

Introduction: A Re-examination of Private Military and Security Companies

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If private military and security companies (PMSCs) were on the agenda of security analysts at all at the turn of the millennium, it was in the context of the impact of the privatization of security on weak states, primarily in Africa.¹ PMSCs are understood here as corporate entities operating with a profit motive and which “provide services outside their home states with the potential for use of lethal force, as well as of training and advice to militaries that substantially affects their war-fighting capacities.”² Certainly, the activities of Executive Outcomes (EO), a notorious South African PMSC, drew some attention to such organizations, but the focus was firmly on the nexus between unscrupulous companies, mainly in the mining sector; states caught in the midst of vicious civil wars, such as Sierra Leone; and PMSCs.³ The impact of these actors was considered relatively limited. PMSCs were a factor for the weak, rather than the strong. This view was reflected by international institutions: the UN Rapporteur on mercenaries was asked to report in terms of the implications that private security providers had on self-determination, rather than on wider issues of international security.

Now, looking from the vantage point of a decade and more of Western expeditionary warfare, such a conclusion is no longer sustainable, as the growth in academic attention and literature on the subject—including this special issue—demonstrates. The wars in Iraq and Afghanistan have forced us to take PMSCs far more seriously, if only because PMSCs have taken a central role in enabling and participating in combat operations in these areas. Whether because of their size—at times, there were

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more contractors operating for PMSCs on the ground in Iraq than US soldiers; their ubiquity, as PMSCs operate everywhere from the frontlines in Afghanistan, to supporting UN activities in Somalia, to securing the London Olympics;⁴ or their necessity, given the oft-repeated claim that the US cannot wage war without the support of PMSCs, private security forces have firmly become part of the security agenda for the strongest of states in international society. In contemporary war zones and complex emergencies, the chances are high that contractors will be as present on the ground as state militaries. This signals a major shift in the way that war and security is conceptualized within modern international society.

This is ironic, given that in many ways, the rules and norms that govern international society began as an attempt to limit and control war. The first international lawyers, such as Grotius, were writing in the context of endemic warfare and attempted to develop practical and pragmatic methods for international law to limit the barbarity of war. One of the key ways in which this was accomplished was to remove non-state actors' rights to wage war. War could be limited by limiting those who had the authority to fight it. This process was, of course, uneven and imperfect. The survival of the English East India Company until 1857 and the prevalence of privateering until even later is a reminder that private actors continued to have some autonomy in the context of war, but their presence that was ever diminishing. The emergence of the state's monopoly to wage war was a vital moment in its development; indeed, Weber explicitly defined statehood in terms of the state's monopoly on the legitimate use of force. As the iconic phrase goes, the state makes war and war makes the state.

For the state to invite private actors back into the war-fighting realm, then, is a genuinely transformational change. Mercenaries and private combat actors are not new⁵—after all, there are records of mercenaries fighting for the Babylonians—but these private actors did not co-exist with a state that demanded a monopoly on the public control of force. This co-existence is something new, and 2014 seems a particularly apt moment to reflect on what this novelty means. After all, in many ways, this year augurs the ending of the first period of the twenty-first century security experience. The NATO withdrawal from Afghanistan in 2014 is likely to herald the end of Western expeditionary warfare for the foreseeable future. At the same time, private military contractors are unlikely to depart from the international stage; they will remain a critical component in both wartime and peace. In fact, the withdrawal of forces from Afghanistan is likely to accelerate the diversification of PMSC activities into new regions and sectors. It is time, then, to take stock of what we have learnt about PMSCs thus far. While there are any number of ques-

tions that could be posed, this special edition of *St Antony's International Review* focuses on three crucial problems.

The first hinges on the novelty of the relationship between states that declare a monopoly over the use of force and the emergence of PMSCs. Understanding how this public control of the legitimate use of force can co-exist with PMSCs is an obvious question, but one that lies at the centre of any debate on the privatization of security. We need to both consider not only how PMSCs challenge the fundamental tenet of state legitimacy, but also how their prevalence may open new ways for states to conceive of the use of force. PMSCs enable states to act through new kinds of proxies, and may enable states to take actions they would otherwise be unwilling to, were they forced to rely on their own agents. Do PMSCs solely challenge state authority, or do they enable state authority to be articulated in new manners and ways?

