



Pros and Cons of Legalizing Private Military Companies

OE Watch Commentary: While not legally authorized, the Kremlin nevertheless has made use of Russian Private Military Companies (PMC) to conduct operations both in Ukraine and Syria. The accompanying excerpt from the pro-business daily, *Vedomosti Online*, discusses possible future legislation which might authorize and regulate the activities of Russian PMCs. The article includes a comment made by Russian Foreign Affairs Minister Sergey Lavrov who was recently asked “about the fate of the Russians executed by gunmen in Syria.” Earlier reports “had described them as employees of PMC Wagner.” Since, however, Russia has yet to authorize PMCs, these individuals lacked any state or legal protection.

The article revisits previous unsuccessful attempts to introduce legislation dealing with PMCs over the past several years, suggesting that “the special services disapprove of the very idea of a law that would effectively legalize private armies as they do not want to deal with professionally trained and armed people operating outside the state’s control.” Since creating a PMC is still illegal in Russia, the author doesn’t mention how PMCs are currently being funded nor which agency is responsible for their overall coordination.

The author quotes one expert who believes that the time “is ripe for bringing Russian PMCs out of the shadows,” and that provided the legislation is well-written, PMCs would be prohibited “from acting against Russia and on Russian territory.” Another expert posits that by developing “the legal base for the activities of PMCs,” such legislation might actually reduce Kremlin aggression, since it would “make it more difficult to use them for unofficial military operations against foreign states.” However, these legal sentiments are not shared by all. One reader comment points out that “if PMCs are legalized, then it will be more difficult to use their most useful feature – plausible deniability on the use of force.” The current Kremlin leadership remains intent upon restoring Russia as a great power, and will use all the tools in their arsenal, to include PMCs, whether they are supported by the appropriate legislation or not. **End OE Watch Commentary (Finch)**

Source: Pavel Aptekar, “Стоит ли легализовывать ЧВК? Частным армиям пора выйти из тени,” [Should Private Military Companies be Legalized? It is Time for Private Armies to Step Out of Shadow] *Vedomosti Online*, 18 January 2018. <https://www.vedomosti.ru/opinion/articles/2018/01/18/748171-legalizovivat-chvk>

The protracted conflicts in Syria and the Donets Basin are reviving the topic of legal regulation of the activities of private military companies (PMCs): the gray underside of many armed confrontations and civil wars. The PMCs are a shadow today: Russian legislation does not define their status in any way, while mercenary activities -- recruitment, training, financing, and use of mercenaries -- are prohibited in Russia. On the one hand, the illegal status of the PMCs makes it possible, while retaining formal neutrality, to covertly use such forces for various types of dirty political work in the conflicts where the country is not formally involved or is involved but does not want to risk its military. On the other hand, when Russian fighters from a PMC are killed or taken prisoner on foreign territory, the authorities cannot avoid the responsibility for their fate as Russian citizens, which means that the question of legal regulation of the activities of PMCs must be resolved sooner or later in one way or another.

Russian Foreign Affairs Minister Sergey Lavrov noted Monday, answering a question about the fate of the Russians executed by gunmen in Syria (the media had described them as employees of PMC Wagner), that “it is necessary to create a clear legislative base in order for those people to also have legal protection.” Mikhail Yemelyanov, State Duma deputy from A Just Russia, announced Wednesday that he is planning to submit a draft law on Russian PMCs to the parliament in the near future. If this does happen... Yemelyanov’s draft will be a third document of this kind proposed for consideration in the State Duma. Draft laws on PMCs were submitted to the State Duma on two occasions in 2012. In 2014, Frants Klintsevich, who is currently a senator and was deputy chairman of the Defense Committee at the time, prepared a draft law on the same subject but did not submit it to the parliament. According to one theory, the special services disapprove of the very idea of a law that would effectively legalize private armies as they do not want to deal with professionally trained and armed people operating outside the state’s control....

...International relations expert Vladimir Frolov believes that the situation is ripe for bringing Russian PMCs out of the shadows: It is important to define the situations where they can be used, while also prohibiting them from acting against Russia and on Russian territory, in order to exclude the possibility of violation of the state monopoly on legal use of force and prevent them from becoming a parallel army or police. On the other hand, in the current circumstances, the legalizing of PMCs will also mean legalizing the activities of those who were involved in the east of Ukraine in subversive work that is against the Montreux document. Andrey Kortunov, general director of the Russian Council on Foreign Affairs, believes, however, that future development of the legal base for the activities of PMCs should, on the contrary, make it more difficult to use them for unofficial military operations against foreign states. If only for this reason, legalizing is better than keeping these formations in a gray area.

Reader Comment (Kosmik)

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