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Possibilities of Using Private Military Companies in Peacekeeping Operations of the United Nations Security Council

**Możliwości wykorzystania prywatnych firm wojskowych w operacjach pokojowych Rady
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• Abstract •

The phenomenon of engaging mercenaries to participate in armed conflicts or conduct operations on the verge of war has been known since ancient times. The first documented mentions of armed clashes in which mercenaries took part date back to the 13th century BC and refer to the battle of Kadesh. Famous formations of Greek hoplites often served the Persian rulers. Their services were used by Alexander of Macedon, Hannibal and the rulers of the Roman Empire. Mercenaries developed most intensively during the Renaissance, where the city-states of Italy used mercenary formations. The Germans, the Swiss and the Scots were involved in mercenaries. In the First Polish Republic, the most well-known formation of this type was the Lisowczycy (the Lisowczyks). It was not until the creation of national armies at the end of the 18th century that mercenary formations disappeared. For example, the French Constituent Assembly passed a ban on

• Abstrakt •

Zjawisko angażowania najemników do udziału w konfliktach zbrojnych lub prowadzenia działań na pograniczu wojny znane jest już od najdawniejszych czasów. Pierwsze udokumentowane wzmianki na temat starć zbrojnych, w których brali udział najemnicy, pochodzą z XIII w. p.n.e. i dotyczą bitwy pod Kadesz. Słynne formacje greckich hoplitów często służyły władcom perskim. Z ich usług korzystał Aleksander Macedoński, Hannibal i władcy Imperium Rzymskiego. Najintensywniej rozwijało się najemnictwo w okresie Renesansu, kiedy formacje najemników były wykorzystywane przez miasta-państwa Italii. Najemnictwem parali się Niemcy, Szwajcarzy czy Szkoci. W I Rzeczypospolitej najbardziej znaną formacją tego typu byli lisowczycy. Dopiero tworzenie armii narodowych pod koniec XVIII wieku doprowadziło do zaniku formacji najemnych. Na przykład francuskie Zgromadzenie Konstytucyjne uchwaliło 28 lutego 1790 r. zakaz

the employment of mercenaries in the French state on February 28, 1790. The revival of mercenaries was influenced by the Cold War, especially the period of decolonization of Africa. At that time, mercenaries were employed by former colonizers who did not want to get rid of their dependent territories, often rich in various types of natural resources. Mercenaries played a vital role in shaping the political landscape of the world. Their extremely controversial activities were penalized at the end of the 20th century under international legal regulations. It is commonly believed that the role of mercenaries has now been taken over by private military companies (from now on: PMCs), which, unlike their predecessors, legally operate transnational companies. However, the purpose of their actions is the same as that of mercenaries, namely, to offer their services to the highest bidder. International law entities, transnational corporations, NGOs, and organised crime groups benefit from their support. Nevertheless, their existence has become a fact with which we must come to terms. Considering the excellent organization, professionalism and equipment of PMC employees, one should consider whether it would be justified to hire these companies to conduct peacekeeping operations supervised by the UN Security Council. Of course, these considerations apply to companies whose employees have not violated the applicable norms of international law.

Keywords: private military companies (PMCs); UN Security Council; peacekeeping operations

zatrudniania najemników w państwie francuskim. Wpływ na odrodzenie najemnictwa miała zimna wojna, a szczególnie okres dekolonizacji Afryki. Najemnicy byli wówczas zatrudniani przez byłych kolonizatorów, którzy nie chcieli pozbyć się swoich terytoriów zależnych, nierzadko zasobnych w różnego rodzaju bogactwa naturalne. Najemnicy odgrywali istotną rolę w kształtowaniu krajobrazu politycznego świata. Ich działalność, niezwykle kontrowersyjna, została spenalizowana pod koniec XX wieku na mocy międzynarodowych regulacji prawnych. Powszechnie uważa się, iż obecnie rolę najemników przejęły prywatne firmy wojskowe (PFW), które w odróżnieniu od swoich poprzedników są legalnie działającymi firmami transnarodowymi. Jednak cel ich działania jest taki sam jak najemników, mianowicie proponowanie usług temu, kto więcej zapłaci. Z ich wsparcia korzystają zarówno podmioty prawa międzynarodowego, transnarodowe korporacje, organizacje pozarządowe, jak i zorganizowane grupy przestępcze. Niemniej jednak ich istnienie stało się faktem, z którym musimy się pogodzić. Biorąc pod uwagę doskonałą organizację, profesjonalizm i wyposażenie pracowników PFW, należałoby się zastanowić, czy zasadne byłoby wynajmowanie tych firm do prowadzenia operacji pokojowych nadzorowanych przez Radę Bezpieczeństwa ONZ. Oczywiście rozważania te dotyczą firm, których pracownicy nie złamali obowiązujących norm prawa międzynarodowego.

