soldiers, no matter what is being published about it."[232] His statement is not even entirely false, as contractors are not official Russian soldiers. Still, if the individuals were identified as Russians, they could be tried and prosecuted for the crimes they committed, no matter if they are considered soldiers or civilians. Until today, though, no Wagner contractor has been held accountable by Russian courts for any possible crimes committed during their missions abroad.

To put this into a broader perspective, a comparison is helpful: Chapter 2.2 outlined several reasons for the lack of accountability of contractors, as they are rarely punished due to a lack of will or capacity to investigate their crimes. This work does not aspire to fully comprehend and compare the potential accountability mechanisms of the USA and Russia. Still, the question stands: Why should we expect a country that is known for notoriously depriving its own citizens of civil liberties and rights and ranks far lower on the Rule of Law Index

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232   Roth (2019).

than the USA, to be more conscientious about the control of their PMCs than the former?[233] In the end, it comes down to the values and norms as well as the expectations of the relevant country, in this case Russia. If a majority of relevant Russian decision-makers believe that it serves Russian interests, or at least does not work against them, to torture and execute enemies, why should the executors be punished even if it was formally against the law? The lack of political will and a justice sector that is unable to work on its own become even more evident when looking at article 359 of the Russian criminal code about mercenaryism. There it says:

> "1. Recruitment, training, financing, or any other material provision of a mercenary, and also the use of him in an armed conflict or hostilities, shall be punishable by deprivation of liberty for a term of four to eight years.
> 2. The same acts, committed by a person through his official position, or with relation to a minor, shall be punishable by deprivation of liberty for a term of seven to fifteen years, with or without a fine in the amount of up to 500 thousand roubles [sic!] or in the amount of the wage or salary, or any other income of the convicted person for a period of up to three years.
> 3. Participation by a mercenary in an armed conflict or hostilities shall be punishable by deprivation of liberty for a term of three to seven years."[234]

The definition of a mercenary, according to the Russian Criminal Code, is this:

> "A mercenary shall be deemed to mean a person who acts for the purpose of getting a material reward, and who is not a citizen of the state in whose armed conflict or hostilities he participates, who does

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233 Cf. World Justice Project (2022): Rule of Law Index. In: World Justice Project, 2022.
234 The Criminal Code Of The Russian Federation No. 63-Fz Of June 13, 1996. Article 359, Paragprahs 1–3.

not reside on a permanent basis on its territory, and also who is not a person fulfilling official duties."[235]

The question whether PMCs are mercenaries or not has already been briefly addressed before. Yet, this case is different, as it is not just a theoretical debate in international law, but could be directly applied in Russian Criminal Law. It is very likely that Wagner contractors fit the definition. Gabidullin has already explained that the wages paid by Wagner were far higher than anything else he could achieve in the military at this point. Therefore, the material reward is definitely given, at least for part of the contractors. Considering most of the missions in Africa and Syria, the contractors were no citizens of the state they fought in and they also did not permanently reside on its territory. The last point is a rather difficult one. While the conclusion is still pending, this work has already shown that the contractors of Wagner were (and are) working on behalf of Russian interests around the world. Therefore, one could claim that they are no mercenaries, as they are fulfilling official duties for the Russian state in these countries. The problem with this argument is that for a long time the Russian government denied the presence of any Russians in the operational countries of Wagner (except for Syria), as well as the very existence of the Wagner Group. How can a member of a group that officially did not exist until 2022 be fulfilling official duties for the Russian state? Eventually, it has to be concluded that Wagner contractors could be deemed mercenaries in the eyes of Russian Criminal Law, which is another clue that the Russian judiciary is either unwilling or unable to investigate crimes, if there is no correspondent political will. Wagner is also by far not the only active PMC present in Russia, but still the most well-known. Even the Russian Minister of Defense, Sergei Shoigu, has his own company named "Patriot."[236] This finding joins the many problems that have been identified with respect to Wagner's