The second set of questions builds upon the first. What forms of legal control and regulation are appropriate for private security actors? The complexity of PMSCs comes from the fact that their activities are not limited solely to acting as state appendages; they are instead deeply enmeshed in the entirety of the globalized economy.⁶ Private companies cannot operate in many areas without the involvement of PMSCs; off the Somali coast, for instance, many shipping companies are choosing to bolster their protection against pirates by hiring private security services. Yet under what legal and regulatory systems can these transactions be managed? Even when these companies are hired by their home state, their operations will often be in other countries, and their employees from yet other states. Who can properly exercise jurisdiction over these companies? Can self-regulation be an alternative? If international law was first established to civilize war, then what law can civilize private warriors?

These questions of instrumentality and law are important and go to the heart of the political implications of PMSCs, but they also treat the actual contractors who are necessary for these companies to operate as anonymous souls. Too often, analyses of the politics of PMSCs leave their sociological and anthropological implications untouched. Understanding who actually works and fights for these companies is vital, because our understanding of PMSCs otherwise focuses solely on the hollow core of corporate bodies. Some of the most controversial aspects of PMSCs—such as issues regarding individual operators' restraint and levels of training—can only be resolved by a proper appreciation of who PMSCs actually employ. So the third set of questions this issue engages with goes beyond simple politics, and looks instead at who the contractors that make up these companies actually are.

The first article in this edition, by Bianca Baggiarini, analyses citizenship in the context of military outsourcing. It aims to understand how the privatization of security has changed the fundamental nature of the state. Baggiarini argues that the privatization of military forces is a means for liberal governments to detach themselves from violence and to outsource sacrifice. The turn to PMSCs commoditizes security and sets aside threats to be dealt with through market incentives and laws of demand and supply, instead of through a socio-political rationale. By focusing on the commercialization of sacrifice, the author suggests that the state is changing the nature of citizenship *per se*. The trend towards military privatization therefore breaks away from the historical relationship between (republican) citizenship and sacrifice. After all, the reliance on contractors for military activities signifies a more general trend occurring in liberal societies, namely the securitization and privatization of citizenship. Baggiarini is, in effect, arguing that military privatization enables new articulations of state authority.

Marcus Mohin's contribution, although from a very different theoretical perspective than Baggiarini's, is broadly in agreement that PMSCs add to, rather than challenges, state power. He highlights the ways in which governments use private military contractors to refine their foreign policy strategies. To comprehend the exact function of PMSCs, Mohin investigates the motives behind US policy makers' decision to commercialize their military assistance to the Bosnian Federation Government in 1995. Eschewing the dominant interpretation in the literature, the author argues that the contract awarded to the Military Professional Resources Incorporated (MPRI) was part of a broader, more refined strategy enabling the US government to influence Bosnian internal politics in a concealed and indirect manner, thereby supporting American objectives to eliminate Iranian influence in Bosnia and the wider Balkan region. Hence, the Bosnian case illustrates how PMSCs can be used by foreign policy makers as a "strategic tool". PMSCs can become a proxy for state action in situations where direct state involvement would be too complex and controversial.

The third article in this edition, by Andreas Krieg, moves towards the second set of questions with which this issue engages. Krieg focuses on the ways PMSCs should be regulated to effectively deal with the negative externalities possibly resulting from their activities. With the help of liberal theory, the author puts forward a normative case distinguishing between commercially provided security as a private, public, or global good. Due to the globalized nature of the PMSC industry, commercially provided security is a good within the transnational global sphere, going beyond the public-private dichotomy. Hence, although state efforts

intended to manage the use of PMSCs may be commendable, the author argues that a "global enforcement body"—embedded in the UN framework—ought to be established to put an end to military and security companies' *de facto* impunity and to uphold the individual's private natural rights.