Słowa kluczowe: prywatne firmy wojskowe (PFW); Rada Bezpieczeństwa ONZ; operacje pokojowe

Introduction

Conclusion of the Cold War marked the end of the rivalry between two political and military blocs, the Western, led by the United States, and the Eastern, led by the Soviet Union. Due to demobilization, a considerable number of relatively young and well-trained soldiers appeared on the labour market. According to experts, about 7 million of them were demobilized. In the Soviet Union alone, about

4 million combatants were affected, and in the United States, almost 700,000 and 900,000 National Guard soldiers (Sztuk, 2006, p. 183). At the same time, stocks of accumulated military equipment were disposed of. This has led to arms trafficking, usually illegal, on a massive scale (Mathieu & Dearden, 2006). These two factors, as well as the emergence of the concept among Western Countries of transferring some of the security activities to private entities, led to the creation of private military companies (PMCs). An important role in this process was also played by the lack of international stability in the field of security, caused by the eruption of national, ethnic and religious conflicts that have been suppressed so far, and the rapid development of military technologies. The above factors necessitated the involvement of private companies employing civilian specialists in sectors of operations that had so far been the domain of national armies.

According to Deborah D. Avant, out of every 10 people sent by the United States to the combat area in Iraq in 2003, more than one was an employee of one of the PMCs (2012, p. 441). These entities offered a wide range of services, from strictly combat, traditionally provided by the armed forces, through training, protection of people and facilities, to broadly understood logistics and medical services. They have the ability and capabilities to provide services in almost every corner of the world. Grzegorz Kuczyński points out that the value of this sector is increasing year by year. If in 2006 the global market for PMC services was estimated at \$20 billion, in 2012, it was already \$100 billion, in 2018, it was nearly \$250 billion, and in 2022, it could even exceed \$400 billion (Kuczyński, 2022, p. 19).

PMCs systematically undertake more and more activities in the field of security and expand their product range. The group of clients is also expanding. These include states, international organisations, commercial enterprises, NGOs, and individual customers (Wojciechowski, 2014, p. 12).

It is becoming more and more common to believe that in view of the many organizational problems faced by the United Nations (hereinafter: UN) when conducting peacekeeping operations, the involvement of the PMC sector in such undertakings would definitely improve the effectiveness of its activities. All the more so because most of the employees of these companies are experienced police officers and/or soldiers from many elite military units, practically from all the leading armies in the world. The only obstacle to the transfer of the tasks set out in the mandate of the UN missions is the legal status of the PMC, which is still unclear in the light of international law.

The aim of this article is to try to answer the following questions:

- 1) What is the actual international legal status of PMC today?

- 2) Should the UNSC use the services of the PMC to prepare for peacekeeping operations?

PMC employees are mercenaries?

In international law, the term 'mercenary' is included in three legal acts. Two of them are universal and one is regional.

Universal legal acts include: *Additional Protocol of 8 June 1977 to the Geneva Conventions of 12 August 1949 Relating the Protection of Victims of International Armed Conflicts* (AP I) (Journal of Laws 1992 No. 41, item 175) and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries of December 4, 1989. Whereas, the *Organisation of African Unity Convention for the Elimination of Mercenarism in Africa* of February 3, 1977, has a regional character. In addition, issues related to mercenaries were also included in the *International Convention on the Suppression and Punishment of the Crime of Apartheid* of 30 November 1973 (Journal of Laws 1976 No. 32, item 186, annex) and the *UN Convention against Transnational Organised Crime* of November 15, 2000 (Journal of Laws 2005 No. 18, item 158).

