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TURN-OF-THE XXI CENTURY MERCENARIES

ABSTRACT

Objectives: *This article examines the evolution and role of mercenaries and private military companies in contemporary armed conflicts. This work traces the historical roots of mercenary activity from ancient Greece and Rome, through the Middle Ages, to the present day, highlighting the transformation from traditional mercenary soldiers to legally registered security and military contractors. It examines how private military companies have become significant actors in the conflicts in Iraq and Afghanistan, providing logistical support, protection, and training services. It discusses the blurring of the line between legitimate contractors and mercenaries, highlighting challenges related to accountability, legality, and ethical responsibility.*

Material and methods: *To examine the involvement of private military companies in armed conflicts and their contribution to ensuring security, a qualitative approach was employed, based on the analysis of Polish and English-language sources, including numerous monographs, academic articles, legal acts, and websites. The second research method employed in this work was a case study. This involved investigating the involvement of private military and security companies during the armed conflicts in Iraq and Afghanistan.*

Results: *Private military companies operate in a legal "gray zone," often beyond state control, raising questions about sovereignty, human rights, and monopoly on violence. The study concluded that while private military companies contribute to the effectiveness of crisis management operations, their unregulated expansion threatens international stability.*

Conclusions: *The document calls for clearer international regulations and ethical oversight to ensure that the privatization of security is consistent with democratic principles and respect for human rights.*

KEYWORDS: *private military companies, mercenaries, privatization of security, armed conflicts, outsourcing of military services, global security*

INTRODUCTION

Following the fall of the Iron Curtain and the collapse of the Cold War geopolitical system, private military companies (PMC) began to emerge at an unprecedented pace. They now provide their services wherever armed conflicts are taking place. PMC employees are considered modern-day mercenaries. This is not surprising, as the tasks they perform are not much different from those once performed by a condottiere, mercenary knight, or privateer. However, the shift in their role in contemporary conflicts is evident. They not only participate in direct combat but also conduct training and provide logistical

services. Their adaptation to the new roles they perform during armed conflicts demonstrates the versatility of modern mercenaries (Goga, 2023, p. 319).

Private military companies are defined in various ways in the literature. These companies are sometimes referred to as Private Security Companies (PSCs). Despite the common denominator and interchangeable use of these terms, it should be noted that PMCs are more associated with supporting combat missions and offensive operations, providing logistical and training services, while PSC lawyers usually perform tasks related to the protection of people and property. Generalizing, PMCs are defined as *legally operating, for-profit, international companies offering services that have the potential to systematically apply force through military or paramilitary means, as well as to transfer, enhance, and provide clients with the knowledge to implement such force* (Ortiz, 2010).

The subject of the publication was chosen due to the dynamic development of the private sector providing military services and its huge impact on the issue of national and international security. As the German journalist Rolf Uessler stated in his book, the value of this sector increased fourfold between 1990 and 2010, reaching the ceiling of \$ 200 billion, and due to new armed conflicts is constantly growing. Therefore, the main research question was posed: What role do private military companies and their employees play in contemporary armed conflicts?

The aim of this article is to illustrate the functions of private military companies in contemporary armed conflicts and to assess the effectiveness of their security efforts. It also aims to demonstrate the nature of PMCs, the tasks they perform, and the role they play in armed conflicts. Although PMCs constitute a crucial element of contemporary conflicts, and their functions can be essential to the success of operations, their legal framework remains insufficiently regulated. The discussion of PMCs' activities will be presented from a global perspective, and the mention of specific companies will serve only as examples illustrating the diversity of tasks performed by these companies, the issues they face, and the role they play in contemporary armed conflicts.

This article will present a brief history of mercenaries, the forms of mercenary service, legal regulations governing mercenaries, and the involvement of private military companies in contemporary armed conflicts. To examine

the involvement of these companies in armed conflicts and their contribution to ensuring security, a qualitative approach was employed, based on the analysis of Polish and English-language sources, including numerous monographs, scholarly articles, legal acts, and websites. The Additional Protocol of 1977 to the Geneva Convention, the International Convention against the Recruitment, Use, Financing and Training of Mercenaries of 1989, the 1977 Organization of African Unity Convention on the Elimination of Slavery in Africa, and the Montreaux Document adopted in 2008 were considered. Current forms of mercenary service were reviewed, including service within the Foreign Legion, private armies, and private military companies. Another research method employed in the work was a case study. This involved examining the involvement of companies such as Blackwater and KBR during the armed conflicts in Iraq and Afghanistan. In this section, the authors analyzed the dynamic development of these companies during the wars and the diversity of services they provided.