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235 Ibid.
236 Cf. NTV (2022): Ukraine: Schoigu sendet eigene Söldner an die Front. In: NTV, 28.12.2022. URL: https://www.n-tv.de/politik/Ukraine-Schoigu-sendet-eigene-So eldner-an-die-Front-article23810789.html [06.11.2023].

accountability: On the one hand, there are the same problems as with the PMCs used by the US, as they are operating in "unhealthy" states and there is controversy over who is responsible for investigating and trying crimes that might have been committed by contractors. The other problems in regard to the accountability of Wagner contractors are more Russia specific. Generally, there have been no signs that any relevant political actor within Russia was interested in investigating crimes committed by contractors abroad. As several cases were reported to relevant authorities and sometimes the men were even identified, the claim that it impossible to investigate those crimes is void. This is an indicator that Wagner and the Russian government share a rather similar, or even identical definition, of security. The fulfilment of the contract stands above everything, to advocate Russian interests abroad by different means, especially by supporting Russian-friendly governments. While there is no information of contractors receiving specific orders to commit crimes against humanity, the numerous occurrences of them suggest that they might still be part of a strategy to make Wagner seem more dangerous. Another big problem for holding contractors accountable was the denial of the existence of Wagner. A group that did not exist could not be abroad, and therefore no member of the group could commit a crime. All of it leads to the following conclusion: While the Russian state might have the greatest potential to investigate and prosecute potential crimes committed by its contractors, the lack of a free justice system and of political will makes it impossible to try contractors for crimes they committed during their missions.

The March on Moscow

Even though the March on Moscow does not really fit into any part of this work, it still has to be addressed. On June 24, 2023, two groups of Wagner forces entered Russia from Ukraine, one of them heading for Moscow, the other towards Rostov-on-Don. Rostov fell into the hands of Wagner without any bloodshed, and while the Russian Airforce attacked the convoy towards Moscow several times, different reports

in the end only talked about 13 soldiers dying during the mutiny.[237] Before the convoy actually reached the outskirts of the Russian capital, Prigozhin had called off the "March for Justice," by which he himself claimed was only aiming at ousting the commanders responsible for the Russian failure in Ukraine, namely Valery Gerasimov and Sergei Shoigu.[238] Many analysts share the interpretation that the real reason for Prigozhin's move was a new law that had been passed, forcing every contractor to sign a treaty with the Ministry of Defense until the 1st of July 2023, which would have taken control over Wagner away from Prigozhin, handing it over to Shoigu and Gerasimov.[239] While the march was not successful and in the end most likely contributed to the plane crash of Prigozhin and Utkin, it also showed a risk for the Russian government and what can happen if a private army turns against the state. As said above, the march does not really fit into any part of this work, but at the same time it is a major development of the group in 2023, and therefore had to be mentioned. The following chapter about Wagner in the international system will examine whether the Wagner Group is viewed as legitimate and can be held accountable within the international system.

3.3 Wagner and the International System

Before starting with the analysis of this chapter, there is a need to identify what is meant by "the international system," as it does not have a fixed definition by default. For this case, it includes all the countries Wagner neither operates in nor is from. What it also includes

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237 Cf. SZ (2023): Militärblogs: Mindestens 13 russische Soldaten bei Aufstand getötet. In: Süddeutsche Zeitung, 25.06.2023. URL: https://www.sueddeutsche .de/politik/russland-wagner-aufstand-soeldner-prigoschin-1.5966523 [06.11.2023].

238 Cf. Ackeret, Markus (2023): Wagner-Chef Prigoschin wagt den bewaffneten Aufstand gegen die russische Armeeführung – Putin bezichtigt ihn des Hochverrats. In: NZZ, 24.06.2023. URL: https://www.nzz.ch/international/wagner-chef-prigos chin-laesst-machtkampf-mit-moskau-eskalieren-ld.1744217 [06.11.2023].