According to Article 47 of the AP I, a mercenary is a person who meets the following criteria at the same time:

- a) has been specially recruited at home or abroad to fight in armed conflict;
- b) is actually directly involved in hostilities;
- c) participates in hostilities primarily for personal gain and has received from or on behalf of a party to the conflict a promise of material remuneration significantly higher than that promised or paid to veterans of similar rank and function in the armed forces of that Party;
- d) is not a citizen of a Party to the conflict or a permanent resident of the territory controlled by the Party to the conflict;
- e) is not a member of the armed forces of a Party to the conflict;
- f) has not been sent by a State other than a Party to the conflict on an official mission as a member of that State's armed forces.

Unfortunately, this definition is not perfect. Its undoubted disadvantage is that the definition of this phenomenon is too narrow, which allows for the creation of a relatively large number of ambiguity (Bierzanek, 1982, p. 148). This was done deliberately because there was a fear that the term 'mercenary' would not be used too broadly and would not include volunteers or military advisers and other persons coming from neutral countries, as well as professional soldiers of foreign nationality.

On February 3, 1977, the countries of the Organisation of African Unity, in response to the threat posed to the African continent by the mass participation of mercenaries in the process of decolonisation, adopted the *Convention on the Elimination of Mercenaries in Africa*. In Paweł Wójcik's opinion, this document was a response to Article 47 of the AP I (Wójcik, 2017, p. 116). In the light of Article 1 of the Convention, a mercenary is a person who:

- 1) was specially recruited at home or abroad to fight in an armed conflict;
- 2) indeed, takes a direct part in military operations;
- 3) takes part in hostilities mainly for personal gain and has received a promise of material compensation from or on behalf of a party to the conflict;
- 4) is not a citizen of a party to the conflict or a permanent resident of the territory controlled by the party to the conflict;
- 5) is not a member of the armed forces of a party to the conflict;
- 6) has not been sent by a State other than a party to the conflict on an official mission as a member of that State's armed forces.

Importantly, this article does not require that remuneration be "explicitly higher than that which is sworn or paid to veterans of similar rank and holding a similar position in the armed forces of that party" (Wójcik, 2017, p. 116). It follows that in order to be considered a mercenary, it is sufficient to receive a "promise of material remuneration" regardless of its amount. The Convention, significantly, outlaws mercenaries (Wójcik, 2017, p. 116). Despite its regional character, it represents an important step towards the criminalisation of mercenary.

On December 4, 1989, the United Nations General Assembly adopted the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (Bierzanek, 1982, p. 149). A mercenary is defined in the same way as in Article 47 of the AP I, but it covers a wider range of persons, as it also includes those who have been recruited to participate in internal armed conflicts. A mercenary is also a person who, in any other situation:

- a) has been recruited at home or abroad for the specific purpose of taking part in a mutually agreed violent coup that aims to:
 - overthrowing the government or otherwise undermining the constitutional order in the state, or
 - undermining the territorial inviolability of the state;
- b) participates in such an act primarily out of a desire to obtain personal, serious advantage and has been induced by a promise or payment of a material benefit;
- c) is not a national of the State against which he or she is acting, and is not residing in that State;

- d) has not been sent by any State on an official mission;
- e) is not a member of the armed forces of the State in whose territory the specific act took place (Flemming & Wojciechowska, 1999, p. 686).

At this point, it is necessary to answer the question: what kind of services does PMC provide and is it not a camouflaged form of mercenary, especially that so far no specific international convention has been adopted that would unambiguously regulate the legal status of PMC?

In order to conceptualize the concept of PMC, it is worth paying attention to the definitions that can be found in two documents. The first is the *Montreux Document*, which defines PMCs as: “private military entities providing military and/or security services, which include, in particular, the protection of persons and property, the protection of convoys, buildings and other sites, the maintenance and operation of weapons systems, the supervision of prisoners, and the advice and training of local armed forces and/or security personnel” (*The Montreux Document*, 2009, p. 9).

The second is the *Draft Convention on Private Security and Military Companies* prepared by the Working Party on the Use of Mercenaries. This group was established by Human Rights Council Resolution 2005/2.

