

**Commission on Security & Cooperation in Europe:
U.S. Helsinki Commission**

“Putin's Shadow Warriors: Mercenaries, Security Contracting, and the Way Ahead”

Committee Staff Present:

Alex Tiersky, Senior Policy Advisor, Commission for Security and Cooperation in Europe

Participants:

Deborah Avant, Josef Korbel School of International Studies, University of Denver, and Author, “The Market for Force: The Consequences of Privatizing Security”;

Dara Massicot, Policy Researcher, RAND Corporation and Former Senior Analyst for Russian Military Capabilities, U.S. Department of Defense; Colonel Christopher T. Mayer (U.S. Army, Ret.), Former Director, Armed Contingency Contractor Policies and Programs, U.S. Department of Defense

The Briefing Was Held From 10:02 a.m. To 11:24 a.m. in Room 2359, Rayburn House Office Building, Washington, D.C., Alex Tiersky, Senior Policy Advisor, Commission for Security and Cooperation in Europe, presiding

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TIERSKY: Ladies and gentlemen, welcome. We'll start the event now. On behalf of the chairman of the United States Helsinki Commission, Representative Alcee Hastings, and the co-chairman, Senator Roger Wicker, I'd like to welcome you to this briefing on, as you see on the slides, "Putin's Shadow Warriors: Mercenaries, Security Contracting, and the Way Ahead."

My name is Alex Tiersky. I'm a senior policy advisor on the Helsinki Commission staff. I'm very pleased to see so many of you here in person from congressional bodies, personnel offices, House Foreign Affairs, Senator Foreign Relations. I see State Department colleagues, a number of embassy folks, think tanks, and the interested public. You're all welcome. I also want to welcome those of you who may be watching our live Facebook feed on the Helsinki Commission Facebook page. And I encourage anyone who'd like to follow this event on Twitter to use our handle, @HelsinkiComm.

So by way of introduction, let me echo the announcement that we sent around for this event. Reports of shadowy Russian mercenaries in unexpected locations have grown more frequent and alarming. Yet, our understanding of the Kremlin's use of private security contractors, who are arguably useful to Moscow for their deniability and relatively low cost – remains somewhat limited. Policy responses to this challenge can be complicated by the potential conflation of Russian organizations like the Wagner Group with the private military and security companies used by the United States and its allies. This is an issue that is very current. I would echo, for instance, The New York Times headline from just yesterday which read: Russia Dominated Syria's War, now it's Sending Mercenaries to Libya.

So I'm thrilled that we could present to you this world-class panel flanking me today to help us all understand the situation better and explore what we should do about it. I've put a heavy challenge to the three presenters before you. Namely, I'd like us to leave, if nothing else, with a better understanding of three main issues. The first is the Kremlin's destabilizing use of mercenaries around the world. The second is the difference between Moscow's approach to using private companies and that of the United States and its allies. And the third is efforts underway internationally within the OSCE, the Organization for Security and Cooperation in Europe, and elsewhere, to develop and promote norms that would govern the use of private security and military companies.

So let me now briefly introduce the presenters. I want to underline that their full and incredibly distinguished biographies are in the packets that you all would have picked up outside. But to very briefly introduce them: We'll first hear from leading expert on Russian military affairs Dara Massicot, who's to my far left, your right. She's a policy researcher at the RAND Corporation which is a nonprofit, nonpartisan institution that helps improve policy and decision making through research and analysis, which I think makes her a perfect person to help us in this conversation. Before joining RAND, very significantly, we all should recall that Dara served as a senior analyst on Russian military capabilities at the U.S. Department of Defense.

After Dara's presentation, we'll hear from Dr. Deborah Avant. She's from the Korbel School of International Studies at the University of Denver. And I do want to say thank you for coming from Denver for this event. It's greatly appreciated. Debbie is perhaps the leading

nongovernmental expert out there in the field of private security. She's, among many other things, the author of the book, "The Market for Force: The Consequences of Privatizing Security." She's also the director of the Private Security Monitor, which has a great online interface. It's an independent research project dedicated to promoting knowledge of and transparency in global private military and security services. Thanks, again, for being here, Debbie.

As to our third speaker, it would be impossible to do justice to the truly extraordinary career in public service, in and out of uniform, of the gentleman to my right. Colonel Chris Mayer, retired U.S. Army. I simply won't try to summarize his extraordinary career. For the purposes of this briefing, I think you all should know he's our proverbial guy on the inside. Until the end of September, he served as the chief technical expert and a real leader for the Pentagon on the use of private security companies. And so he's uniquely placed to explain the efforts of the United States government and our approach in this area, for better and worse.

So thank you all for being here, fellow presenters. Thank you, audience, for your time and joining us. Dara, over to you to tell us everything we need to know about the Kremlin's use of mercenaries.

MASSICOT: Well, I'll tell you what I can. Can everyone hear me OK? All right. Good morning. My name is Dara Massicot and I will be providing a brief overview about Russian private military and security companies today, who joins them, where are they operating, and what kind of missions they are generally responsible for abroad. I'll conclude with some thoughts on their relationship to the Russian state, as well as some implications for our group today and for the United States more broadly.

So what are the major Russian private military companies and who joins them? First, it is important to make a distinction here between Russian private security companies which are distinct legally from Russian private military companies. Private military companies are illegal in Russia. There are multiple, well-established Russian private security companies which have operated in some form since the 1990s, like the RSB-Group, the Moran Group, and various Cossack groups. They tend to keep a lower profile. They recruit from current and former Russian special operations forces, the military, intelligence services, or other crowd control forces like OMON or SOBR. They pride themselves on being selective about who they recruit and the types of clients or missions that they will accept.

By contrast, since 2002 there has been a proliferation of Russian private military companies, like the E.N.O.T. Corporation, PMC MAR, Wagner, and now-defunct Slavonic Corps and several others. Wagner gets the most attention, and it is a relatively new player on the scene. It is thought to be led by Russian oligarch Yevgeny Prigozhin, and rumored former GRU operative Dmitriy Utkin, call sign "Wagner." I would say that Wagner appears to have a mixed or a poor reputation with the more established private security companies. They are rivals, of course, but it's interesting to hear the critique that emerges from some of these other groups about Wagner, that Wagner has looser or lower recruiting standards, poor logistics for operations abroad, and a lack of professionalism.

For example, these rivals will claim that Wagner recruits those without a background in any type of military or intelligence service. And yet, they will take on very complex missions in congested battlespaces in Syria. Former employees of Wagner itself have complained anonymously that they were sent to Syria for a mission that changed upon their arrival, or they were misled about what they would be doing there. And once in the country, they were subcontracted out to local Syrian businessmen, which validates some of these other rumors.

So where do these groups operate and what kind of missions are they generally capable of? As of 2019, Russian PMCs are thought to operate in eastern Ukraine, Syria, Libya, Venezuela, Central African Republic, Sudan, Mozambique, and are rumored to operate in several other African nations. Their missions depend on the company in question. Some companies are very clear that they do not engage in direct combat support, and instead provide site security or other training programs as required to local forces. Others do engage in direct combat operation for private and state clients. In Ukraine, PMCs were rumored to send fighters to the Donbas region starting in 2014, where some 100 contractors participated in 2015 for the Battle of Debaltsevo, and the airport there. And they possibly participated in contract killings and trained local proxy forces.