OUTLINE OF THE HISTORY OF MERCENARIES

The profession of a mercenary is as old as the phenomenon of war. Already in ancient times, there existed mercenary troops. The oldest records of Greek soldiers as mercenaries come from Egypt, from the 7th and 6th centuries BC (Connolly, 1991, p. 53). Greek city-states had problems in preventing the recruitment of their citizens to the army of mercenaries. Hoplites – Greek elite infantry were the backbone of Persian armies (Moszumański, 2006, p. 10). Ancient Rome, on the other hand, did not recognize mercenaries. However, in the later years of the Republic, military commanders raised legions at their own expense. These legions often brought wealth to the Roman Empire, and mercenary labor enriched not only the legionaries but also their commanders.

In the Middle Ages, the concept of mercenaries was unknown. However, this changed during the Crusades. Disciplined mercenary units fighting in groups gained an advantage over knights fighting alone. The Late Middle Ages already abounded with mercenary armies. Italian condottieri fought for material gain with such dedication that monuments were erected to them. Among them was Bartolomeo Colleoni (1400–1475), to whom a monument was erected in Venice

(Encyclopedia, 2005, p. 347). Anyone recruiting condottieri had to ensure their loyalty and provide them with attractive wages. Florence, for example, paid its mercenaries with state loans on favorable terms. The era of the condottieri ended at the turn of the 16th and 17th centuries. During this time, there was a gradual professionalization of conflicts and the development of increasingly skilled mercenary armies, e.g. Landsknechts and Swiss pikemen.

In the 19th-century independence struggles, non-state volunteer units (in Prussia, Austria, Spain, Portugal) fought against Napoleon, but they did not affect the monopoly of standing armies in warfare. Many of these volunteers were incorporated into the regular army. Others returned home after the enemy was driven out. In 1851, the French Foreign Legion was formed (Osmańczyk, 1973, p. 480) to protect French colonies in Africa.

During World War II, mercenaries fought on the side of the Third German Reich. The collaborative units were formed from European and non-European nations (Czarnotta, 1998), within the framework of the *Waffen SS* formation. In this case, however, apart from material issues, ideological considerations were probably at stake: supporting fascist views and anti-communism.

After World War II, during the time when former colonies in Africa gained mass independence, it was difficult to create local permanent armies, even for personnel reasons (there was a shortage of officers). However, a way out of this situation was found by hiring mercenaries. Volunteers, mostly adventure and brawl enthusiasts, were recruited in America and Europe to fight. This was done in Nigeria, Liberia and Sierra Leone. Later, *mercenaries* spread all over Africa. In some parts of the developing world, private armed groups have acquired sufficient power to compete with the state as the sole and legitimate source of order. This has led to the emergence of clientelistic politics, in which the need to protect citizens has been transferred to sub-state actors with highly questionable motives (Shannon, 2000, p. 103).

The demand for mercenaries also appeared in Europe during the wars in former Yugoslavia. Those interested in such a service who came to Sarajevo were immediately employed by the mercenary forces. They came from the Eastern Bloc countries, where they were left unemployed after the political changes in Europe. The range of mercenaries varied – from troublemakers through ex-soldiers, right-wing extremists and Islamic fanatics to Mujaheddins. Serbian

and Croatian war veterans were later found in Congo, South Africa (fighting apartheid, protecting gold and diamond mines) and other African countries.

Mercenaries also appeared in Chechnya during both wars. They were recruited from Europeans (Ukrainians, Croats, Georgians, etc.) and Asians (Jordanians, Pakistanis, Afghans, etc.). Their number is estimated at over 5000 people (Czarnotta and Moszumański, 1995, p. 19). One of their leaders was the Jordanian Ibn al-Chattab (Emir Chattab).

FORMS OF MERCENARY SERVICE

There are several groups of mercenaries. Mercenaries (in the classic sense) are individuals who participate in armed conflicts in return for material benefits (Petersohn, 2014, p. 191). In Article 47 of the Additional Protocol of 8 June 1977 to the Fourth Geneva Convention of 12 August 1949 it has been specified that the mercenary is the one who:

- “Is specially recruited locally or abroad in order to fight in an armed conflict;
- Does, in fact, take a direct part in the hostilities;
- Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
- Is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
- Is not a member of the armed forces of a Party to the conflict; and
- Has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces” (Protocol Additional, 1977).

As a result, there are many components of the concept of a mercenary – all of them must cumulate. Under the Geneva Convention, mercenaries are not considered combatants and, if captured, are not entitled to prisoner-of-war status. Most countries around the world prohibit mercenary service and criminalize mercenary service in their criminal codes. Polish law provides for

a prison sentence of 3 months to 5 years for recruitment or service in a foreign army (Article 141 § 1 and Article 142 § 1 of the Penal Code) and a prison sentence of 6 months to 8 years for recruitment or service in mercenary forces (Article 141 § 2 and Article 142 § 2 of the Penal Code).