239 Cf. ZEIT ONLINE (2023): Jewgeni Prigoschin rechtfertigt Marsch auf Moskau. In: ZEIT ONLINE, 26.06.2023. URL: https://www.zeit.de/politik/ausland/2023-0 6/jewgeni-prigoschin-marsch-moskau-wortmeldung [06.11.2023].

is international institutions like the ICC and the UN. Of course, there is a certain limit to this definition, as the following chapter will not be able to work out the position of every country in the world towards Wagner, but must focus on countries affected due to their presence as military or political powers, such as the USA or the EU.

Legitimacy

The question where Wagner gets its legitimacy from in the international system is difficult to approach, as there are several problems. First, there is the question of the extent to which there even is a need for legitimacy of the organization to a "relevant audience." It makes perfect sense that the parties involved in the process (Russia and a territorial state that has agreed to accept Wagner into the country) both have to consider the organization as legitimate. A good case to demonstrate this is Wagner entering Mali: While the Malian and the Russian government agreed that Wagner would support the FAMa in their struggle against terrorists, other actors present, namely France, but also Germany, did not approve of this presence, but could not reverse it. In this case the third-party countries actually had leverage, as they could threaten to remove their troops and other support from Mali if the country accepted Wagner. Still, the Malian junta went through with their plan, France by now has already withdrawn its troops, and Germany – as part of MINUSMA – will withdraw them until the end of December 2023.[240][241] Can the question for legitimacy actually be asked and sufficiently answered for Wagner in the case of the international system?

Going back to the definition of legitimacy by Walgenbach, there are four key factors: *Values, norms, expectations* and *determinations*. Approaching the problem from this side, the first question is "Are there any shared norms and values in the international system regarding the

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240 Cf. Clement, Kai; Küstner, Kai (2023): Näher am Abzug. In: Tagesschau, 30.06.2023. URL: https://www.tagesschau.de/inland/innenpolitik/bundeswehr-mali-abzug-100.html [23.10.2023].
241 See footnote number 177.

use of PMCs?", The Montreux Document has already been introduced in chapter 2.2, so it can be argued that there are some shared norms and values towards PMCs; at least by the countries and organizations that have signed the Montreux Document. Another, smaller factor has already been identified in the previous chapter. In the late 1990s and early 2000s, PMCs became a normal sight on battlefields and unstable regions around the world. While some groups or countries might not approve their use and the privatization of military force, the normalization of their occurrence cannot be denied. Still, a problem arises from the previous findings of this work, as several points have already been made about Wagner that distinguish them from other PMCs.

1. The secrecy that has been kept for a long time around the group.

How can actors of the international system think of Wagner as a legitimate group, when, for a long time, most Russian officials claimed they did not exist and denied any connections between Russia and the group?

2. The conglomerate of companies that are organized in the Wagner network.

The services offered by Wagner go far beyond what a PMC normally offers. Next to their military capacities, mining, oil extraction, and logging were used to exploit resources to pay for the military services. In addition to these services, they also offered informational services, like PR advisory and the promotion of certain political narratives.

3. Their undeniable connection to Russian interests and the Russian government.

While other companies are also often employed by governments, Wagner is exclusively used by the Russian government. There is no known case where the contractors were employed by other companies or against the will of the Russian government.

These points are making it clear that Wagner lacks legitimacy in the eyes of most actors apart from Russia and the territorial states it

was used in and that the group is considered illegitimate. The following section about accountability will make that even clearer.

Accountability

First of all, the idea of holding Wagner accountable faces the same problems as the question of their legitimacy, as most deals are made with Wagner/Russia on the one side, and the territorial state/militia on the other side. Nevertheless, there are some ways by which international institutions or third countries can try to hold Wagner accountable within their power.