The bill divides these types of companies into private military companies and security companies and defines them as: *entities providing basic military and/or security services*: “Military services are specialized services related to the conduct of military operations, including strategic planning, intelligence services, investigations, reconnaissance on land, water and air, conducting manned and unmanned air operations, satellite surveillance, transfer of military knowledge, as well as material and technical support for the armed forces and other related activities”.

Whereas security services are considered to be the protection of persons, buildings, installations and property by armed employees of the company, as well as the transfer of security and police knowledge and other related services. At the same time, it was pointed out: “that the state that contracted the company could not delegate to it the tasks that legitimize its right to use force. These include: direct participation in hostilities, initiation of war and/or offensive operations, taking prisoners of war, law-making, espionage, intelligence, activities related to the use of weapons of mass destruction, actions related to the arrest or detention of suspects, interrogation of suspects and other functions that the authors of the convention consider to be the exclusive competence of the state”.

At this point, it is worth quoting the texts used by the companies to advertise their Internet activities. Thus, the company Allied Universal writes about itself: “Allied Universal is a leading security and facility services company. We provide proactive security services and cutting-edge innovative technology to deliver evolving,

tailored solutions for our clients so they can focus on their core business. Our excellence starts with our local leadership and local presence. Operating in more than 100 countries, our global workforce of approximately 770,000 people. As we build the world's best services company, we are constantly expanding our operations and infrastructure on a global level and local. In North America, we operate under the Allied Universal brand and internationally under the G4S brand. We believe that there is no greater purpose than serving and protecting customers, communities and people in today's world. Allied Universal is here for you" (Allied Universal, 2023).

Another one – Aegis – announces that: "We ensure the security of our clients' business ventures in an appropriate manner. From start to finish, from planning to implementation, we treat organizations and individuals with discretion, loyalty, and confidentiality, always operating within the framework of national and international law. Our goal is to provide services that allow the people we support and protect to focus on their core goals. Our ethos as a company is based on: professionalism, excellence and integrity. We provide the client with complete confidentiality and discretion. We respect human rights in our activities. We are characterized by corporate transparency and a full commitment to working with governments and international institutions. We have a complete and documented history of our activities based on the highest professional standards" (Aegis, 2023).

As you can see, most PMC employees do not fit the above definitions of a mercenary. At this point, we should agree with Adam Wojciechowski that this is evidenced by the fact that one condition has not been met, i.e., the necessity of direct participation in military operations, so that PMC employees are not covered by the provisions of the aforementioned legal acts (Wojciechowski, 2014, p. 5).

Thus, in the light of the current international law, the identification of PMC with the classically understood mercenaries is not justified, despite the undeniable fact that the purpose of the activities of both is to obtain specific financial gratifications from participation in an armed conflict (Uessler, 2008, p. 62). Therefore, it is necessary to develop an operational definition of modern mercenary, a definition that will take into account the industrial form of this phenomenon and inscribe it in contemporary international law (Bartnicka, 2007, p. 367).

Due to the fact that the activities of PMC are becoming more and more widespread, it is necessary to introduce norms regulating this issue into the international legal space as soon as possible.

It should be emphasised that attempts have already been made to put the functioning of these companies into some kind of legal framework. Such an initiative was taken by the International Committee of the Red Cross and the Swiss government, and resulted in 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 adopted in 2008. Fifty nine countries and international organisations recognise this document, such as the European Union, NATO, and the OSCE.

The *Montreux Document* plays an important role in promoting compliance with the principles of international law of armed conflict and human rights by PMC and international law entities in which these companies operate, are registered or contracted.

In the document, it was noted that each of these states is obliged to observe and supervise the PMC's compliance with international humanitarian law and international human rights law in times of armed conflict (*The Montreux Document*, 2009, p. 9). A particular responsibility in this regard lies with the country that uses their services. In the light of the document, states also have a duty to prevent or protect individuals from improper activities by companies that constitute human rights violations (*The Montreux Document*, 2009, p. 37).

The State is also obliged to prosecute a company whose employee has violated the 1949 Geneva Conventions and the 1977 Additional Protocols thereto. What is more, it is obliged to make reparation, which can be made in the form of monetary compensation or restitution of property, if the damage concerned it (*The Montreux Document*, 2009, p. 35). In other words, the state must fulfil its international obligations, and the fact that the companies are private companies is irrelevant.