The Convention on the Elimination of Mercenaries in Africa similarly defines the term *mercenary*. A mercenary is called a person fighting in an armed conflict for personal gain, regardless of his legal status. In other words, mercenaries are recruited and then they provide a kind of armed service. They are therefore a part of a military (paramilitary) contingent intended for defence or attack. Mercenaries always act in the interest of the payer, and money is the deciding factor in undertaking a specific task. The mercenaries are bound by a code of conduct, military order, hierarchy of superiors and other rules specific to organised groups. They are uniformed in a specific way and marked with a military pattern. According to their signed contract, they are obligated to practice their profession and maintain confidentiality regarding the tasks assigned to them. Examples of mercenary services include the Foreign Legion, private armies, and private military and security companies.

The Foreign Legion (Légion étrangère) – is a French military formation composed of volunteers who serve France as contract soldiers, receiving a fixed salary for their service (Encyclopedia, 2005, p. 361). Originally, the Legion consisted of adventurers of various stripes seeking adventure for money. Today, however, French Legionnaires are regular soldiers of the French Army of various nationalities, aged 17-39 years and 6 months. They sign a service contract for at least five years. During their service, they can attain the rank of non-commissioned officer. Officer positions are usually held by Frenchmen. After five years of service, Legionnaires can apply for French citizenship. After at least 17 years and 6 months of service in the Legion, they are entitled to a lifetime pension.

During periods of increased mobilization, the Foreign Legion's number was approximately 35,000, and it fought in colonial conquests. Today, this number has fallen to 7,000. The Legion serves to protect the spaceport in Kourou, French Guiana. As a part of French or multinational forces it also participates in UN and NATO peacekeeping operations (e.g., in Bosnia and Herzegovina, Kosovo, Afghanistan, Côte d'Ivoire, etc.), carrying out mission-specific tasks. As a result, opinions on the Legionnaires are divided, and

it is increasingly difficult to classify them as mercenaries. On the one hand, they are individuals of various nationalities, receiving remuneration for their service, but on the other, they are soldiers as loyal to France as the national component of the French Armed Forces.

Private armies differ from regular state armed forces in that they serve a specific individual or group of people, helping them pursue their personal political and economic ambitions. Financing such armies is expensive, and the money typically comes from criminal activities: robbery, blackmail, human trafficking, or drug trafficking, for example, from the proceeds of opium sales. One of the largest private armies was commanded by Rashid Dostum. By the mid-1990s, his army in northern Afghanistan numbered approximately 50,000 soldiers (Kirt, 2015). The private armies of mafia organizations and drug cartels in South America, especially in Colombia, are incomparably smaller than those in Afghanistan. In the 1990s, at the height of the Colombian drug cartels' influence, these private armies were led primarily by retired police or military personnel and offered security to those who needed it and could pay for the service. The main beneficiaries of this arrangement were drug traffickers and drug cartel bosses (Hollander, 2025).

Private military and security companies offer a security (protection) product as a commercial, paid commodity, the quality of which is assessed based on how much the customer is willing to pay for it (Pesendorfer, 2006). The catalysts for the creation of such enterprises were and still are:

- the end of the East-West conflict (Cold War);
- the globalization of the world economy;
- the increase in the number of international and internal (armed) conflicts;
- the reduction of defense budgets in many countries;
- the low willingness of industrialized societies to conduct risky peace-keeping missions;
- the expansion of the concept of national security and alliances beyond the direct defense of one's own country.

Over the past 15 years, a number of similar private military companies have emerged, specializing in providing security services for both public and

private purposes. Their wide range of services includes weapons training, preparation for counterterrorism operations, combating drug trafficking, and even economic consulting in conflict zones.

The main influx of people into PMC comes from direct recruitment from the active military, especially from special forces (Matzke, 2015). The motivation for joining the service is high salaries, and the remuneration is directly proportional to the degree of risk (e.g., life-threatening) incurred in military operations. Private companies of this type enter into contracts with states, governments, non-governmental organizations (e.g., humanitarian organizations), and even international organizations such as the UN. An example is the private company Blackwater (currently operating under the name Constellis) founded in 1997 by Eric Prince and Al Clark.