Following this, Marcel Janssen and Giles Scott-Smith discuss the Dutch government's position on the hiring of PMSCs to protect vessels passing through pirate-infested waters near the Horn of Africa. In doing so, they intersect the first two sets of questions posed by this special edition, opening up an interesting avenue for research. The authors discuss how the Dutch government manoeuvres to maintain its unique right as the provider of security for Dutch interests while facing increasing pressure to initiate new legislation on the hiring of armed private security personnel. The authors show that while the Dutch government's *preference* to hold on to its monopoly on the use of legitimate violence has not altered, a gradual change in the policy climate has forced the government to change its *position* and initiate the preparation of new legislation in 2013 that is more supportive of PMSCs. Janssen and Scott-Smith write that this policy shift is unlikely to result in a demise in the Dutch state's *legal* monopoly on the legitimate use of violence, but that the issues raised by the need to suppress piracy have caused changes in the *perception* of the state's role in twenty-first century security provision.

The fifth article, by Alison Hawks, shifts focus and analyses the private security contractor's transition from contracting to civilian life. Through in-depth analysis, Hawks removes security contractors from their anonymous analytical existence and sheds light upon the distinctive "soul" and identity of the private security contractor themselves. She finds that for individuals with a short time span in between military retirement and security contracting, the private contracting life provides "environmental continuity, autonomy, and economic means for social mobility." The author also indicates that for individuals with a long(er) time period between civilian life and security contracting, employment as a private security contractor "is a way to return to a remembered experience (military service), receive recognition and experience feelings of belonging not experienced in civilian life, and increased remuneration for skills the individual has confidence in." For others still, security contracting is a way to delay their transition to civilian life. Hawks concludes that the key transition for individual fighters lies in taking off their private combat boots and putting on civilian shoes.

The themed section of this edition concludes with a brief comment by Sarah Percy, offering some thoughts about possible future directions of research on private military security companies.

Collectively, these contributions signify the need for renewed analysis of private military security contractors. As states' reliance on PMSCs is increasing in both scope and diversity, this analysis is truly essential. We need to continue the dialogue about issues such as the roles of PMSCs, the possibilities for regulation, and the identity of military contractors. It is clear that these are questions that can be dealt with from a variety of theoretical stances and research strategies. What we hope this edition shows is the value and importance of engaging with these varied perspectives on their own terms.

The general section of this issue covers another two topics that have been high on the political agenda in recent years. Although much has already been written about the contagion effects of the European debt crisis and the challenge of providing family planning services in humanitarian settings, we believe the selected articles showcase important new research that encourages us to re-approach these topics.

The first article, by Patrick Creuset, discusses political contagion during the Eurozone debt crisis between January 2009 and June 2011 and argues that political news regarding core countries' willingness to support peripheral governments with solvency problems directly influenced financial markets and thereby prolonged the debt crisis. The author uses Forbes-Rigobon contagion tests and GARCH mean-regressions to measure the daily impact of political events on bond spreads in Greece, Spain, Portugal, and Ireland. These tests demonstrate that the political indecision that accompanied the eventual bailouts worsened the crisis. Furthermore, they suggest that austerity measures in individual countries had little effect on bond spreads.

The second article considers the delivery of family planning services in humanitarian settings. In a collaborative effort Mihoko Tanabe, Stacy De Jesus, Katie Anfinson, Sandra Krause, Nhial Wiyat, Maureen Murphy, and Joseph Duop present the main findings of a pilot project on Community Based Distribution (CBD) of family planning services in Malakal, South Sudan. Although CBD has long proven successful in development contexts, limited research exists about its feasibility in humanitarian settings. Their pilot project provides important new data about the conditions under which CBD improves people's access to contraceptives in a humanitarian setting. The project was run by the Women's Refugee Commission and American Refugee Committee between May 2010–August 2011 and consisted of two components: individual household visits by trained CBD health workers to distribute information and contraceptives, and family planning education and promotion initiatives led by community-based organisations. The results of the pilot study reveal that there is significant demand for family planning services in Malakal. The

research also indicates that, despite the many limitations humanitarian settings naturally impose, CBD strategies are feasible and increase community access to and use of contraceptives.