The first institution that might be capable of holding not the group, but individual contractors accountable is the ICC. The ICC "can investigate, prosecute and try individuals accused of committing the most serious crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes and the crime of aggression."[242] It can be relatively safely said that members of the Wagner Group committed crimes against humanity as well as war crimes, as those include murder and torture.[243] The court has jurisdiction if "the crimes were committed by a State Party national, or in the territory of a State Party, or in a State that has accepted the jurisdiction of the Court." Or if "the crimes were referred to the ICC Prosecutor by the United Nations Security Council (UNSC) pursuant to a resolution adopted under chapter VII of the UN Charter."[244] This already puts some limits on the potential for holding Wagner contractors accountable: Until this day, Russia has not ratified the Rome Statute. If the crimes of contractors were to be investigated, it would need to be in the territory of a state party or in a state that has accepted the jurisdiction of the ICC. Of the territorial states, only the

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242 ICC (2020): Understanding the ICC. In: International Criminal Court, 2020. URL: https://www.icc-cpi.int/sites/default/files/Publications/understanding-the-icc.pdf [13.11.2023]. P. 9.
243 Cf. Ibid. P. 24.
244 Ibid. P. 26.

CAR and Mali have signed and ratified the Rome Statute.[245] Still, there are ongoing investigations by the Office of the Prosecutor (OTP) of the ICC in Sudan, Libya, Ukraine, the CAR and Mali. In Sudan and Libya, the situation was referred to the ICC by the UN Security Council, in Ukraine the government itself accepted the jurisdiction of the court.[246] It needs to be mentioned that in all of these cases, the investigations started before Wagner entered the country, so they were not launched because of the Wagner Group. Still, except for the cases of Mozambique and Syria, there is the potential of the ICC investigating crimes committed by Wagner members. Whether it would actually be possible to prosecute and try the contractors is more a question of practicality. As already mentioned, it is questionable whether the territorial states that invited Wagner themselves, such as the government of the CAR and the junta in Mali, would be willing or even able to capture and extradite the contractors to The Hague. In the case of Libya, Wagner is fighting on the side of a warlord, which makes a cooperation with an institution like the ICC even less likely. The problem of the ICC relates back to Singer's quote about PMCs operating in "unhealthy" states. Theoretically, the ICC has the potential to hold Wagner contractors accountable for crimes they committed during most of their missions, except for Syria and Mozambique. Practically, it is very unlikely to happen due to a lack of will and ability of these countries.

Another possible way to hold Wagner accountable through third parties is sanctions, targeting important individuals of the company, like Prigozhin, Utkin or other commanders, as well as companies attached to the conglomerate. The USA has targeted Wagner in multiple ways. First of all, Prigozhin has already been added to the Specially Designated Nationals and Blocked Persons List (SDN) by the US Office

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245   Cf. ICC (2023): The States Parties to the Rome Statute. In: ICC. URL: https://asp. icc-cpi.int/states-parties [25.10.2023].
246   Cf. ICC (2023): Situations under investigations. In: ICC. URL: https://www.icc-c pi.int/situations-under-investigations [25.10.2023].

of Foreign Assets Control (OFAC) in 2016.[247] In 2017, Dmitry Utkin was added to the list as military leader and founder of Wagner.[248] In a press statement from June 2023, the US presented the reasons why Wagner was targeted: "The Wagner Group exploits insecurity around the world, committing atrocities and criminal acts that threaten the safety, good governance, prosperity, and human rights of nations, as well as exploiting their natural resources."[249] They sanctioned Sewa Security Services and Officer's Union for International Security (OUIS). Both companies are based in the CAR and are responsible for providing security to CAR officials.[250] Linked to these companies, they also sanctioned Aleksandr Aleksandrovich Ivanov, the director of OUIS in the CAR.[251] The sanctions are not limited to CAR companies, as they also sanctioned UAE based aviation company Kratol Aviation, which allegedly helped Wagner organize transports between the CAR, Libya and Mali.[252] These sanctions are supposed to target Wagner's ability to provide their security services around the world. As the package of sanctions was intended to target the Russian abilities in Ukraine, Russian companies were also targeted. One example is Charter Green Light Moscow and its CEO Aleksei Alekseevich Malyarevich, another aircraft charter service often used by Wagner to transport men and

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247 Cf. OFAC (2016): Changes to the Specially Designated Nationals and Blocked Persons List. In: OFAC, 01.01.2016. URL: https://www.treasury.gov/ofac/downloads/sdnnew16.pdf [26.10.2023].