Privatization in the military sector is gradually encroaching on the public sphere. Private security firms now protect many public buildings (courthouses, hospitals, airports, etc.), and often military installations (warehouses). These companies are businesses run by civilians employed by a state or company to support war efforts or to perform certain risky tasks in crisis areas (e.g., protecting people and facilities). The owner of the security company is responsible for their equipment, weapons, training, and supplies. Mercenary companies provide four types of services:

- Logistical tasks – communications, transport, repairs, food, camp construction (accommodation) – outside war zones;
- Consulting services on the reform and restructuring of the armed forces, soldier training, etc.;
- Armed protection of individuals and facilities in conflict zones (public buildings, industrial plants, office buildings, VIPs, or private individuals), humanitarian organizations, and even military installations, as was the case in Bosnia;
- Classic mercenary activities, i.e., participation in combat operations (Pesendorfer, 2006).

There have been cases of private security companies and military contractors committing human rights abuses. Human Rights Watch and the United Nations have criticized the Central African Republic for hosting Russian mercenaries

(Gentil-Fernandes, Morrison and Otto, 2024, p. 177). The Wagner Group's documented activities included civilian killings, extrajudicial executions, torture, and inhumane treatment. These incidents also occurred in Mali, Syria, and Ukraine. Referring to the activities of private military companies, the European Parliament adopted a resolution of 25 November 2021 on the human rights violations by private military and security companies, particularly the Wagner Group (2021/2982(RSP)). In this resolution, the Parliament called on the Commission to ensure that countries receiving financial assistance cannot use EU funds to finance private military companies and stated that the EU and its member states should only use the services of private security companies in conflict zones to protect their facilities or ensure the security of their transport – and only if these companies fully respect human rights and international humanitarian law (European Parliament Resolution, 2021).

INTERNATIONAL WAR LAW ON MERCENARIES

A distinction must be made between international law concerning mercenaries and members of private security companies. The concept of a mercenary in Article 47 of the 1977 Additional Protocol is defined rather narrowly. As mentioned above, mercenaries are not treated as veterans under the law of war and cannot claim prisoner of war status (Protocol Additional, 1977).

The most comprehensive document regarding the status of mercenaries is the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. This convention criminalizes the activities mentioned in the previous sentence concerning mercenaries (recruitment, training, use, financing). The convention dates back to 1989 and entered into force on October 20, 2001. It is the key instrument criminalizing mercenary activity. Article 1 of the Convention provides a definition of a mercenary which is consistent with the definition set out in Article 47 of the 1977 Additional Protocol. Point 2, on the other hand, states that “a mercenary is also any person who, in any other situation:

- Is specially recruited locally or abroad for the purpose of participating in a concerted act of violence aimed at :

- ◇ Overthrowing a Government or otherwise undermining the constitutional order of a State; or
- ◇ Undermining the territorial integrity of a State;
- Is motivated to take part therein essentially by the desire for significant private gain and is prompted by the promise or payment of material compensation;
- Is neither a national nor a resident of the State against which such an act is directed;
- Has not been sent by a State on official duty; and
- Is not a member of the armed forces of the State on whose territory the act is undertaken” (International Convention, 1989).

The Convention has been signed or acceded to by 47 countries (Status of Treaties, 2026). However, key countries such as the United States, Russia, China, and the United Kingdom did not join. Its effectiveness in regulating mercenary activities is therefore limited. It is also worth mentioning the 1977 Organization of African Unity Convention on the Elimination of Slavery in Africa. This convention applies to African states. According to its provisions, mercenary activity is considered a crime and a threat to state sovereignty. The convention defines a mercenary more broadly than the UN Convention, encompassing both individuals and groups supporting destabilization activities. This document prohibited the organization, training, and financing of mercenaries.

A document attempting to regulate the status of private military companies is the Montreaux Document, adopted in 2008. The document was initiated by Switzerland and the International Red Cross. It summarizes and systematizes existing legal solutions for regulating the activities of private military and security companies. However, it is not a legally binding document and does not create new regulations in this area. Rather, it is a collection of best practices for regulating their activities. The convention distinguishes between contracting states (also known as contracting parties), territorial states, and parent states. It provides an overview of obligations regarding humanitarian law, the obligations of private military and security companies, and the liability of their superiors. This document has been signed by 61 countries, including the United States, China, the United Kingdom, and most European

countries, and the number of states supporting it continues to grow, reflecting the need to regulate the activities of private military and security companies that offer consulting, training, logistical, or support services to regular armed forces during armed conflicts.

Under international law, members of private military companies are civilians, meaning they should not directly participate in hostilities. They are also not entitled to combatant status. However, if they actively participate in armed conflict, they lose civilian protection and may also be considered mercenaries. They may also be at risk of becoming victims of hostilities. Furthermore, if they work as contractors for the armed forces of a party to the conflict, they run the risk of violating the laws of armed conflict (Schaller, 2007, p. 345).