In Africa, PMC groups who were probably derivative groups associated from the Prigozhin empire are said to be protecting gold or diamond mines, serving as a presidential guards, and providing training to local forces. In the Middle East, they protect Syrian oil or other infrastructure for the Assad government and his affiliates. And Russian PMCs are rumored to support Khalifa Haftar, LNA's forces, in Libya.

So what kind of legal, or medical, or social protections do these employees of these companies have back in Russia? And the answer is basically: Not much. PMCs, again, are illegal. That is a key area of difference between how we do things here in the states and how they do things there. I believe there are a few reasons why Moscow continues to do this, but perhaps we can save those for Q&A. Russian PMC personnel basically have no social support by the Russian state if they sustain significant or life-altering injuries. There is a death benefit, a one-time payment, given to them. There's no information out there on how much that is. One of the figures I saw was a lump-sum payment of \$78,000. And families are frequently told not to speak to the media when their loved ones are killed.

This is somewhat in contrast to the Russian military and security services, who, even though those social provisions are not perfect, Russian soldiers and their dependents are legally entitled to social benefits. There are a few efforts at the grassroot level in Russia to provide some kind of protection for Russian PMCs. And they argue that if they're operating abroad at the service of the state, that there should be some type of protections for them, or at the very least an advocacy group – like the Committee of Soldiers' Mothers for Russian Conscripts. But so far, those calls have gained little to no traction in the Russian government. There was a bill that was proposed last year, and it failed.

So that leads to the question: Do Russian PMCs support a Russian grand strategy, or are they purely commercial? I believe they can be considered a mix. There is some component of them that are purely commercial. That money goes to the leadership of the organization, and it

stays. I'm not an expert in Russian tax code, but I'm not sure if they're based overseas in Hong Kong or other locations and how that money gets routed back to the Russian government. But I also believe they are a parastatal tool of Russian strategy, and ultimately answering this question boils down to the question of state support.

First, it is important to consider the main benefits for Russia to coordinate with PMCs. And I suspect that these reasons are very similar to other countries who use PMCs. They can be a force multiplier. They free up military forces for other, very important, complicated missions. PMCs can take on clients or missions where the Russian state wants a say in the outcome but wants or needs to maintain plausible deniability. PMCs offer ambiguity and have less constraints on them than state assets like military or SOF, special operations forces. Providing concealed state support to PMCs would be consistent with aspects of Russia's larger national security strategies. Russian military strategists have studied the Western use of PMCs over the past several decades and have applied this analysis to their own system and their own problems.

For example, Russian military leadership will often discuss new generation or new type warfare, or Russia's observation of future warfare trends. This new type of warfare blends traditional military operations and emerging technologies and other non-kinetic tools with the simultaneous use of indirect actions. This has typically meant proxy forces, PMCs, Russian compatriots abroad, and information warfare. Russian military doctrine mentions PMCs as a feature in modern military conflict, but it's almost mentioned like it's an abstract concept that they are not using. It's very abstract in the doctrine. I conclude with thinking that Russian military leaders clearly recognize the value that PMCs can have as a part of strategy and indirect action. But if they are asked about PMCs, they will not acknowledge any official relationship to them. Again, these are illegal groups in Russia.

So what is the level of state support or friction potentially with respect to PMCs that we can deduce from very sporadic and potentially uncorroborated reports out there? If you look at all these pieces and information and put them together, a picture begins to emerge. Wagner forces in particular are said to train at a Russian GRU-affiliated facility and have been caught with GRU-issued passports. Prigozhin attended an important meeting last year in Moscow with Khalifa Haftar of Libya, together with senior Russian military brass, who claims he was at the meeting because he was catering the meeting, of course. Rumors that various groups use the Russian airbase in Syria to deploy onward to Africa or elsewhere are available as well.

So what are some potential vulnerabilities of the way that Russian structures its use or concealed use of PMCs? I think that given what we know at this point in time, it would not appear that Russia is very interested in participating in international legal norms or transparency in this space. However, there are some significant drawbacks for Moscow to continue to operate as it is doing with PMCs, who essentially exist in a state of suspended legality. These vulnerabilities could serve as an opportunity for talks but, again, I think we should be realistic about expectations. Currently, Russian PMCs don't pay taxes to Russia, due to their illegal status, short of shell companies, which may exist. Is this a significant loss of revenue for Moscow? I can't say.

The Kremlin, importantly, wants to avoid public mistakes and gaffs, like the large number of Wagner operatives who were killed during a U.S. self-defense operation in Syria in 2018, as well as other recent leaks of PMC activity. If Moscow only used concealed, or informal, or other risky methods to manage these groups and denied any and all coordination with them, these kind of public mistakes will only continue. Just think about all the time and energy it takes to keep this relationship potentially under wraps. And further, the more that state groups become involved – like the Russian military or the Ministry of Foreign Affairs – they can be considered complicit if they coordinate with groups that are illegal under Russian law.

Russian PMCs are not subject to the same pressure to avoid human rights abuses and atrocities that uniformed Russian military personnel are. Reports of Russian PMCs committing war crimes are few, but reports are beginning to emerge, particularly in Africa, of PMC actors who are potentially abusing locals or those in their captivity. Moscow and Putin in particular are very sensitive about this point, stemming back to conflicts in Chechnya. Because there are not social protections at home and abroad, as casualties and injuries stack up in conflicts in the Middle East, will this have a negative impact on recruitment for PMCs in the future? Eventually, the question may arise for those considering signing up. Why sign up when no government organization can or will negotiate for your release or expatriate your remains?

In terms of impacts for the United States, I think that it's important to understand that Russia is now increasingly comfortable offering a mixed package of overt state and covert or concealed PMC support to countries abroad. This will add to a level of complexity to great-power competition that we must consider moving forward. On the whole, Russia benefits from the PMC arrangement as it is in the short term, and Russia stands to gain internationally by operating in the shadows outside of the bounds of international norms and transparency behavior. Domestically, the Kremlin certainly benefits by having these groups operate in a state of suspended illegality because it can use this status as a mechanism to control unsanctioned behaviors.

And finally, for what we're talking about today, the presence of Russian PMCs in a congested battlespace where they are operating alongside regular Russian military poses challenges for rules of engagement where the United States and its allies operate in a place like Syria. What are the legal requirements for rules of engagement for little green men who are active in eastern Ukraine? They're actually soldiers or operatives without insignia or volunteers, as they have been called by Russian leaders. Others are purely PMC personnel. Both types engage in combat operations and particularly in the Donbas region. And both types have been captured by Ukrainian forces. Russian soldiers in Ukrainian prison presumably have certain legal protections, and Russia is obligated to try to negotiate for their release. Those captured in Ukraine who are contractors have little to no chance of this type of support.