248 Cf. US Department of the Treasury (2023 a): Treasury Designates Individuals and Entities Involved in the Ongoing Conflict in Ukraine. In: US Department of the Treasury, 20.06.2017. URL: https://home.treasury.gov/news/press-releases/sm0114 [26.10.2023].

249 US Department of the Treasury (2023 b): Treasury Sanctions Illicit Gold Companies Funding Wagner Forces and Wagner Group Facilitator. In: US Department of Treasury, 27.01.2023. URL: https://home.treasury.gov/news/press-releases/jy1581 [26.10.2023].

250 Cf. US Department of the Treasury (2023 c): Treasury Sanctions Russian Proxy Wagner Group as a Transnational Crime Organization. In: US Department of the Treasury, 26.01.2023. URL: https://home.treasury.gov/news/press-releases/jy1220 [26.10.2023].

251 Cf. Ibid.

252 Cf. Ibid.

cargo.[253] Another sanction of this package shows that the USA views Wagner in its entirety, not just as a PMC, as they targeted "Africa Politology" due to its connections with Wagner. According to the State Department,

> "Africa Politology develops strategies and mechanisms to induce Western countries to withdraw their presence in Africa and is involved in a series of Russian influence tasks in the Central African Republic, to include undermining Western influence, discrediting the UN, and carrying out lawsuits against Western press outlets."[254]

This is another indicator that not just Russia and the territorial states understand Wagner as far more than a mere PMC, but also countries which consider the actions of the group illegitimate. This is further supported by sanctions imposed on several mining and trading companies on the 27th of January. The US Treasury department stated that "The Wagner Group funds its brutal operations in part by exploiting natural resources in countries like the Central African Republic and Mali."[255] Of the four companies, two are based in the CAR, one in Dubai, and one in Russia.[256] Clearly, the USA tries to target every part of Wagner's operations by sanctioning individuals and companies related to every branch of Wagner. The USA is not the only country that has imposed sanctions on Wagner. In July 2023, the UK government announced that they imposed sanctions against individuals and companies related to Wagner operations in the CAR, Mali, and Sudan, after they had already sanctioned Prigozhin and several of his businesses.[257] Andrew Mitchell, Minister of State for Development and Africa, commented on the sanctions in the following way:

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253 Cf. US Department of State (2023): Actions to Counter Wagner and Degrade Russia's War Efforts in Ukraine. In: US Department of State, 26.01.2023. URL: https://www.state.gov/actions-to-counter-wagner-and-degrade-russias-war-efforts-in-ukraine/ [26.10.2023].

254 Ibid.

255 US Department of the Treasury (2023 b).

256 Ibid.

257 Cf. UK Government (2023): UK sanctions Wagner Group leaders and front companies responsible for violence and instability across Africa. In: Foreign,

"The Wagner Group is committing atrocities in Ukraine, as well as acting with impunity in countries like Mali, Central African Republic and Sudan. Wherever Wagner operates, it has a catastrophic effect on communities, worsens existing conflicts and damages the reputations of countries that host them."[258]

The EU has also imposed sanctions on the group, and while there is no need here to go into detail about the individual sanctions, a comment of Josep Borrell, High Representative for Foreign Affairs and Security Policy of the EU, is worth mentioning:

"The Wagner Group's activities are a threat for the people in the countries where they operate and the European Union. They endanger international peace and security as they do not operate within any legal framework. The EU is determined to continue taking tangible action against breaches to international law. We stand up for human rights everywhere."[259]

These quotes show that the sanctions, especially the one presented by Borrel, are supposed to hold Wagner accountable for the crimes it committed. To what extent these sanctions actually limit the Wagner Group in its actions in Africa, Syria, and Ukraine cannot be determined and a study of them would be a thesis in itself. Still, this is the first indicator for a country (or in the case of the EU, many countries) trying to hold Wagner accountable. At the same time, it also shows how few possibilities these countries have, which chapter 2.2. already indicated. As these countries are not really part of the equation as

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Commonwealth & Development Office, 20.07.2023. URL: https://www.gov.uk/government/news/uk-sanctions-wagner-group-leaders-and-front-companies-responsible-for-violence-and-instability-across-africa [26.10.2023].