STAIR remains highly committed to providing a platform for scholars of any academic discipline who are dedicated to international affairs, interpreted at its broadest. Convinced of the need to encourage interdisciplinary debate, that welcomes the wisdom of both academics and non-academics alike, we are delighted to present you these two articles. They not only capture *STAIR*'s philosophy particularly well, but also impressed us with their quality, innovativeness, and potential contribution to academic debate. ■

Notes

¹ See for instance David Shearer, "Private Armies and Military Intervention," *Adelphi Papers*, 38, no. 316 (1998); and Abdel-Fatau Musah, "A Country Under Siege: State Decay and Corporate Military Intervention in Sierra Leone," in Abdel-Fatau Musah, and J. 'Kayode Fayemi (eds.), *Mercenaries: An African Security Dilemma* (London: Pluto, 2000).

² Simon Chesterman and Chia Lehnhardt, 'Introduction,' in Chesterman and Lehnhardt (eds.), *From Mercenaries to Market: The Rise and Regulation of Private Military Companies*, (Oxford: Oxford University Press, 2007), 3.

³ Musah, and Fayemi (eds.), *Mercenaries*.

⁴ Colum Lynch, "UN Embraces Private Military Contractors," *Foreign Policy* (January, 2010), online, <http://turtlebay.foreignpolicy.com/posts/2010/01/17/un-embraces-private-military-contractors> (accessed January 2014); also see Abby Stoddard, Adele Harmer and Victoria Di Domenico, "The use of Private Security Providers and Services in Humanitarian Operations," *HPG Report* (October 2008).

⁵ For discussion see: Peter W. Singer, "Corporate Warriors: The Rise of the Privatized Military Industry and Its Ramifications for International Security," *International Security*, 26, no. 3 (Winter 2001/2002), 186-220.

⁶ Rita Abrahamsen and Michael C. Williams, "Security Beyond the State: Global Security Assemblages in International Politics," [*International Political Sociology*, 3, no. 1 \(2009\), 1-17.](#)

Remaking Soldier-Citizens: Military Privatization and the Biopolitics of Sacrifice

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ABSTRACT

This paper questions how military privatization has the potential to signal the end of sacrifice. For two centuries, states have used various combinations of sovereign and biopolitical power to cultivate the synthesis of citizenship and sacrifice, thereby authorizing and legitimizing the use of military violence. Modern citizenship has been informed by the legacy of the French Revolution, which facilitated the sacralization of citizenship, and the citizen-soldier archetype has thus come to represent the most “true” expression of embodied sacrifice. Yet as Taussig-Rubbo has argued, the actions, injuries, and deaths of private military contractors cannot be interpreted within the realm of sacrifice, because their work operates within a corporate contract, rather than a social one. The Revolution in Military Affairs (RMA), “denationalization,” and “flexible soldier-citizenship” point, in different ways, to the various mechanisms by which citizenship is increasingly privatized, globalized, and securitized. When security and war are turned into commodities, violence becomes something to be managed within a neoliberal framework. The market, then, is hailed as the solution to problems, as opposed to an understanding of violence that requires contentious [or conscientious?] political analyses of how nation-states use violence. I suggest that looking to sacrificial discourses, rather than policy or law, is particularly fruitful in assessing the social and political impacts of military privatization. Since sacrifice connotes ideas about the relation between citizens and states, it is important to ask why American military discourses increasingly disavow sacrifice, rely on private forms of governing or “governing at a distance,” and in turn explore what this means for theorizing postmodern wars.

In this paper, I argue that military privatization allows states to outsource sacrifice while satisfying the biopolitical impetus to preserve life. In their resistance to sacrificial language,¹ private military and security companies (PMSCs) securitize citizenship by rupturing the centuries-long relationship between republican citizenship and sacrifice. Outsourcing reshapes the very need for sacrifice in a period marked by denationalization,² where states can now justifiably incorporate non-citizens into the practice of warfare vis-à-vis the logic of neoliberal free-market capitalism. Making security a market commodity problematically turns war and violence into problems to be “managed,” eclipsing democratic impulses.³ I begin with a discussion of sacrifice and how it became linked to citizenship in the context of the nation-state system. I then trace the erosion of the relation between citizenship and sacrifice to show that how liberal governments attempt to control access to sacrificial narratives⁴ can serve as a diagnostic tool for thinking about contemporary politics.⁵