So thank you very much, and that is all I have.

TIERSKY: Dara, thanks very much. I think, per your analysis, you can count me among the skeptics of the official disavowal of the Kremlin of direction of these groups.

Audience, I'm sure that presentation generated a lot of questions, including the one you alluded to maybe having a bit more conversation about why PMCs continue to be kept illegal by the Kremlin. But, audience, I'll ask you to hold your questions until we've done all of our presentations.

I did want to jump back for a second. And I neglected in my introduction to thank heartily the Committee on Appropriations for the use of this beautiful room. So let that be on the record early on.

Let me turn to Dr. Avant. Debbie, I'm sure you get asked all the time questions like the following: OK, we may not like what the Russians are doing with private security, but we have our own sordid history, especially in Iraq and Afghanistan. How is what we are doing any different? How do you answer questions like that? Over to you.

AVANT: (Laughs.) Right. Thank you, Alex. And thanks for having me. I'm really delighted to be here and to be able to talk about this.

I do get asked that question all the time. And I think there are some similarities to the U.S. path toward regulation that we can talk about. But there are also some significant differences. And so I actually have a couple of slides that will help us sort of break down. Before we sort of think about what it might mean to use these companies, we need to think about the terms of their use.

When we're thinking about what it means to use private military and security companies, you can think about it in terms of governments directly hiring them to do certain kinds of tasks. So the U.S. government hiring a company to provide logistics support, for instance, in a contingency operation. But then you can also think about governments licensing these companies to sell to somebody else, often to a foreign government.

And of course, that happens as well. One of the first contracts I became aware of when I began doing research on this was a contract between Military Professional Resources Incorporated, or NPRI, and the Croatian government during the Balkan wars in the 1990s. And then, you can also get companies, commercial companies, hiring these private military and security companies, which can allow extractive industries to continue to operate during sort of conflict settings, which can be in a government's interest, even though the government is not paying for it or even licensing its export.

And then finally, the last category that I have there vertically is these kind of informal arrangements where it's not really clear exactly what the lines of authority are. And that has happened quite frequently in Russia recently. I think that when we talk about the Wagner Group, we're not really sure what the relationship is between Putin and these organizations. And forces can be hired, but who's paying them? How they're getting paid, whether they're being paid as a portion of the resources that they're protecting, et cetera, is really unclear. That actually happened a fair amount in the 1990s. Not always with the U.S. government closely related, but in some cases it wasn't clear exactly what the lines of authority were.

So when you think about these different sort of terms of use, you can also think about what are the benefits that they could pose and what are the risks. The key benefit, I think, these companies and why they have become so prolific in the last 20 years is their flexibility. Their use often responds to particular circumstances where other kinds of forces are hard to use. And this may be because there's not enough of them, so you need a force multiplier. It might be that you don't have the right kinds of forces. You need French-speaking troops, and you don't have that many, and you can turn to a private security company that can actually mobilize these kinds of forces. There's a million different ways that we could think about this more sort of flexible response.

So they're a flexible tool for dealing with all kinds of unexpected concerns or demands. And this market has really provided this tool for dealing with what is increasingly a very complicated world that we don't really know what we're going to need to respond to. So I think we can look back to the insurgency in Iraq and see that as that insurgency grew, maybe the U.S. government should have been able to foresee that. They did not plan for that.

But these companies provided a mechanism for very quickly getting people into the country to do a variety of tasks that were required because of this growing insurgency. Similarly, as I already mentioned, when the U.S. wanted to influence the capacity of Croatian forces as the Balkans Wars heated up in the 1990s, it could license NPRI to provide training for those forces. And then, when mining or oil companies want to continue to work in environments that are complicated, these kinds of companies can often ensure that they can continue their work.

And then we saw in many ways during the 1990s the way that informally arranged forces could meet particular needs. A lot of people used to talk about these companies as being essentially a guy with a Rolodex in his hotel room. And that was probably sort of overemphasized for a while, but there really were circumstances in which this was true. Not always did that create problems, but sometimes it did. And always it created a degree of opaqueness over the policy process. So, if the greatest benefit of these companies is flexibility, sadly, that is also what provides the greatest risk for these companies.

They can and they allow force to be managed outside of regular political channels. And that can make it easier for governments to do things that they otherwise would not be able to do. Early in the Iraq War, the U.S. was able to get guards and interpreters to Abu Ghraib Prison through an Interior Department umbrella contract. But this very tool made oversight of the processes through which this policy was carried out much more opaque, with some devastating consequences for the people in the prison as well as for U.S. policy.

The process by which these forces are recruited, managed, and punished is also different from military forces, and that leads to the second kind of risk, is they can risk allowing misbehavior by the actual personnel that are working for private military and security companies. And I think that the example we all trot out is Blackwater's behavior during the Nisour Square incident, and the way in which it was managed and potentially punished.

And then the third risk, and this is one that gets less attention, but I was glad that Dara mentioned it, is that these more flexible processes also offer avenues for abuse of those people who work for private military and security companies. And this also was the case in Iraq and Afghanistan. There were people who were injured or killed and not provided the right kind of medical treatment, sometimes it wasn't arranged to have their bodies shipped back to the United States. There were a lot of concerns over the irregularities surrounding these processes. And the concerns go much beyond that.

Last year, at the International Code of Conduct Association General Assembly, I chaired a panel looking at issues of human trafficking where private military and security companies are hiring subcontractors. And these subcontractors are actually bringing in people, taking their passports, making it hard for them to make judgements about how they're moving. And they're essentially being held against their will to continue to work, in some circumstances.

I think in an effort to deal with these issues, to maximum the benefits of flexibility but minimize the risks, there have been a range of efforts that have sought to define appropriate behavior for clients, define appropriate behavior for private military and security companies, and to work to cultivate a sort of consistent demand. This is really a market. And so the market depends on consumers that demand a certain kind of thing. And those consumers can be clients. They can be watchdog organizations. They can be a variety of different entities. But this works in a really different way because it's working through these market forces.

Chris Mayer actually has worked on all of these initiatives and is going to talk more about them, so I won't go into them. But the defining of appropriate behavior for clients has taken the form of what are appropriate government roles for dealing with the private military and security companies? And there's a variety. But also, what are the appropriate roles for commercial companies? And the Voluntary Principles on Security and Human Rights tries to outline some of those. And there are ongoing efforts to tie that with the International Code of Conduct Association.

The International Code of Conduct Association, as well as international security standards, work to define appropriate behavior for the producers of the private military and security companies. (Background alarm sounds.)

TIERSKY: Sorry. I'm hearing the potential evacuation bell. So we'll deal with this as it comes, but if I could ask one of my colleagues to leave the room and ascertain exactly what's happening and come back to report to me? Thank you.

(Off-side conversation.)

TIERSKY: Ladies and gentlemen, I'm going to assume that the committee room of the Committee on Appropriations is quite well protected in the case of a drill for internal relocation. (Laughter.) So anyone who would like to depart for the drill, of course you're welcome to, but I would suggest we continue and maybe ask our presenters to speak up a little bit. And I apologize for the excess noise. Does that sound reasonable?