258 Ibid.
259 Borrell, Josep (2023): Wagner Group: Council adds 11 individuals and 7 entities to EU sanctions lists. In: European Council, 25.02.2023. URL: https://www.consilium.europa.eu/en/press/press-releases/2023/02/25/wagner-group-council-adds-11-individuals-and-7-entities-to-eu-sanctions-lists/?utm_source=dsms-auto&utm_medium=email&utm_campaign=Wagner%20Group%3A%20Council%20adds%2011%20individuals%20and%207%20entities%20to%20EU%20sanctions%20lists [26.10.2023].

neither host- nor territorial or contract state, it is almost impossible to punish the group and hold certain individuals accountable beyond the use of sanctions.

Nevertheless, this is basically the end of the potential to hold Wagner accountable by the international community. The UN Security Council can be neglected due to Russia's veto there. If the country itself is not willing to investigate and prosecute crimes within its own structures, why would it be willing to pass a resolution against Wagner in the Security Council? The shortness of this chapter in comparison to the chapters 3.1 and 3.2 therefore also expresses the limits of the international community in this case. Many might consider the group as illegitimate but it does not really change anything, as they cannot stop a country from hiring them, except maybe by withdrawing their own support. For accountability, there is some potential in the ICC, but so far, no contractor has been sent to The Hague for trial. Sanctions on the other hand have been implemented by several states and the EU, but they are very limited in their effectiveness. Taking these findings and the ones of the whole chapter, it is now time to draw a conclusion and answer the questions raised in the beginning.

4. Conclusion

This thesis had two goals: To gather as much information about the Wagner Group as possible and to classify it in terms of accountability and legitimacy. The first part has been achieved by tracing the development of Wagner from 2014 to 2023. Understanding Wagner only as a PMC or mercenary group is not enough to grasp the scope of the group's activity. Neither Russia nor the territorial states used Wagner only for of its military capabilities, because those could have been replaced by other actors, i.e. other armies or PMCs. While military services are an important feature of the group, it is more accurate to refer to Wagner as a network that offers multiple services and arrangements. First of all, there is the classic part of the PMC. Regarding the definitions presented by Singer at the beginning, Wagner offers services spanning all three parts of the definition. Offering direct combat services, it can be counted a military provider firm. It is also training and advising militaries in several states it is active in, while also supporting them through other means (like maintenance of weaponry). In sum, Wagner offers an extensive list of military services, so a hiring country can get almost anything it wants and needs. With respect to their referent object, Wagner provides security for governments and even non-state actors (such as the LNA), for which other PMCs or militaries would be unwilling to. Still, Wagner services go beyond classical security and also offers services like information campaigns in favor of their clients. Another important part of the network are Wagner's engagements in different economic sectors such as mining, oil production, or logging. As Wagner has made efforts to penetrate into every economy of states they were/are active in (though not successfully every time), these activities remain a significant part of the group's concept. It is

therefore important that Wagner should not only be addressed as a PMC or even just a band of mercenaries, but to acknowledge their versatility and flexibility to tackle unfamiliar situations. While there are some recurring factors, such as the attempted penetration into local economies and the disregard for human rights, all Wagner missions differ in various areas, such as intensity, size of troops and means of payment. The key takeaway, therefore, is to understand Wagner as something larger and more ambiguous than a classic Western PMC. Wagner is a sui generis entity in the PMC environment. This is also shown by its position in Russian society. To some extent, Wagner was connected to the Russian military, because they relied on them for arms supplies. At the same time, especially after the invasion of Ukraine in 2022, this relationship was steadily deteriorating. This work also showed several examples indicating that the relationship between Wagner and the Russian military was already difficult before 2022. Moving on to the second goal of this thesis, it is now time to answer the lead question:

How can the legitimacy and accountability of the Wagner Group be classified?