Despite the unprecedented use of private contractors, they are not a new phenomenon. What is new, however, is the fervour with which expert knowledge constructs PMSCs as both a necessary and permanent feature in how states imagine current and future security threats. I suggest that analyzing citizenship in the context of military outsourcing is useful for thinking about how violence continues to shape national identities.⁶ I argue that military privatization is symptomatic of the reconfiguration towards securitized citizenship. More than ten years after 9/11, it is critical to move beyond legal, strategic, or regulatory approaches to PMSCs, as these writings, while certainly valuable, tend to foreclose political analysis.⁷ PMSCs are merely one trajectory among several in the post-9/11 war theatre, where privatization, as post-modernity’s most preferred mode of governing at a distance, is a key aspect not only in militarizing biopolitics, but also in governing social relations.

Nations and the Sacralization of Soldier-Citizenship

Étienne Balibar argues that states cannot become nation-states unless they appropriate the sacred. Appropriation must occur at the level of sovereignty and to legitimate control over “births and deaths.”⁸ Hence, sacrifice has a biopolitical impetus and effect,⁹ in that it orders the parameters of the meaning attributed to life and death. Appropriation implies that sacrifice is not immediately known, but contested. Contestation is an ongoing and inherent feature in determining the content and qualities of

sacrifice, and what the experience and recognition of sacrifice ought to entail. This suggests, especially in light of historically varied imaginings of military sacrifice, that sacrifice does not already and always exist, but rather is discursively made: a product of a historical struggle over what counts as being worthy of state recognition. Indeed, state power lies in its ability to monopolize the communicative potentiality of sacrifice.¹⁰

We have come to accept citizen-soldiers as embodying the highest expression of sacrifice,¹¹ and this is memorialized in history. The hegemonic status of this archetype in cultural imagination is partly the result of nation-building, which relied on a fiction of heroic self-sacrifice in defence of the nation. Suffering, loss, grief, injury, death, and mourning—these material and affective economies—are shaped in the context of war and violence, and are produced and structured by unequal, hierarchical power relations: there are those who self-sacrifice, those who are sacrificed, and those who decide, often retroactively, on the terms and conditions of sacrifice. As managers and technicians increasingly conduct, war and military privatization is certainly symptomatic of this trend, the material burden of sacrifice is likely to be more unevenly distributed. Identifying who is accountable for what and to whom is especially significant, given that the classification of deaths as sacrificial implies the possibility for grounding claims of wrong-doing, and/or that a responsible party is known. Naming an act as sacrificial connotes tremendous social power; from it flow ideas regarding accountability and the legitimacy of government. The deaths of private military contractors are not publicized, nor is their presence in combat zones. In fact, considerable effort is made to thwart the public's awareness of the use of private military contractors. PMSCs generate and take advantage of "flexible soldier-citizens." Unlike state-soldiers, who wear the markers of the sovereign, and whose deaths are sacrosanct, private contractors' deaths cannot be considered sacrifices.

The public acceptance of wartime casualties helped weave the fabric of a nascent national identity when states territorialized their sovereign power. Since the French Revolution, the idea of the national citizen has been linked to the raising of a mass army.¹² Permanent armies ensured defence from invasion and became integral to state security as part of a wider rational, bureaucratic, centralizing undertaking in the context of capitalist development. While states became nation-states at this time, their territorial and sovereign power did not become fully expressed until the eighteenth century, when the military function of states "exploded".¹³ Nations became imagined in terms of sacred idioms and the will to collective sacrifice was (coercively) implemented.¹⁴ The supposed monopoly of violence hailed the soldier-citizen as an idealized and reified

embodiment of willing self-sacrifice; key here is how the state mobilized citizenship as an aspect of nationalism to install effective technologies of government.¹⁵