AVANT: That sounds reasonable.

Here I do want to mention that the U.S. had better regulations already in place in the 1990s as this industry arose than many, for both regulating the contracting of forces directly with the U.S. government and also for regulating the exports. And though it was hesitant about engaging with multilateral efforts in the 1990s, in the early 2000s it really came to see the benefits of these. And, as Chris will describe, has become an enthusiastic supporter of them.

(Off-side conversation.)

TIERSKY: Sorry. Go ahead.

AVANT: OK. What is most worrisome right now, I think as Dara outlined, is the activities that many Russian groups are undertaking falls in this kind of nebulous category where they are not maximizing flexibility in a way that minimizes risks, but they are maximizing flexibility in a way that also maximizes risks. Often, they aren't even legally incorporated, including the Wagner Group. They have not staked their reputation on any standard of behavior. They use government affiliation to their advantage, but they aren't actually a part of the government or contracted by it. So they are fairly unconstrained. And this makes it easier to use force for personal or something we might call a crony security, as opposed to sort of any broad set of common concerns.

So while some might suggest that it's the private nature of these forces that makes them similar to private military and security companies, the key to their risk is less their private character, per se, and more the degree to which they abide by public practices. And actions that reward Montreux-compliant governments with legitimacy, that reward commercial clients that commit to voluntary principle initiatives and others, and reward private military and security companies that abide by the International Code of Conduct or private security standards, are issues that sort of reinforce the possibility that these practices are abiding by these public concerns. On the other hand, actions that go around all of these, which is what the Russian companies have done, maximize concerns and risks.

I want to end by saying these regulatory structures are not perfect. There are many ways in which they could be further developed and strengthened. But the best strategy for countering the Wagner Group is to strengthen this nascent regime and highlight the contrast between what these regime compliant companies and clients do and those that are not part of this process do. And that might even mean engaging, to some degree, with the private security companies in Russia that are sort of more under sort of legal protections, which is something I think might be interesting to talk about.

TIERSKY: Debbie, Dr. Avant, thank you very much for your fascinating presentation. Thank you also for persevering through some of the noise. I picked up on a number of points that you made, but certainly it's not my habit to think about the potential individual victims that are hired by Russian private military companies, in particular, and thinking of them as potential victims of trafficking, for instance. I also really appreciated your description of the flexibility that private security provides to be weighed against some of the risks. And I recently heard

about those risks kind of put into two baskets: the risk to the mission and the risk to the reputation of the people hiring the companies as well.

So I think you ended with the term “regime compliant companies.” And now we shift over to talk to Chris, or to hear from Chris, about that regime. So by my count, we’ve hit two of the main objectives that I had so far. Which is, number one, we’ve talked about the Russian groups. Number two, we’ve had a chance to explore some of the ways in which we have started to do things differently. So, our third objective, to remind us, is to understand how we engage to move policy forward that might address some of the challenges inherent in this area.

Chris, you’ve been in the belly of the beast at the Pentagon working on this issue for a number of years. Can I ask you to please educate us? And before you begin, I just want to reiterate to the audience that my understanding is we are in a drill situation. Unless the Capitol Police tells us that this is not a secure area – which I assume that it is, being the Committee on Appropriations, I think we’re quite safe here. But in any case, I propose that we continue. If anyone is uncomfortable, please feel free to leave the room. I certainly don’t want to keep anyone here against their will.

Chris, please. Over to you.

MAYER: OK. So I like going third on this one because all of the exposition’s been done by the previous two speakers. And then if you noticed me smiling while they were talking, it’s just because it just reminded me of the fantasy that went on in a lot of the development that happened. And I’ll talk a little bit about that.

But anyway, the close of major combat operations in Iraq and Afghanistan made international consensus on the use of these contractors critical to our own contingency operations, and to promote broader security interests. From 2005 through 2018, the State and Defense Departments cooperated in international efforts, such as the Montreux Document, quality management standards, and the International Code of Conduct. My doc is tiny print, multiple colors. There’s no way you can make it out.

But anyway, these efforts actually began as interagency initiatives, a sort of bottom-up approach, to developing national policy. Legislative support and direction followed, which stimulated and provided statutory authority for developing key products and international cooperation. Although Congressional interest seemed to evaporate after important initial successes, the inertia carried us through the completing of standards and the establishment of informal intergovernmental and multi-stakeholder initiatives, some of which Dr. Avant mentioned.

In the past few years, however, the inertia was largely spent, and international engagement entered a period of entropy and support within the State Department waned, and the Defense Department ended its international activity regarding PMSCs. Unfortunately, this period of entropy coincided with increased activity across mercenary organizations that could threaten the gains we’ve made in the last 15 years. A recent resolution by the Organization for Security and Cooperation in Europe presents us now with an opportunity to reengage at the

international level to preserve the gains we've made, maintain U.S. freedom of action in accessing quality and responsible contractor support, and contain the activity of mercenary-like organizations.

I first got involved in the regulation of PMSCs in 2004 when, as a colonel in the Army, I was chief of staff for the recovery and rebuilding of the infrastructure of Iraq. This couldn't be done without security. And I was told to get control over an estimated 20,000 armed private security personnel in the country. It seems, quite seriously, that I've been trying to do that ever since then. However, it did give me the opportunity to represent the U.S. government in almost all of these international initiatives. The first international effort specifically addressing contractor support to military operations began in 2006 as an initiative co-sponsored by the Swiss government and the International Committee of the Red Cross.

This so-called Swiss initiative included representatives from 18 governments in consultation with academics, human rights-based NGOs, and military support contractors themselves. By the way, Russia was one of the 18 countries that participated. Eleven years ago this month, this work produced the Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Private Military and Security Companies during Armed Conflict. Europeans think that the abstract should be in the title, but anyway that's the whole title of it. (Laughter.)

Today 56 governments, three international organizations, and the Red Cross support the Montreux Document, but not Russia. The U.S. government energetically participated in negotiating the Montreux Document. The State Department represented broader policy interests, while the Defense Department provided expertise on PMSC operations. This framework is the most important document regarding international regulation of PMSCs and all subsequent international efforts derive from it.

To keep the initiative as a living document, the United States team later recommended establishing an ongoing forum to work out emergent issues. The Montreux Document Forum began work in 2013. The forum assists governments in working together to address evolving issues and provides assistance in developing the national regulations and interpreting applicable law. The State Department remains active in the forum, but the Defense Department withdrew active participation and support in the summer of 2018. Next slide.

The United Nations did not endorse the Montreux Document. Instead, it stood up the U.N. Working Group on Mercenaries. The working group promotes a convention which would, if fully implemented, severely restrict contractor support to military operations. The U.S. and other governments that rely on contractor support oppose this convention. In 2017, the U.N. Human Rights Council sponsored an intergovernmental working group, and it redirected the effort to be a nonbinding regulatory framework based on the Montreux Document. The withdrawal of the U.S. from the U.N. Human Rights Council, however, limits our ability to further influence this effort.