Private military and security companies are considered to operate in an (international) legal gray area. While they are subject to national law, the Geneva Convention, and concluded contracts, in practice, the application of the law to them is difficult due to unclear jurisdiction. In fact, it is difficult to determine which law they should be subject to, before which courts, and in which country. Given the trend toward privatization of certain military tasks, it has become necessary to clearly define the status of private security and military companies and the legal framework for their operation, both in domestic and international law. They must understand the conditions under which they can be used, what rights they have, what legal protection they are entitled to (under specific conventions), and what consequences they will face in connection with their activities.

ACTIVITIES OF PRIVATE MILITARY COMPANIES IN IRAQ

The armed conflict referred to as the Second Gulf War began on March 20, 2003. The operation codenamed *Iraqi Freedom* was initiated by an American air raid that destroyed Iraqi command structures, depriving the opponent of the possibility of organizing effective defense. The official cause of the outbreak of the war was the suspicion that Iraq possesses weapons of mass destruction and unwarranted allegations by the United States that Iraq supported the activities of Al-Qaeda, responsible for the 2001 World Trade Center attacks. The unofficial reason for the outbreak of this conflict was the desire

to take political control of the Gulf region, which clearly shows that these events were a kind of continuation of the 1991 war (Smalec, 2012, p. 77).

PMC employees constituted an indispensable part of the personnel both for conducting an efficient military operation against Saddam Hussein's forces and for building a stable situation in the war-damaged country. Escalating levels of violence and lawlessness have led to a growing dependence on private security companies (Bjork and Jones, 2005, p. 779). This trend extended to non-governmental organisations, operating in Iraq, which used the PMC service to ensure the security of their personnel and operations.

In the first phase of the operation in Iraq, private military companies carried out a number of tasks extremely important for its success, among others, digital image of the area for the Joint Air Operations Center created specifically for the needs of military operations in Iraq (Combined Air Operations Center for the war in Iraq), which significantly affected the effectiveness of bombing.

In addition, the United States Air Force said that the operation and maintenance of a small number of specialized Beechcraft RC-12 Guardrail intelligence aircraft on their own is not profitable, which resulted in the transfer of this task to the professionals of one of the PMC. In turn, other technicians supported the operation of unmanned aerial vehicles Predator (UAV) involved in the direct destruction of targets in Iraq. Even the United States Navy employed private subcontractors to operate missile systems on its ships (Isenberg, 2006, p. 5-6).

Land forces also did not do without cooperation with PMC contractors. Operating in Iraq, the 4th Infantry Division could carry out its tasks thanks to employees of private enterprises responsible for supporting digital command systems, without which the operation could not succeed. Considering the suspicion of Saddam's possession of biological and chemical weapons, the services provided by PMC employees in the field of detection of biological and chemical contamination also turned out to be significant. Also, for the success of the operation, logistical support was important, including ensuring the continuity of military bases, transportation of fuels, ammunition and materials necessary to continue the offensive, maintenance and operation of equipment, as well as providing medical assistance, both basic and specialist (Terlikowski, 2008, p. 15).

After the Iraqi Freedom operation, PMC tasks were transformed. It resulted directly from successive goals constituting the progressive rebuilding

of the destroyed state and increasing the stability of the region. One of the most important undertakings to which PMC contributed was the creation of new Iraqi security forces or the efficient reforming of the political system of the state. The tasks that were carried out by private companies in this area include, but are not limited to, training Iraqi security soldiers, providing protection to politicians and other people, and infrastructure security.

All tasks were carried out on the basis of agreements between enterprises and the client. The services of private military companies were mainly used by the US government and its bodies, especially the Department of State and the Department of Defence, together with military agencies and institutions acting on their instructions. Another client was the Provisional Coalition Authority, after which in 2004 the newly elected Iraqi government took over the powers. In addition, other international enterprises carrying out tasks related to, infrastructure reconstruction or exploitation of natural deposits located in Iraq were also numerous clients. All contracts concluded with PMC concerned services that could be catalogued in three categories: logistics services, security services, training and special services.

The largest military company providing logistics services for the military-stabilization operation in Iraq was Kellogg Brown & Root (KBR). The company operated in Iraq under contracts with the U.S. Department of Defense under the Logistics Civil Augmentation Program, the largest government contract in U.S. history supporting military operations in Iraq and Afghanistan. In Iraq, the company provided services at major U.S. bases, including Camp Victory and Camp Anaconda, which at peak times housed 40,000 and 28,000 soldiers, respectively. KBR was involved in running canteens, pubs, and shopping centers (Terlikowski, 2008, p. 17). After the first year of operations in Iraq, the company issued an invoice to the US government for its services, amounting to approximately USD 4.3 billion, which increased to approximately USD 20 billion over the next four years of the mission (Singer, 2007). These amounts show the extent to which the US Army used the services of a private enterprise during the mission in Iraq (Terlikowski, 2008, p. 18).