As a “dynamic concept that prioritizes *process* and *emergence* in the constitution of both lasting and fleeting political forms,”¹⁶ citizenship is bound up with the state’s claim to authority. The blending of citizenship and nationalism¹⁷ marked a turning point in the soldier-citizen’s subjective orientation, in that one could articulate a new-found national collective consciousness via humanist enlightenment principles of the self.¹⁸ In the twentieth century, nation-building, while targeting the body of the soldier as a subject of discipline, parlayed its efforts in the project of making “good citizens” by extending the ideological imperatives of discipline into industrial and educational domains. Military work shaped Taylorism, which revolutionized industrial production, workplace organization, and worker discipline.¹⁹ Similarly, industrial warfare not only required the raising of mass armies but it also centred on manufacturing labour and, thus, incorporated workers to produce guns, tanks, ships, and airplanes.²⁰ In the post-WWII period, not only was citizenship discourse thrust into the public domain but also citizenship and soldiering were tightly interwoven. The public called on the state to provide public education, which was a significant social intervention through which children came to be regarded as a pool of future citizens, and potentially future soldiers.²¹ This iteration of the social contract crystallized the institutionalization of the citizenship-sacrifice nexus.

Sacrifices of soldier-citizens were to be met with social entitlements for soldiers and their dependents, such as benefits related to health, income, social and job security, and retirement, including access to civil, political, and social rights. Indeed, an analysis of the soldier-citizen, as a working and labouring body that required care and maintenance was made possible in this context and, as such, the soldier-citizen was the first body to receive these benefits. The figure of the soldier-citizen, embodying the highest expression of the synthesis between sacrifice and citizenship, signified proper conduct for civilians, given that the “truest” civilians were thought to be those who sacrificed themselves for a particular association.²² The social movements of the 1960s in North America and Western Europe witnessed the demilitarization of these benefits and, as such, they were extended to increasingly more civilians. Yet the concept of national duty always lurked in the background of the discourse on rights. This rights-based discourse framed the parameters of the social contract as an exchange between state and citizen: a reciprocal give and take, a national duty in exchange for social entitlements.²³ The state has special claims on its citizens claims to loyalty and poten-

tially military service while the citizenry has special claims on the state: rights of entry and residence, rights to political participation, or claims to diplomatic protection abroad.²⁴ However, privatization is symptomatic of the decay of the social contract. Denationalization and deterritorialization suggest the relation between soldier-citizenship and sacrifice is being reconfigured, since states can now turn to non-state actors to fulfil their military needs.

Neo-liberal Governmentality and the Restructuring of Capitalism

The end of the Cold War ushered in a new economic reality, marked by a heightened sense of uncertainty and economic insecurity owing to economic liberalization policies. The neo-liberal restructuring of capitalism has a short yet aggressive history. In the 1980s neoconservative icons such as Reagan and Thatcher championed the ascendance of neo-liberal ethics on a world stage. This included the privatization of public services and the abolition of capital controls, representing the foundation of total capitalism;²⁵ the universal privileging of the standpoint of free-flowing transnational capital in the form of currencies or human labour (never fixed, often feminized, always flexible); the unquestionable belief in the superiority of the universally applicable and uninhibited market; and, often unburdened by contradictions in history, gender relations, or the complexity and diversity of culture. The rise of transnational corporations shifted power away from democratically-elected governments into profit-driven, mobile regimes aimed at managing the world as a globally assimilated economic unit.²⁶

Neo-liberal rationality posits that whatever can be privatized, should be. Goods and services are best if purchased in the free market by consumer-citizens. Neo-liberalism favours the “freeing of the market,” “market efficiency,” hyper-individualistic competitiveness and “freedom of choice.”²⁷ Furthermore, neo-liberalism falsely imagines the market to be disembedded from society. But the market has never been and can never be fully disembedded from society. The idea of a fully autonomous, self-regulating market is merely a product of political imagination: a utopian project based on the idea of fictitious commodities.²⁸ This is especially true given the state’s direct and penetrating role in the management of fictitious commodities, such as land.²⁹ Territorial borders do not exist in “some essentialist kind of way[...]they must be performed and are continually being reconfigured through governing practices.”³⁰ Governing occurs outside of the state as evidenced by alliances and amal-

gamations of power amongst different non-state actors, private entities, and individuals, so an analysis of the state must account for the ways in which the state participates in offloading its power. In this respect, Foucault's theory of governmentality³¹ shifts the emphasis away from the intentionality of the state to pose questions about its techniques and apparatuses of regulation.