An extremely important element of the *Montreux Document* is to determine the circumstance in which the conduct of a company can be imputed to the State using its services. At the same time, it was noted that such cases are sporadic. They are listed in Article 7 and this applies where:

- “the company's employees have been, in accordance with the internal law of a given country, its armed forces;
- are members of an armed formation under the control of the state;
- have been authorised to exercise state authority, including, for example, conducting prisoner-of-war camps, prisons, carrying out tasks assigned to law enforcement authorities;
- they are actually acting in accordance with or under the direction of the State, or Control” (*The Montreux Document*, 2009, p. 35).

On the other hand, according to Article 26 a–e, the company's employees are obliged to comply with the international humanitarian law of armed conflicts, regardless of whether they are entitled to the status of a prisoner of war, a person accompanying the armed forces, or a civilian.

Their superiors may also be held criminally liable for serious crimes by the company's employees who knew or should have known that their subordinates were committing a prohibited act and did nothing to prevent it or stop it (*The Montreux Document*, 2009, p. 37).

If PMC wants to apply for a contract, they must show that their employees have not been involved in serious crimes (including organised crime, violent crime, sexual offences, corruption, and bribery). At the same time, it was pointed out that if they were involved in illegal activities in the past, they must credibly demonstrate that they have taken appropriate measures to remedy such a situation, including through effective cooperation with public authorities, to take disciplinary measures against the staff responsible for the infringements and to ensure that the persons affected by their actions are adequately compensated (*The Montreux Document*, 2009, p. 42).

It would be worthwhile for this document to be adopted by the international community on the basis of a convention. It would fill a legal gap in the functioning of the PMC.

In the commentary to the GC III on the treatment of prisoners of war, updated in 2020, there is a provision stating that PMC employees may qualify for the status of a prisoner of war in three cases: 1) if they are included in the armed forces; 2) if they belong to the state and have at their head a person responsible for their subordinates, wear a permanent and recognizable mark from afar, observe in their actions the laws and customs of war; 3) if they have authorization from the state as persons accompanying the armed forces (in this case they cannot perform combat functions) (Arman et al., 2020).

Some manuals for the armed forces stipulate that PMC employees may not perform combat functions. Combat functions are functions which, according to the IHL, may be performed by persons authorized only to do so, listed in Article 4 of the GC III. As a rule, these are members of the armed forces, excluding medical and clerical personnel. Before concluding a contract with PMC, it is necessary to define the scope of tasks that the company will perform. It cannot perform combat functions, it cannot supervise and interrogate prisoners of war and prisoners (*Manual of the Law of Armed Conflict*, 2018, p. 67).

PMC as a factor in supporting the activities of the UN Security Council?

One of the most important UN bodies responsible for maintaining international peace and order is the Security Council. It is responsible for organizing and carrying out all kinds of peacekeeping operations.

In the opinion of M. Pugh, this broad category includes a wide and diverse range of activities (2012, p. 411).

Generally, we distinguish the following peacekeeping operations:

1. Conflict prevention – identifying the causes of conflict and preventing their occurrence, persistence or recurrence (for example, through a military presence);
2. Peacemaking – stopping violence by bringing about a ceasefire or peace agreement by diplomatic means;
3. Peacekeeping: actions by military and police forces, with the host country's consent, to maintain a peace agreement or ceasefire. The use of force may only take place on the basis of impartiality and with severe limitations (for example, in self-defence);
4. Peace enforcement: the use of force as a means of coercion to enforce agreements, impose peace, or protect civilians from violence;
5. Peacebuilding – supporting the long-term reconstruction of war-stricken societies and creating conditions for lasting peace through the development of local administrative, judicial, military, economic, and political mechanisms (Pugh, 2012, p. 412).

The main purpose of peacekeeping operations is to provide assistance to parties to a conflict in establishing or maintaining internal or international peace (Popiuk-Rysińska & Zając, 2006, pp. 102–103). Marcin Marcinko draws attention to the fact that UN forces have also become increasingly involved in internal conflicts, as well as in situations related to the collapse of government institutions in some countries (2011, p. 223). As a result, he concludes, the nature of UN operations is changing, and the distinction between them has lost some of its sharpness. The UN chooses to carry out operations with a wide range of tasks that go beyond the military sphere. Such operations are called *multi-functional* or *multi-dimensional operations*. In these operations, military functions no longer occupy a leading position, giving way to functions supporting the implementation of other tasks, including political ones (Marcinko, 2011, p. 223).