The second category mentioned above is security services provided by private military companies commissioned by the State Department, based on contracts concluded as part of the Worldwide Personal Protective Services (WPPS)

program. In Iraq, the largest company providing this type of service was then Blackwater USA, whose contracts accounted for 85% of all contracts for the protection of persons and property under WPPS. The other two companies operating within this program are DynCorp International and Triple Canopy.

These PMC assignments encompassed a narrow range of tactical duties, primarily protecting certain heads of state, high-ranking US officials (including members of Congress), US diplomats, and government agency employees. The State Department required security companies to meet strict employment requirements. Applicants were vetted by their employer before submitting applications to the State Department. After applications were submitted, the State Department vetted each employee, who was required to meet the requirements for obtaining the appropriate level of US government security clearance. Each employee also had to meet specific experience and training requirements before being hired: employees had to complete a 164-hour training course, during which they familiarized themselves with State Department-approved instructions. This demonstrated the seriousness of the U.S. government's commitment to the safety of people and property and to selecting qualified individuals to perform mission duties. All facilities responsible for oil extraction and transportation also required adequate security. This task was carried out by the British company Erinys International, which hired and trained approximately 16,000 security guards under a contract worth nearly \$175 million (Terlikowski, 2008, p.44). Most of these personnel were Iraqi citizens.

The Department of Defense, in order to ensure the safety of employees of private companies performing tasks within the reconstruction of Iraq, has signed a contract with Aegis Defense Services. This company, apart from security activities, conducted training and was responsible for monitoring the level of security in Iraq, which is part of the third category of services – training and special services. The company served as the coordinator of all private military companies in Iraq. The \$300 million contract between the Department of Defense and Aegis expired in 2007, but the company secured another \$475 million contract (Fairnau, 2007). In turn, DynCorp International secured a \$1.3 billion contract for the comprehensive transformation of the Iraqi police. The contract included several training courses aimed at creating a new, effective formation, extremely important for the independent functioning of the state.

While the use of a private company for this purpose seemed questionable, it should be remembered that private military companies employed numerous specialists, including those in the fields of law, intervention, and forensic science. Their skills could be useful in training officers for the new police force.

The number of PMC carrying out tasks in Iraq was difficult to estimate at the beginning of the operation. Based on 2007 data, PMCs numbered approximately 600 private companies employing 180,000 people, of whom 21,000 were Americans, 43,000 were third-country nationals, and 118,000 were local Iraqis. During the mission, PMCs suffered 1,000 fatalities, while nearly 13,000 contract workers were injured.

Despite the enormous contribution of PMC to the success of the mission in Iraq still, private military companies do not enjoy good public opinion. On one hand, using their services is beneficial, on the other, it is associated with many controversies and infamous incidents. The first and one of the most important issues regarding problems related to the activities of PMC employees is their legal liability. In a war-torn state with no power that could effectively enforce the law, with insufficient international law provisions determining the legal status of PMC employees, contractors found themselves in the *legal gray area* (Singer, 2003, p. 11-14). Therefore, the coalition occupying the territories of conquered Iraq created a number of regulations authorizing the use of PMC services. Under Regulation No. 17 issued by the Coalition Provisional Authority (CPA), countries using the services of private companies (referred to in this document as *sending countries*) could enter into contracts for any services, equipment, supplies, materials, other goods, or construction work to be provided or undertaken in Iraq, without restrictions as to the choice of supplier or contractor. Such contracts were awarded in accordance with the laws and regulations of the sending state (Coalition Provisional, 2004). According to this point, all PMC activities in Iraq, commissioned by the coalition countries, were legal.

In addition, all employees of private enterprises have been removed from the jurisdiction of Iraqi law. The abolition of the Iraqi government's jurisdiction over private military companies has, on the one hand, significantly facilitated the implementation of tasks in the area of stabilization and reconstruction of the region, but numerous scandals related to employees have revealed inaccuracies in the process of control and supervision by the US government.

This problem was to be solved by a decision of both the US Congress and the Senate, ordering the Pentagon to create new guidelines regarding the management of PMC and the provision of reports on their activities (Hutton, 2012). The newly created guidelines described the general chain of command and supervision over subcontractors providing services for security. Supervision over PMC was achieved through various contractual agreements, laws, regulations and guidelines. US institutions such as the Government Office of Responsibility, Special Inspector General for Reconstruction of Iraq, Office of the Inspector General of Defense, Defense Contract Management Agency and the Defense Contract Audit Agency were responsible for their creation and enforcement (Isenberg, 2006, p. 11-12).