As the Montreux Document was coming together – next slide, do you think? Yes. As the Montreux Document was coming together, there was an incident which shaped discussion

about private security companies ever since. At Nisour Square in Baghdad in September 2007, 17 Iraqi civilians were killed by the private security company Blackwater, operating under a State Department contract. This tragedy showed that misconduct on the part of any PMSC will be attributed to all PMSCs and erode the legitimacy of organizations that contract with PMSC services.

In response, Congress required the Defense Department to develop specific regulations covering private security companies. Now, the DOD already had regulations covering contract security guards in place. And in fact, these regulations formed the basis for the good practices of the Montreux Document. But now, these would be revised and take the form of law. The law also placed contractors accompanying the forces under military orders and made them subject to court martial. Although this applied only to U.S. use of private security companies, the laws and regulations, along with the good practices of the Montreux Document, formed the basis for other international initiatives.

The first example of this began in 2009, when Congress directed the DOD to develop business and operational standards appropriate to PSCs. The DOD-sponsored work used a committee of more than 200 experts from more than 20 different countries. The resulting standards captured the Montreux Document framework and our own laws and regulations. The American national version of this plan was published in 2012 and reissued in 2017. The international or ISO version was published in 2015 and is due for review next year.

All Defense Department contracts for private security services and expeditionary operations require conformance with these standards. And more than 120 PMSCs from 43 different countries claim compliance with them. About the same time that Congress required standards, key leaders in the private security industry approached the Swiss government to develop a code of conduct affirming the PSC's industry commitment to Montreux. At the invitation of the Swiss government, the Defense and State Departments participated in drafting that code. As a matter of fact, Russia participated in the first drafting session too, and then pulled out, saying PMCs were illegal under Russian law.

In November 2010, the International Code of Conduct for Private Security Service Providers was signed by 58 PSCs and observed by several governments, including the United States. The Defense Department ensured harmony between the code and standards. And a company that is compliant with the standards will also fully implement the code of conduct. Implementing standards and code in a mutually supportive way became the responsibility of a new multi-stakeholder initiative, the International Code of Conduct Association. The State and Defense Departments worked together to assure that this association was functional, and supported broader U.S. aims for the use and regulation of private security companies.

To be full members of the association, a PSC must be certified as compliant with the PSC quality management standards required by the Defense Department. It is also subject then to additional monitoring and oversight by the association. A State Department representative sits on the association's board of director. And until the DOD stopped all international engagement regarding PMSCs, the Defense Department participated in an advisory capacity.

Throughout the period of active engagement, the Defense Department reached out to academic institutions, think tanks, and international organizations such as NATO, the OSCE, and the U.N. Office of Drugs and Crime to promote the Montreux Document, the standards, and a common understanding of the legitimate use of PMSCs. This included assistance in writing a handbook for the U.N. Office of Drugs and Crime on use of force procedures by PSCs.

The most recent initiative is a resolution by the Organization for Security and Cooperation in Europe. In July of this year, the OSCE Parliamentary Assembly voted to begin a dialogue on PMSCs, which will include for the first time reporting on PMSCs as part of its annual information exchange on member states' security forces. I suppose that this dialogue is beginning here today. The intent is to increase transparency regarding the use of PMSCs and to promote awareness of PMSCs as providing essentially support to and the capabilities of national armed forces. As an organization, the OSCE participates in the Montreux Document, and the resolution encourages all OSCE member states to join Montreux.

The resolution is in no small part directed against Russia. Although Russia is a member state of the OSCE, I don't think that anyone expects Russia to report on its use of PMSCs in anything like a truthful manner. That noncompliance however could work against them. The United States is a co-sponsor for the initiative in the OSCE forum for security cooperation that led to this resolution. That was the result of four years' work with the principal governments authoring the resolution to assure that the proposal would achieve its intent and that we could fulfill its expectations. This work has been a great example of the State and Defense Departments working together to support initiatives from other OSCE members in a way that will further the security and peace of the entire OSCE region.

In February of this year, the U.N. Security Council debated the use of mercenaries in Africa. Several national representatives stressed that the legitimate use of PMSCs was critical to promoting and maintaining regional stability and security. Others, however, claimed that any use of PMSCs was illegitimate and that there was no difference between PMSCs and mercenaries.

Inasmuch as it is in the interests of the U.S. government to maintain the legitimacy of its use of military technical support security contractors, to promote the responsible use of such contractors by others, and to restrain irresponsible use of contractors that undermines peace and security, then I believe it's also in the interest of the U.S. government to remain engaged in international efforts that affect those outcomes. Thank you.

TIERSKY: Chris, thank you very much. And to you as well I'd like to thank you for your perseverance in the challenging conditions to present. For those of you who are not from the Hill, we've all received messages on our phone which is the all-clear. All is well. So thank you for sticking with us.

Chris, you made some terrific points. I want to turn it over to the audience, but I do want to have one round here. Kind of the central organizing principle. Dara, among other things, said that we should be realistic, I think was the word she used, in whether Russia would seek to join multilateral formats that would in any way govern their use of this type of activity. I think you

more or less echoed that point and suggested there's actually still a point to doing this. And I would like all three of you to give me a sense of what that point might be, again, just in plain language, before I turn it over to the audience. And, again, I see a number of colleagues out there who are likely to have some really tough questions for you.

So, Chris, why don't you start, and then I'll ask my colleagues to comment on that, or other things they might have heard in the presentations, before we go to audience questions.

MAYER: As we discuss PMSCs in an international forum that Russia does participate in, unlike the Montreux Document – which it actually shows up to once in a while, just to say that PMCs are illegal – the – (laughter) – I know, it's funny. (Laughs.) The issue is, is that – if anybody watched the TV series Chernobyl, one of the lines in there is you are embarrassing a government whose primary purpose in life is not to be embarrassed.

And I think that by openly discussing these things, by talking about what we've done, where we need to grow – for example, we still have some problems with trafficking in persons in our PSCs – and the things that we've learned from, and to get other countries to admit their use of PSCs as well, and PMCs, then I think that in the end it winds up embarrassing Russia a little bit, OK? The Swiss don't think the Russians can be embarrassed, but I think that they can, and to finally admitting that they have to do something about their own use of PMCs.

AVANT: Yeah, I completely agree with Chris. And I think one of the things that we forget sometimes, when we're so quick to talk about the Russians, and Chinese, and Americans, is that there's a lot of different views represented in different countries. And there are entities in Russia that are more inclined to abiding by law, and those that are less inclined. And I think that those that are more inclined are more likely to be peeled off and sort of work in a cooperative way, to the degree that we keep these channels open. And so I would not be naïve in sort of suggesting that this is going to be a really productive conversation, but I think we lose very little and we open the possibility for potential gains over time by keeping the channels open.

TIERSKY: Dara, let me sharpen the question for you. Can the Kremlin be shamed? (Laughter.)