Wagner derives its legitimacy from multiple sources, depending on the relevant audience. For the actors Wagner operates for, several possible reasons have been examined. Specialization and effectiveness are only relevant factors for its legitimacy under certain circumstances. While Wagner might be more specialized than the militaries of local states, the same cannot be said about other PMCs or militaries from other states that might be willing to intervene. Therefore, this factor is only relevant if Wagner has no competition from other PMCs or militaries and is the only choice. Regarding the economic advantages of using Wagner, there are some indicators that employing Wagner is worth it for states. Especially countries lacking the sufficient funds to finance other PMCs, but willing to sell mining concessions, may find a good partner in Wagner. Still, the case of Mali, which now has to pay Wagner while they did not have to pay for MINUSMA, shows that economic motivation cannot be the only reason. In the case of the territorial states, disassociation

also did not play a major role. While some of them did not publicly announce the presence of Wagner for a long time, there is no indication that these countries tried to portray the group as something they had no knowledge of. A stronger reason for Wagner's presence is the possible connection to Russia. When buying weapons from Russia, Wagner's presence and training capacity was often included in the deal. This goes hand in hand with an anti-colonial, anti-Western motivation, with Russia – and therefore Wagner – on the side of the oppressed states, finally demanding complete freedom from their former colonizers. At least this is the story told by Wagner-related news agencies, which are helping to spread the narrative among local populations. This is another legitimizing factor, as it helps these (often shaky) governments to secure public support. A last point, which cannot for sure be claimed as a legitimizing factor, is Wagner's constant disregard for human rights. Even though there is no indication that countries hired Wagner because of these violations, it is still notable that several countries hired Wagner despite it being widely known how contractors behaved during their missions. Concerning the accountability of Wagner during these missions, there is basically no information on any contractor, or the whole group, being held accountable. While a report in the CAR came to the conclusion that Wagner indeed took part in crimes against humanity, they also concluded that the contractors could only be tried and sentenced in Russia. Another potential example is the case of Mozambique, the only mission Wagner operatives left after a short time and with business unfinished. Even though this could be an indicator for contract accountability, there is no evidence of why Wagner left the country, so the credit of holding them accountable cannot be freely given to Mozambique.

There are some overlapping features as to why the Russian government relied and sometimes still relies on Wagner. Regarding their specialization and effectiveness, the case is not immediately clear. Even though many Wagner contractors used to be part of Russian special forces, it does not distinguish them from the army itself, as they therefore have the same competencies and skills. One exception was that,

for a limited amount of time in 2022/2023, Wagner was the only actor reportedly recruiting prisoners into its ranks to fight in Ukraine, which was not possible for the Russian military at the time. When looking at the point of specialization from the perspective that Wagner is a network that offers multiple services, like information campaigns, the group became an even better tool, as it actually offered the possibility of spreading pro-Russian narratives across the African continent and beyond. The argument of economic advantage for using Wagner is definitely valid for the Russian state. While Putin claimed that between 2022 and 2023 there were payments of almost one billion Euros from the Russian government to companies linked to Wagner, there is no information about the costs of the missions in Syria or on the African continent. It is therefore likely that these missions were economically self-sustaining through their deals. Another important factor was the use of disassociation: For a long time, the Russian government denied the existence of Wagner and claimed that any Russians present in countries like Libya, the CAR, or Sudan were private entities, not related to the Russian state. These claims were kept alive even when there was almost undeniable proof that the group existed. Until its existence was officially acknowledged in 2022, Wagner stayed a myth and perhaps earned the title "Shadow Company" more than the companies spoken about in Nick Bicancic's documentary. These operations in the grey area between light and shadows made Wagner a useful geopolitical tool for the Kremlin, another important legitimizing factor. Through Wagner, the Russian government was able to spread Russian influence and basically send Russian troops to countries, without sending the official army and losing credit with the Russian population. While the theoretical chapter came to the conclusion that the home state of a PMC has the greatest potential to hold its members accountable and the report about human rights abuses in the CAR also said that only Russia could hold these men accountable, the results are rather sobering. It is true indeed that the Russian state has a great potential of holding contractors accountable as the activities of Wagner would probably fall under the Russian definition of mercenaryism, but until

this day no contractor has been held accountable for any crime they might have committed abroad.