However, it is difficult to clearly state whether using the services of private companies is more expensive than performing these tasks yourself. Nevertheless, it is known that contract values are counted in hundreds of millions, if not billions of dollars. There is also a lot of controversy when concluding contracts, because not all of them are resolved because of tenders. Clauses and cost-plus clauses are also interesting, as they allow for automatic extension of contracts and cause that with the increase in the company costs, the company's income also increases. An example of contracts containing this type of clause are contracts between the US government and the aforementioned companies Aegis Defense Services and Erinys International. The first company in 2004 concluded a contract for about 90 million, and in 2007 because of the use of the aforementioned clauses, Aegis received 380 million dollars. A similar situation took place in the case of Erinys, which after the end of the contract received an amount of 155 million higher than those mentioned in the contract.

The another problem arising from the involvement of PMC in the conflict in Iraq was the lack of any coordination between the coalition forces and combat service personnel. At the tactical level, the lack of agreement resulted several times in a friendly fire or accidental involvement of employees in military operations conducted by regular troops. This type of incident caused a lot of confusion throughout Iraq, which is why in December 2007 the Department of State and Defense issued a memorandum, as a result of which the PMC was to be subject to more thorough army control in order to better coordinate activities. More important, however, was the strategic level, as it concerned

the overall functioning of all forces and assets involved in the operation. It's also worth noting that PMC personnel had a poor reputation among the Iraqi community, with numerous incidents of firearms abuse often resulting in the deaths of bystanders. There were also instances of PMC personnel behaving aggressively and disrespectfully towards the local population, which led to a negative attitude among Iraqis towards the coalition forces as a whole, as PMC personnel were identified with soldiers participating in the stabilization mission.

PRIVATE MILITARY COMPANIES DURING THE WAR IN AFGHANISTAN

As with the conflict in Iraq, private military companies provided support to NATO forces during the war in Afghanistan, which began in 2001. The reasons for using PMCs during the mission in Afghanistan were essentially the same as in Iraq: first, an underestimation of the forces required to effectively conduct the operation, and second, supposed savings resulting from outsourcing and PMC efficiency focused on a narrow range of tasks.

Employees of private military companies arrived in Afghanistan alongside thousands of soldiers arriving as part of Operation Enduring Freedom and the International Stabilization and Assistance Force (ISAF). Their involvement in the conflict was similar to the one in the Iraq war, which is emphasized by the fact that they were mostly employees of the same companies that two years later would engage in the conflict in the Persian Gulf.

In Afghanistan, they provided logistic services and operational support, which included, inter alia, assistance in conducting raids or advice in command-and-control processes. In addition, they dealt with the maintenance of weapons and equipment and provided materials necessary during the operation, or de-mining and destroying poppy plantations. Despite such considerable commitment, intelligence services were probably the most important for the success of the operation. It is known that shortly after September 11, 2001, the first PMC employees were recruited to support the CIA intelligence operation in Afghanistan. The activities of contractors

in this area included, inter alia, recognition, collection and analysis of data, and conducting interrogations (Huskey and Sullivan, 2012, p. 339-340).

PMC quickly adapted to the needs of the operation in Afghanistan, and the variety of services they provided was constantly increasing. This resulted in the fact that they signed agreements not only with the Alliance's armies participating in the operation, but also with diplomatic missions, enterprises, agencies participating in the Afghan reconstruction program, international organizations such as the United Nations, and even television stations, which significantly contributed to growth number of PMC employees. In 2012, their number was 110,000 people (Monje, 2026). PMCs did not conduct offensive combat operations, although a small number of them were regularly exposed to such operations by, for example, convoying transports in combat zones or protecting military bases.

The large number of PMCs operating in Afghanistan has forced the government to introduce legal conditions governing their activities. This process can be divided into three stages. The first of these lasted from the beginning of the military operation until 2007. During this period, the Afghan government did not establish any regulations regarding the activities of PMC, but thanks to the Afghan Investment Support Agency, the Afghan Ministry of Interior (MoI) and the Director of the Uniform Police the first steps were taken to register PMC and create a list of companies authorized to perform orders in Afghanistan. However, this list only concerned companies providing security services and only 35 companies were included. However, it was estimated that 60 to 140 companies of this type operated in Afghanistan.