MASSICOT: Well, I won't answer that question in that way, if that's all right. But I would say in terms of what Congress could do about this, I think there's a way to splinter off private military companies from private security companies. And I think they probably would be willing more to talk about the PSC question. If you try to engage the Kremlin on PMCs, we'll continue to get this answer: These are illegal. There was a bill that went forward in the Duma to regulate these types of companies and it failed. It met opposition from the Ministry of Defense, the MFA, I believe the intelligence service as well – multiple.

But I think because the so many acronyms, the private security companies are self-selecting and sort of self-regulating themselves on what types of missions they do – like counterpiracy and things like that – there is a desire in Moscow to be part of a legitimate organization. Now, where that runs into a roadblock is what they're doing with some of these PMCs. I don't know if it's possible for the Congress to compartmentalize these things, not try to

have a collective agreement we're going to try to regulate both bunches at the same time. You might want to start with the security companies dialogue at this point.

AVANT: Actually, can I –

MAYER: Can I follow up?

TIERSKY: Sure. Let's do one more 30-second round up here, and then I've got a couple of questions in the audience.

AVANT: Yeah.

MAYER: OK. So one of the problems here is that we – and Doug Brooks in the audience. By the way, Doug Brooks was actually one of the consultants during the development of the Montreux Document from the industry – is that we've talked about PSCs, we've talked about PMCs, and we've talked about PMSCs, OK? Raise your hand – not Doug – raise your hand – (laughter) – if you know the difference between these three types of organizations? Congratulations. No one else really does either, OK?

So the Montreux document has one definition. U.S. law has another definition. The U.N. Working Group on Mercenaries has a third definition. And then you've got the other definitions that used to exist, like PMCs were combat provider companies. But PMCs are also companies that provide military technical support, such as training and operation of weapons systems. So it can become very, very confusing. And when we ask Congress to get involved in something, we need to be very, very clear about what it is we want them to get involved in.

TIERSKY: Great. Debbie, thirty seconds.

AVANT: I think that I take the issue that it's complicated. But I also think that the greatest effort and the most developed regime parts are those that are focused on private security companies, defined as armed guards, mobile security, site security, unarmed guards as well. And I think part of that was due not to how clear our definition was, but a sense that these are the kinds of activities that pose potential risk, but absolutely should be considered legitimate in some way or another. And so I think this kind of engagement with private security companies that are legally regulated might be an avenue toward, who knows, at least some steps forward, which would be useful to take.

TIERSKY: Great. Let's start over here. Actually, Doug's already been identified by the panel. There's a microphone coming over to you. In the meantime, anybody else? I thought I saw a hand or two. Not yet? OK.

MAYER: As the microphone gets to him, Doug Brooks is the president emeritus of the International Stability Operations Association, the industry association for PMSCs.

Q: Thanks. (Laughter.) Doug Brooks.

Just to bring up this terminology issue. I think it makes things a lot more complicated than it should be. And I think Dara made a great point on this. When you use the term PMSC, it's a really blurry term. And it's used by a lot of academics and so on. And it's a sloppy way to sort of expand the size of the industry that's relatively small. The security companies are maybe 10 percent of the larger industry, that does everything from logistics, to construction, to training, or whatever else. When we talk about the ICOCA, you're only talking about private security companies. And the easiest definition is they are companies that are protect nouns – people, place and things. And when you use that definition, it's much easier to work with. When you start to talk about the private military companies, you're talking about offensive operations, they don't operate under local laws. PSCs, wherever they operate, they're operating under the laws of the country that they're operating in. So I think it's a pretty fundamental difference that should be clear, but we continue to gloss over. I guess that's my point and my comment.

TIERSKY: Doug, thank you for that clarification on terminology. In the back here.

Q: I'll just speak loud. Hey. Shaun Taylor from Congressman Hudson's office.

In a couple of the presentations, y'all mentioned the presence of these organizations in Africa. They're also in countries where our own special operations forces act. Could you speak briefly to the competition in these emerging governments, and the relationship between the Russian actors and our own special operations forces, and the kind of competition for influence in those countries?

MASSICOT: OK, sure. I'll take the first attempt there. Some of these groups work with governments that we perhaps don't feel comfortable working with because of human rights violations allegations. So they have a foothold there. They provide, at least in the case of the Central African Republic, it's really a comprehensive mixed package that Moscow is operating. So there are diplomatic agreements that are signed. There are PMCs who train local forces. And either because the government can't pay and they're paying in kind, there is some kind of relationship. And it's very murky. Journalists were killed trying to look into this, the relationship with guarding gold and diamond mines.

So, there is a bit of an advantage there that they have because they face less constraints on what they can do, what they can offer, and what they will accept as payment. That can be quite an attractive package that they can offer to these governments who maybe don't want that kind of transparency, who are maybe not interested in having us look under the hood at government corruption or human rights abuses. So that makes it challenging. It makes it challenging in the case of Syria, where we're actually operating. This happened last year near Deir ez-Zor.

For those of you who are not familiar, there were reportedly Wagner contractors who were advancing on U.S. positions with lethal force. And we have a bilateral mil-mil channel. And the Russian military said: They're not ours. They're not ours. We don't have anything to say about it. And then we attacked them with lethal force. There are different rules of engagement. I'd like to pivot to Ukraine to answer your question. We're not engaging directly with each other in Ukraine. Again, the United States is not. But you have multiple groups there.

You have Russian operatives operating as such. You have Russian soldiers and operatives with no insignia, no official affiliation with the Russian government. What's the rules of engagement on those? And then you have PMCs together. And it's very impossible to understand who you're dealing with on the battlefield when Moscow is silent on this question. So it's complicated and I don't have the legal answer. But that's why we have these experts here.

TIERSKY: Chris.

MAYER: Oh, no, I thought Dara's answer was just great. In terms of rules of engagement, the rules of engagement apply regardless of who is posing a threat to U.S. forces in most of these cases where we find them. For example, the Deir ez-Zor, the Conoco gas plant one, it was clearly a case of self-defense against an unlawful attack. We always maintain, and all of our rules of engagement, come one, say nothing in these rules of engagement inhibit your inherent right to self-defense. And so that's what we've always got.

The challenge is many of these countries – such as our advisors – military advisors in Ukraine, in Syria, in African countries, they don't engage themselves in offensive operations. And so that part is they're not going to go out, seek out and destroy Russian private military companies. But should they be attacked by then, then of course they have their inherent right to self-defense. But other than that, I think that was a great summary.

TIERSKY: Great. Thank you. I'm told that there was a question that I actually can't see behind the camera.

Q: Sorry, yeah. Daniel (sp) from Congressman Sanford Bishop's office.

Just a follow-up question. With a lot more conflict happening – I would say consistent conflict in Africa over resources, and we're seeing increased access to PMCs and PSCs, what role do you see those organizations playing as a destabilizing force for international peace? And with the kind of fluidity and non-defined nature of the international regulations you've been talking about, do you really see a framework for accountability and repercussions to anyone who starts to really become a bad actor in that sphere?