For the last analytical chapter about Wagner within the international system, it is the other way around as in the chapters before. While Russia and most of the territorial states have several reasons to consider Wagner legitimate but no motivation to hold it accountable, many "Western" states consider Wagner as illegitimate. At the same time third-party actors have only a limited amount of influence. The EU, USA, and UK all imposed sanctions on Wagner, France retreated from several African countries in protest of Wagner's presence there. Still, as these countries do not have jurisdiction over the group, there are severe limitations on their ability to hold Wagner accountable. As for international institutions like the ICC, their potential is also limited, especially since Russia and, for example, Syria have not ratified the Rome Statute. While Mali, for example, is a member to the statute, it is very unlikely that there will be any form of cooperation between the junta and the ICC, as long as Wagner's presence is wanted.

Comparing all these findings, it is possible to find a connection: Those actors, for which Wagner signifies and provides security, i.e. Russia, the governments of allied states, and warlords like Khalifa Haftar, consider Wagner legitimate. None of these actors is known for having great regard for human rights, thus it is not surprising that there have been no signs of Wagner being held accountable for its crimes in these countries. At the same time, actors who consider Wagner a threat to their security, by basically producing insecurity, are trying to hold Wagner accountable within their very limited potential. This relates back to the understanding of security, but in a slightly different way. While it is not possible to define an exact understanding of security for Russia, the Wagner Group, or the states it operates in, it is possible to frame it the following way: Those who get security from Wagner consider it legitimate and will not hold its members accountable, those who get insecurity from Wagner consider it illegitimate and will try to hold it accountable. Wagner is legitimate in the eyes of those who find

it useful. As long as they keep finding it useful, Wagner will not be held accountable.

During the writing process of this work, a lot happened in and around the group. From the capture of Bakhmut in Ukraine at the beginning of May, to the mutiny of Prigozhin on June 24th, to the eventual death of Prigozhin and Utkin in the plane crash on August 23rd. This work is too recent to answer the question of what will happen to Wagner in the future, or how the missions presented all over the African continent and Syria will continue. Nevertheless, one point needs to be clear: While Wagner might collapse, this is not the case for the system it created. Even though Prigozhin was an important figure for the organization, nothing presented in this work supports the claim that Wagner will not return, hidden in another cloak, as Candace Rondeaux said: "We should expect the Wagner Group to continually change according to Russia's fortunes when it comes to arms, guns, gas, oil and gold. [...] We may see a new name. Could be anything. Could be Tchaikovsky Group."[260] So even if the death of Prigozhin and Utkin means that the network that has been built up over the years will collapse and fall into the hands of various competitors, they have created a concept which can serve as a template for future Russian networks.

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260 Rondeaux, Candace (2023): Inside Prigozhin's Wagner, Russia's Secret War Company | WSJ Documentary. In: Wall Street Journal Documentary. Time Stamps: 36:11–36:41. URL: https://www.youtube.com/watch?v=EMXnJMCoFYI [06.11.2023].

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6. Attachments

1. Overview of the Wagner operations[261]

	Syria	Sudan	CAR	Libya	Mozam-bique	Mali
Time Frame	2015–today	2017–today	2018–today	2018–today	September 2019–November 2019	2021–Today
Combat Services	Yes	No	Yes	Yes	Yes	Yes
Military Training	Yes	Yes	Yes	Yes	No	Yes
Penetra-tion into local economy	Yes	Yes	Yes	No	No	No
Human Rights abuses	Yes	Yes	Yes	Yes	Yes	Yes
Eviction of Western Powers	No	No	Yes	No	No	Yes
Arms Deliveries	Yes	Yes	Yes	Yes	No	Yes
Further Activities	–	Advising (Politics/ Military)	Advising (Politics/ Military) Guarding VIPs	Military Support	–	–

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261   This table summarizes all the findings from chapter 3.1.

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