The national era produced a relationship between the state and citizens within national boundaries, whereas the neo-liberal era has witnessed a significant challenge to the notion of the state as a seemingly fixed container. Privatization recasts the public and private, finding approval in the prevailing neo-liberal discourse. Privatization makes increasing use of private means of governing, and alters not only the forms of economic regulation but also the forms of political regulation. Previously, nation-states developed with an interest precisely in securing territory, acquiring resources to secure war-making technologies, regulating populations, and categorizing individuals on the basis of ethnic markers and nationhood. State policies like citizenship and border security not only secure the nation-state from outside interference, but they also solidify an ideological allegiance or loyalty to the state as seen in supposedly patriotic acts, such as dying or killing for one's homeland. Sovereignty entails the territorialization of representational and discursive strategies and power struggles. Yet the ascendance of the neo-liberal state has witnessed gesturing towards denationalization, allowing troops to be replaced by technologically-intensive methods of war,³² which calls into question how important the cultivation of loyal subjects is today.

The American military has reflected "dominance without hegemony," as evidenced by its increasing dependency on foreign capital to fund its war making capacity and because of its role as a global racketeer.³³ Economic liberalization policies became hegemonic in the Washington Consensus period by reorienting citizenship away from public ideals and towards private consumer-based notions of being. PMSCs benefit from neo-liberalism's reliance upon expert knowledge to develop truths about security threats.³⁴ However, "neoliberal governmentality tends to 'de-politicize' security as public debate narrowly focuses on the technicalities and costs of military solutions, while alternative political options[...]become marginalized."³⁵ This is significant in the context of the Revolution in Military Affairs (RMA), where techno-fetishistic discourse further extends this depoliticization.

PMSCs emerged when the meaning of security was widened such that the boundaries of the nation-state were no longer regarded as capable of effectively administering security, nor were dwindling European and North American state militaries thought to be able to sufficiently compete in new wars.³⁶ This security thinking witnessed the intervention of PMSCs into the war theatre after 9/11 in unprecedented ways,³⁷ making the 2003 Iraq War the most reliant on private military forces in the history of warfare. PMSCs supplement weakening state armies while satisfying neo-liberal desires for techno-rational, geopolitical, and scientific mastery of space and time; as such, they are now conceptualized as integral to how states manage security threats, and more importantly, how states imagine the efficiency of future potential security endeavours.

Outsourcing to PMSCs occurs in the areas of information technology, the security of people and property, interrogation, military training, strategic advice, logistics, technical support, and combat.³⁸ PMSCs thus respond to the nature of contemporary wars, which tend to blur the distinctions between civilian and combatant and between war and peace.³⁹ Critically, new wars are not fought on battlefields between opposing armies wearing uniforms. Instead, the battlefield is everywhere: cities, towns, and countryside;⁴⁰ “battlefields” are virtually constructed and simulated.⁴¹ Threats are now conceptualized, not in the framework of war between states, but as having transnational origins and effects. Once the Cold War conflict between the East and West had officially dissolved, new threats, enemies, and transnational security issues were identified, such as the drug trade, environmental degradation, and uncontrolled immigration. PMSCs are now a permanent fixture in the global security industry, having to fill the gap that asymmetrical wars create. How does the RMA alter the application of sacrifice?

The total wars of WWI and WWII offer critical turning points for theorizing the intersections between sacrifice and soldiering. As Shimko states, WWI had a massifying effect, albeit with tragic results.⁴² The inaccuracy of the firepower of WWI was eventually resolved during the nuclear revolution of WWII.⁴³ From machine guns to air assaults and bombing, WWII altered the spatial logic of the battlefield. American war-making during the Cold War was defined by a resource-based military doctrine of annihilation as evidenced by conflicts in Korea and Vietnam.⁴⁴ While over nineteen million people died in combat during WWII, the deaths of American and Commonwealth soldiers were re-

garded as honourable and therefore are continuously remembered as sacrifices. Historically, the sacrifices of soldiers have been consecrated within the boundaries of the nation, allowing for both the production of shared collective memory, as well as a projected future-oriented discourse of unification through shared national or ethnic destiny.