AVANT: Yeah, it's interesting. I think a lot of times we assume that we aren't going to get any result unless there's really kind of hard and fast accountability. And I think that this industry, in studying it over the last 20 years, has convinced me that that's not true. That actually, getting some agreement on what is appropriate and having people expected to behave in an appropriate way has actually gone much further than I would have imagined.

And so I think, particularly in Africa where you're talking about a lot of interactions between governments, extractive industries, and these companies, that the framework that's been put in place is actually a useful way in which you can sort of get these agencies to act together in a way that produces sort of common concerns or manages common concerns. Uses force to

support public good as opposed to criminal networks, crony capitalism, crony security, whatever you want to call it.

And I think that this is a time to really sort of double-down on that possibility. And there are companies that are doing that. I was actually on a webinar just a few weeks ago that was co-sponsored by the International Code of Conduct Association and the Voluntary Principles Initiative. And they were talking about an oil company in Kenya that was paying for a local security company to work with an international already certified security company to sort of get it up to international standards in order to allow it to compete more effectively in the Kenyan landscape afterwards, but also to provide the kind of security that the oil company could rely on that would not inflame – this is an area in the north of Kenya where there’s a lot of conflict between cattle ranchers, essentially. And that the kinds of activities – so this oil company was noticing that this sort of security would actually generate more long-term benefits to it. And so I think that there are quite a lot of possibilities from this regime.

TIERSKY: Sure. Chris, before I hand over the floor to you, I do want to point to anyone who’s interested in reading more on Debbie’s opinion here, she did a terrific piece in the Post that a cheeky editor, or perhaps Debbie herself, titled: “People, including me, used to think that the private military industry couldn’t govern itself. We were wrong.” Happy to share that with anyone afterwards.

Chris, please.

MAYER: But as I understand your question, it was, what’s the real security risk? And, as Dara pointed out, most – and within Africa – most of these countries are already pariah states. They already have horrible human rights records. They’re not the kind of people who even want to contract with U.S. forces and are not going to. We’re not going to deal with these guys anyway, so what’s the security risk? Well, one is that this gives them the opportunity to continue an operation. It gives them the access to continue to suppress their population. And in many cases, may even promote activities cross-border organizations in regional countries.

There is a danger too that if this is then successful and that these pariah states are able to maintain control because they’re able to access other sanctioned organizations – and we do have sanctions against Prigozhin’s empire- then that might influence other states to say, hey, this is actually a workable business model. Why should I contract with Western companies that come with human rights records, with human rights requirements, that have a spotlight shined in them by the West, when I can hire these guys instead? And so that’s a significant problem too. As I said, these things could wind up undermining all of the good things we’ve done to improve legitimacy and accountability.

TIERSKY: So, Chris, I actually want to push you on that last point because I think it’s a fair question to ask: Why would companies sign up to these types of regimes? Because you need participation by companies that would meet a certain set of standards that are costly to meet. Why would they sign up to these regimes, when they could be undercut, let’s say, on the market of private security by companies that don’t aspire to meet these norms that we’re trying to put into place?

MAYER: Well, I think that the quick answer to that is they're not going to. So if we're dealing with pariah states then – like Central African Republic and others – then they're not going to bid for the contracts with them because for no other reason, they'd be kicked out of the International Code of Conduct Association because it violates the codes that we work for. So that's one. But the other thing is, like I said, the danger is if it starts spreading into so-far human rights compliant countries elsewhere on the continent. And where buying Russian anything is a lot cheaper than buying Western anything.

AVANT: It was interesting in 2004 when there were a lot of private security contractors protecting people – protecting nouns, as Doug Brooks put it – surging into Iraq. There were some companies, U.S. companies, that sort of saw themselves really operating for U.S. interests, trying to maximize flexibility for the United States. There were other companies that had a much broader range of global actor client base. And they were really threatened by what they saw was kind of emerging as a little bit of a cowboy culture in Iraq that they thought would undermine their capacity to provide services in a way that would be compliant with the expectations of all of their clients.

And so I think one of the checks to these sort of worries about these pariah states and what they're going to contract is that companies themselves who want to play to sort of a global base are interested with having some kind of standard by which they can say: We can't do those kinds of things. Because if one pariah state asks a company to do something that will undermine its activities for another pariah state, that's a complicated market relationship to manage. And so I do think that engaging with the companies, both the private security companies, private military companies, but also the extractive companies and other sort of commercial clients of them can be a sort of productive way to dealing with some of those risks which – I agree with Chris – there are real risks. But I do think that there are some market ways in which we can push against them.

TIERSKY: Other questions from the audience? Please.

Q: Hello. My name is Ketchkou Umbagu (ph). I'm an American University student journalist.

And my question is more on the next steps. So it's kind of for Congress or the committee. I just want to know, is there going to be another hearing on this, or a briefing? Like, what's going to happen next? And if you could provide a date, that would be great too. Thanks.

TIERSKY: Sure. Thanks for that question. I'll come back to that at the end of the briefing. I actually wanted to give our panelists an opportunity to talk about specifically Congress's role. So don't let me off the hook. We'll come back to that at the end of our discussion.

Let me ask the panelists another basket of questions that I really would like to put to them. Dara, let me start with you. With the crystal ball, looking forward five to ten years, do you think that the Kremlin sees that this model is in the ascendant? Meaning, are we likely to

see increased proliferation of activity of Russian private actors in spaces that we hadn't seen before? Certainly seems to be going that direction. But should we assume that this is going to continue along the same trajectory?

And then I want to broaden that out for our other two panelists, and ask: Who else is looking at the Russian, quote/unquote, "model," and saying, this is a good idea. Let's get into this business, whether on the private sector in different countries or regimes who might be thinking about kind of deniable tool of influence, and maybe looking very carefully to see whether this is an element of strategy that they have under-used thus far.

So, Dara, would you start? Thanks.

MASSICOT: Sure. So I'll think about five to ten years in the future here. And I feel like it could go two ways, but I think the most likely route here is that we'll continue to see what we're seeing now. There is a trend for these PMC groups to start splintering into smaller and smaller companies. They'll have a common ownership structure, and then new little companies will be created from that. That is very difficult to track. It's easy to fall down the rabbit hole and chase after ghosts who are rumored to exist but don't really maybe exist, or were, in at least one case I can think of, an outright fabrication that someone put together, that there was a PMC group and it's not actually a group.

So I think it's important to take the long view. Every time this capability is used, Russia is really effective at incorporating lessons learned from the next time around, taking track of their mistakes and their successes. They're always learning, and they do it very well. That is to their credit. So, this is a process that started in its most recent iterations in Ukraine. It was carried forward into Syria. Now it's proliferating and branching out into Libya and two other continents. So the longer that they do this and they learn, the better they're going to get at it, and I think the better that they will become at hiding it. It's already very difficult to track these things in general. I suspect that will be a challenge.

But then I have a theory, and I'm working on it. And it's a minority view in my mind. But, just the way that the Russian system works, when people start to become too powerful and they are in too many people's business – which arguably – I would argue that Prigozhin is. He is now branching out into the military business, the intelligence business, the information warfare business. If this system is healthy, it will potentially get to a boiling point for him. And everyone can be disposable if the law is brought down at the right time.