On the other hand, the areas of peacekeeping are, first of all, the affairs of the civilian population. They are carried out by the mission's civilian staff, who act as

a link between the peacekeeping mission and the local authorities and population. Their tasks include supporting the active participation of local populations in the peace process and creating the right conditions for the emergence of civil society. The establishment of the rule of law is essential to the success of the mission. Achieving this task requires the creation and strengthening of police services, an independent judiciary and an efficient prison system. This right must be publicly proclaimed and equally enforced, and the judiciary should be impartial. Another area of activity is to support the electoral process by ensuring security during the elections, providing technical and logistical support in their organisation supervising the course of the elections, voting and counting of votes. In order for the peace process to be fully implemented, it is necessary to carry out reforms in the security sector and to create effective and transparent security institutions.

Armed conflict poses a particular threat to the civilian population. As a result, the vast majority of peacekeeping missions are concerned with protecting civilians from violence, as well as undertaking a variety of activities to ensure safe living conditions for local communities. This is done through: disarmament, which includes activities such as keeping records and seizing small arms, ammunition, and explosives from former combatants and civilians, and the removal of minefields and unexploded ordnance; demobilization, which is a formal and controlled process related to the withdrawal of veterans from armed forces or groups; reintegration, as an undertaking that allows former veterans to return to civilian life and take up work.

All these tasks have been and are being carried out by the soldiers of the contingents of individual countries placed at the disposal of the United Nations. It is worth mentioning here that in accordance with Article 43 of the UN Charter, it was agreed that each Member State would conclude separate agreements with the UN on making its armed forces available to the Security Council and providing assistance, and Article 46 provided for the establishment of a Military Staff Committee with extensive planning and supervisory powers. None of these objectives have been achieved, and the armed forces for the operations envisaged in Chapter VII are formulated separately for each subsequent crisis (Weiss & Kalbacher, 2012, pp. 326–327).

It should also be emphasised that the UN is not in a position to carry out military operations on its own, or even to command the troops at its disposal, as could be forcefully recalled when hopes of stopping the mass murder and displacement in Bosnia, Kosovo, Somalia, or Rwanda were failing (Weiss & Kalbacher, 2012, p. 337).

The UNSC, therefore, relies on coalitions of the willing or regional organizations that can, at best, field forces that are poorly trained and equipped. These forces are often criticized for their inaction.

The lack of resources for peacekeeping missions is also a serious problem: the demand for peacekeeping has increased, while Member States are in no hurry to participate in these risky ventures. The UN's operating budget increased from \$5.25 billion in 2007 to \$5.6 billion in 2019 (*ONZ kończą się pieniądze*, 2019).

Another problem is the reluctance of some countries to put their troops at risk under UN command. For example, during the Kosovo conflict, no country was willing to field its ground forces to face impede retaliation by the Serbs for the U.S. and British air strikes (Pugh, 2012, p. 416).

Attention should also be paid to problems related to human rights violations and corruption cases. In some cases, women were exposed to aggressive sexual behaviour by mission participants. An example of this is the legal action taken against soldiers and civilian employees taking part in missions in the Balkans, Congo, and Somalia (Pugh, 2012, p. 419). It is worth mentioning here that in order to avoid similar behaviour in the future, in 2006, the Department of Peacekeeping Operations established ethical-disciplinary units at the most important UN operations, which were to ensure high standards of behaviour of mission participants (Pugh, 2012).

Adam Wojciechowski also drew attention to an extremely important factor influencing the effectiveness of operations: the ability to quickly deploy armed forces in the area of armed conflict (2014, p. 41). He mentioned that the UN General Assembly introduced the requirement of single-function deployment within 30 days, and multi-functional deployment within 90 days of the UNSC establishing the mission's mandate, guided by the belief that the first months after the signing of the ceasefire are the most important for the durability of the signed agreement. In order to implement the above postulates, it was intended to formulate UN rapid reaction forces that would be ready to take action in a very short time. However, the implementation of the above-mentioned intention, which is otherwise justified, depends on the goodwill of the states – members of the UN (Wojciechowski, 2014).