The second stage (2008-2010) involved the creation of administrative ordinances to fill the legal gap and prepare the appropriate ground for the creation of the law regulating PMC activities in Afghanistan. At that time, the *Procedure for regulating the activities of private security companies* was created, issued by the MoI's Joint Secretariat of Disarmament and Reintegration Commission in February 2008. Despite the steps taken, compliance with these regulations was negligible, especially in areas outside Kabul. High Coordination Board (HCB) responsible for monitoring the activities of PMCs, did not have its regional representations, which translated into ineffectiveness in the law enforcement process. In addition, HCB's uncoordinated actions with the police

and inefficiency of the process of collecting complaints from local people did not translate into prosecution of PMC employees for non-compliance with human rights and local laws.

It soon became apparent that these regulations were not achieving their intended purpose. After a series of unfortunate incidents involving PMC employees, the then president of Afghanistan Hamid Karzai issued a decree on August 17, 2010, in which he ordered the dissolution of all private military companies within four months, thus starting stage three. The document was created to combat corruption, ensure the security of all citizens, avoid public disorder and abuse of weapons, uniform and military equipment by private security companies that caused tragic incidents (Centre for Conflict, 2010). The ISAF with the United States at the forefront, immediately voiced their objection, arguing that security forces and the police are inefficient and unable to assume full responsibility for maintaining security in Afghanistan, which will significantly affect the process of state reconstruction and the stabilization operation. After the talks, a compromise was reached and in March 2011 the Bridging Strategy was adopted, which assumed not so much as eliminating PMC, but nationalizing this sector. This was done by incorporating private companies into the Afghan Public Protection Force (APPF), which continued to provide services commercially but under state supervision. A departure from this strategy could apply to foreign companies providing services to diplomatic missions or carrying out tasks for ISAF countries, provided that as the functioning of the APPF improves, it will gradually take over their tasks.

The above regulations, however, show a quite separate situation than the one that occurred in the case of the war in Iraq. One can notice a much stronger position of the Afghan government compared to the Iraqi government. Afghan authorities were not afraid to take drastic measures to limit PMC activities, even in the event of disapproval by the US and other ISAF countries.

CONCLUSIONS

The problem of contemporary mercenaries remains open, and the question of including particular structures (individuals) in this category of mercenaries or security guards will always require careful assessment before they are held criminally responsible for profiting from war. In fact, in all NATO countries, both service in mercenary armies and recruitment to them are prohibited, in contrast to service/work in PMCs, whose role in contemporary armed conflicts is constantly growing.

The role of PMC is not known to the majority of public opinion. Although the development of such enterprises is dynamic and will probably continue in the coming years, many people still do not know what PMC are and what threats result from their activities. In Iraq, Afghanistan, Colombia and Africa, the presence of this type of enterprises is observed, but they are rarely mentioned in press releases. In addition, the activities of this industry are not sufficiently regulated, and the transparency of the tasks carried out leaves much to be desired. It remains to be hoped that international bodies, such as the UN, will jointly decide to regulate the status of civilian workers in areas of armed conflict. However, it can be expected that this will be a very difficult task to be carried out, due to the high activity of strong lobbying groups and the differences in opinions of individual countries in this respect. The further development of the military and security services outsourcing sector and its increasingly widespread use means that further analysis of the effects, disadvantages, advantages and risks associated with delegating services to private entities is necessary.

It is also worth considering the moral aspect of contractors' participation in armed conflicts, especially when they operate weapons systems, e.g. target designation for unmanned aerial vehicles. Private military companies are an extremely important element in the international security system. They operate and earn mainly thanks to armed conflicts, which is why the most important thing is that they always act in accordance with the principles of democracy and respect for human rights.

Contemporary armed internal and international conflicts, the accompanying humanitarian catastrophes, and the dangerous aggression of dictators have become the source of a new problem related to armed intervention

to restore peace and order and ensure basic human rights. The prerequisites for their outbreak exist wherever conflicts of various nature and intensity arise. A new type of violence is also emerging in areas dominated by separatist tendencies or social incohesion (especially in large cities). In all these types of conflicts, the privatization of violence is observed. This marks the entry into a new phase, a world in which the state's effective monopoly on the means of violence is disappearing. Violence, previously monopolized by the state, is increasingly controlled by paramilitary (non-state) groups, private security agencies, security organizations, and so forth. Many international and multinational corporations operate in the international market offering *security services* to states and non-state actors. The privatization of military and paramilitary activities is based on the theory that security can also be treated as a service and that private interests in security can mirror (in some cases) state interests. While private military companies contribute to the effectiveness of crisis operations, their unregulated expansion threatens international and domestic stability. Clearer international regulations and ethical oversight are therefore necessary to ensure that the privatization of security is consistent with democratic principles and respect for human rights.

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