This happened to the Slavonic Corps. In 2013 they were a PMC company. They had one major battle in Syria. And when their leadership got off the plane in Moscow, they were arrested by the FSB for being mercenaries. And the last, I understand from the news that they were in the Lefortovo Prison, which is the prison for high treason. So it's just – I feel like it could go both ways, but I think we're going to continue to see a proliferation – a risky proliferation.

TIERSKY: Thanks.

AVANT: Yeah, I think Chris probably has a lot to say about this. But there are a number of countries that are sort of stepping up activity in this area. And I would actually point to China as one. China is a member of the Montreux Document and in the Montreux Document forum. There are also Chinese companies that are members of the International Code of Conduct Association. That said, there's been a lot of growth in the legal use of private companies. Private security companies didn't used to be able to export from China. Now they can. The whole Belt and Road Initiative is a big initiative that requires a lot of security forces. And I think China could be a really important player in deciding whether the Russian model becomes a bigger model, or whether the Russian model is one that sort of gets cut out as being the kind of pariah model. And so I would point to them as one to watch.

MAYER: In addition to China, there's closer allies of us, the United Arab Emirates, are also involved in using organizations very similar to the Russian model in association with Israel. And so that's specifically taking place elsewhere in that peninsula and in Yemen.

Within Africa, however – so it's part of the Russian strategy to increase their activity, their political presence in Africa. So in the past few years, about a dozen countries in Africa have entered in military technical agreements with Russia. Some of them have also military agreements, or foreign military operations, military sales in support with the United States. But the Russians use a Professor Henry Hill Music Man kind of way about selling their military equipment. So, they'll sell it to you on credit. And of course, you don't actually have the means to pay for this. And you don't even have the means to know how to use it. So they say, I got a deal for you. I'm going to send you people to teach you how to do this, OK? And we'll work out the payment arrangements later. It's like the buy now, pay forever program.

And so then it's like, oh gee, you got a real nice diamond mine there. You know what? I think that we could use some of the – or an oil facility – that we can use some of that to pay down on your debt. Oh, that diamond mine. You say you don't actually have control of that because it's actually in rebel territory? We'll take care of that for you. Don't worry about it. And so, this is becoming more and more common in different areas of Africa, Venezuela, other areas. And it's the way that it's like a slow boiling a toad kind of thing. Just slowly increase the temperature one at a time. And countries don't really understand what they're getting into, I hope, until it's finally too late, and that's where they are. And that's where it's spreading, and that's where danger is coming in around developing countries.

TIERSKY: One question from the audience and then I've got to final wrap. Yeah, please.

Q: Yeah. Hi. My name is Matthew (sp). I'm also from American University.

I have a question for the panel. Do you foresee any instances where PMCs, PSCs, PMSCs, they wind up monopolizing or someone starts to engage in more services, starts to buy other services? Do you see any kind of circumstances where something like that could happen, from an economic standpoint?

TIERSKY: Fair question.

MAYER: Yes, it's a concern because we've actually seen this over time, where there's a consolidation of the industry. Bigger PMCs buy up – PSCs buy up smaller PSCs, begin to diversify. It's happening across the board. It should be a concern from a contractual viewpoint from the United States because, of course, we want to encourage competition, not to encourage monopoly.

TIERSKY: Debbie.

AVANT: Yeah, and I think we've seen this particularly in the private security industry where there's been quite a lot of consolidation. And in fact, it was kind of hard to keep track of who were members of International Code of Conduct because sometimes they consolidated. That said, because it is this flexible tool what services actually get provided tend to shift depending on what's going on in the world. And so, you get more companies moving into cyber, or moving into sort of other directions. And I would imagine that that would continue. As security concerns begin to morph, that's where you get the dynamism, I think, in the industry. Which is not to say we shouldn't worry about the other kinds of things, but I think that there is some sort of built-in dynamism just in the changing security conditions in the world.

TIERSKY: Great. Final lightning round. The role of Congress has been mentioned several times, and I want to not let that slip by, particularly since we've been pushed on it by our colleague in the front row. So in a minute or less I'd like each of our panelists to give us one or two thoughts on the congressional role in a kind of summarized fashion. What should Congress be looking to do more or less of in this space?

Dara, can you start us off, please?

MASSICOT: Sure. So I think perhaps the most important thing – and, again, I'm not a legal scholar here – is to think about this in the context of great-power competition. The role, as it's spelled out in the National Defense Strategy, what is Congress' role in supporting that? And I think the biggest thing – my strongest recommendation moving forward is, we need to be quite realistic about what's happening. This is a government in this space who does not necessarily want to come out of the shadows, particularly for some of its use of lethal force that is not really regulated. So we can hold discussions, but I fear that they may not go anywhere. But I'm a cynic. I'm the cynic on the panel about that. So I'll put that out as one point.

TIERSKY: Debbie.

AVANT: Part of the reason that the U.S. moved more heavily into the regulation space was because of threats to the mission and threats to its reputation. And so I think Russia may do that. And there may be some blowback that they face from it. I do think that part of what allowed the U.S. to move very positively were particular requirements from Congress. Congress required that the U.S. keep track of the contractors in contingency operations. They did that. We have a lot of information that we didn't otherwise have. Congress might want to think about having the U.S. keep track of contractors much more broadly than in just named contingency operations.

Second, Congress required that the Department of Defense come up with a standard by which to hire private security companies. We have a standard. Congress has not required that all agencies in the U.S. government actually use that standard. They should. They also might think about standards for military training, for logistics support, for a variety of other kinds of services. And so I think there's actually a lot of energy that Congress can provide simply by requiring that the U.S. have clearer stipulations by which they use forces. And that will feed into better mission capacity and the better use of these contractors can maximize their flexibility and minimize the risk.

TIERSKY: Great. Chris, last one.

MAYER: I agree with what Dr. Avant just said, that what we have is we developed these PSC standards which, by the way, all the PSCs that have become compliant with the standards they report back to me and say: Oh my gosh, we can't imagine it. We never understood how much our own business operations would be improved by these standards, much less compliance with international law and the other things. However, we don't have the PMCs, those military technical support contractors that provide training and operations and maintenance of weapons systems. So it needs to spread to those as well. And then the big thing is, I think, Congress should encourage us to stay involved in international engagement, beginning with the OSCE initiative.

TIERSKY: So I'd like to thank our experts for their extraordinary presentations. And I do want to say, particularly based on this last round and particularly in the field of international engagement, the Helsinki Commission certainly could play a useful role, and is playing a useful role, as a kind of a focal point for information sharing, but also for coordination and cooperation on potential actions. So particularly for those of you who are staffers, particularly ambitious in this area, feel free to come and talk to me afterwards and we'll work together on coalition building on the Hill on this issue.

Ladies and gentlemen, thank you very much for your presentations. Thank you to the audience for sticking through an eventful set of circumstances in this briefing. And with that, I will bring this briefing to a close. Thank you.

[Whereupon, at 11:24 a.m., the briefing ended.]