In view of the above, should we not reach for the services offered by well-known PMCs operating on the market? There are many arguments in favor of this. One of the most important of them is the experience of the employees of these companies, acquired during military or police service. Many of them took part in UN missions while still serving in national armies. The financial factor is also significant here, as Christopher M. Rochester points out, claiming that competition on the market forces private entities to reduce costs, which contributes to savings by their service recipients (see: Wojciechowski, 2014, p. 42). Jared F. Lawyer compared the costs of PMC and UN operations in Sierra Leone in the 1990s (see: Wojciechowski, 2014, p. 43). The cost of the mission carried out by PMC Executive Outcomes (EO) in this country between 1995 and 1996 was \$1.19 million, while the costs of

the UN peacekeeping mission amounted to \$19.4 million. The monthly personnel costs of the EO were \$71,425 and the UN was \$108,756 (Lawyer, 2005, p. 103). According to Leslie Hough, the time factor was also extremely important. The UN operation lasted 74 months, while the PMC lasted less than 24 months. It is also worth mentioning that despite the dislocation of 12,000 soldiers, the UN operation failed to fulfil its mandate, i.e., the disarmament, demobilisation and reintegration of the rebels (Hough, 2007, pp. 10–13).

Decision-makers in UN bodies should take into account the solutions proposed by supporters of the involvement of PMC in the operations of this organization. According to them, there are two possible ways to use PMC. The first is to commission the PMC to provide services to national forces taking part in UN operations. These would include logistics, training, and communication services, which would increase the operational capacity of the contingents (Wojciechowski, 2014, p. 42). The second concerns the use of the PMC to carry out the mission independently, in all its aspects, from recruitment through the redeployment of forces and the necessary military operations to the stabilization of the situation and the establishment of peace (Wojciechowski, 2014). While the first solution has already been used, the second may seem somewhat controversial due to the lack of experience in the implementation of this type of tasks by the PMC in the activities carried out by the UNSC. At this point, we should agree with David Shearer's statement that the international community should not reject PMCs, but use them, elevating them to the rank of a legitimate security factor and at the same time expecting them to act professionally, in accordance with the norms of the international legal system. All the more so because they are capable of taking action on the swampy ground on which the armies of Western countries are reluctant to venture (Shearer, 1998, p. 78). Doug Brooks (2003), on the other hand, believes that the PMC's long-standing experience in peacekeeping and NATO's standard of professionalism would be extremely useful for protecting civilians and training local security forces, contributing to the development of more professional, human-rights-sensitive officers.

However, taking into account the difficulties associated with the functioning of national contingents, such a solution should also be considered.

Conclusion

The privatization of the security sector is becoming a fact. PMCs are now fully legal business entities employing well-trained and experienced former police officers, soldiers and military personnel of the world's leading armies. These companies are

trying to find their place in the global market for the distribution of peace and democracy. Since the 1990s, they have been involved in most of the operations conducted by UN forces, offering primarily logistics services. In addition, they are dedicated to the protection of UNICEF and UNHCR employees.

Given that the majority of the military personnel at the disposal of the UN are soldiers from developing countries, whose training and equipment leave much to be desired, it would be advisable to use the PMC to a greater extent than before.

An undeniable advantage of these companies is professionalism, practically in every area of military activity. On the other hand, the lack of international, universally applicable legal regulations concerning their functioning and responsibilities is a disadvantage. As a result, these companies are not very transparent and remain outside the control of international law institutions. These shortcomings could be eliminated relatively quickly, all the more so because the relevant documents have already been drawn up, but for many unclear reasons they have not been able to be introduced into the international legal space.

The reform that the UN is currently undergoing should take into account the use of these companies in peacekeeping operations. Certainly, this would not reduce the moral authority of this organization, but would significantly increase its operational capabilities and, as a result, its effectiveness. And this cannot be guaranteed even by the creation of permanent contingents of the Blue Helmets. All the more so because, taking into account the egocentric attitudes of some countries, the road to the implementation of this plan is still long and uncertain.

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