In contrast, wars of choice, or humanitarian wars, turn casualties into a contentious political problem. After the Vietnam War, strategies equated efficiency with casualty reduction, and thus, casualty aversion is now the yard-stick for success.⁴⁵ Casualty aversion escalates in moments when the public questions the legitimacy of wars but it also reflects the history of American political culture, which values the individual over the state, and maintains ongoing suspicion of government.⁴⁶ In part, casualty aversion was a by-product of the profound identity crisis and related emasculation suffered by the American body politic after their performance in Vietnam. American military strategists used technology to address the disciplinary problems associated with the transition to an all-volunteer force. Thus, the Gulf War was considered successful since the American casualty rate was low, owing to an unprecedented application of technology. Flexible citizenship was an integral model which freed both military and global economic objectives, so that they could facilitate the compression of time and space in mobile and transnational sites of capitalist production, reduce human casualties during war,⁴⁷ and allow for efficient strategies of global military, political, and economic dominance.

Pivoting on the RMA, PMSCs supplement weakening state militaries in their quest for full-spectrum dominance: information warfare, the surveillance and dominance of land, air, and sea, the militarization of space, and the control over communication networks. This entails the expansion of military bases globally, and yet it is highly educated and outsourced technicians who most often conduct and manage war, rather than vulnerable bodies.⁴⁸ The decline of the mass army model coincided with a restructuring towards professionalization. In the 1990s, managers and technicians increasingly conducted war, as opposed to combat leaders.⁴⁹ The military is not exempt from broader institutional transformations in industrial societies; it too shifted from a labour to capital-intensive organization. The professionalization of the military was essential for realizing the goals of the RMA.⁵⁰ Without professionalization, the ideals of the RMA, particularly the incorporation of precision-guided weapons as a means to give advantage to the United States over the quantitative advantage of the Soviet forces, would have remained abstract.⁵¹

Governed by information warfare, and command and control warfare, the RMA utilizes a base of tech-savvy, highly educated personnel,

invoking a transnational business masculinity that is lacking in traditional state militaries.⁵² As part of the impetus to modernize the US military, the RMA uses “remote sensors and computer tracking of numerous targets [to] supposedly allow sophisticated combat operations to outmaneuver foes and destroy opposition targets relatively easily with few casualties.”⁵³ The RMA includes “technological mastery, omnipotent surveillance, real-time ‘situational awareness,’ and speed-of-light digital interactions.”⁵⁴ Indeed, these technological developments reduce the number of boots on the ground and place even greater distance between American soldiers and their perceived enemies. Military privatization is then a function of the state’s biopolitical need to preserve (American, racialized as “white”) life. In the aftermath of casualty aversion becoming the norm for how a military ought to function and as a result of downsizing and professionalization, private contractors become an accepted agent of violence in an era of financial austerity. The declining welfare state and the outsourcing of violence does not mean that soldier-citizens are not suffering and perishing in war but rather that these actions are not immediately *a priori* sacrificial; they must be made sacrificial.

Since 9/11, military and political economic dominance has been theorized as a function of a rationality of security. Securitization has thus become a chief concern for the modern state. By securitizing citizenship, “technologies of governing are employed that displace the governing of populations from authorities and sites traditionally located in the state to other sites and actors such as private companies, international organizations, and even individuals and their own self-government.”⁵⁵ Hence, citizenship is not just internationalized but also privatized and individualized.⁵⁶ Private contractors’ bodies represent and absorb the synthesis of the RMA with the ideology of securitization, whilst also being configured as actors whose sacrifice is sometimes denied, sometimes celebrated and/or privatized; in other words, not determined *a priori* in a social vacuum but rather socially constructed by competing ideologies and discourses.

Conclusion

If states respond to the problem of sacrifice by outsourcing, what application of sacrifice is particular to postmodern wars? In the national era, in the context of a burgeoning military apparatus, soldiers’ roles were chiefly defined in relation to the stuff of the body: the spilling of blood, primordial kinship ties and fraternity, suffering, debt owed to the state on behalf of the poor and labouring classes, allegiance to the flag, collective memorializing, and the potential for death. Denationalization

and privatization weakens this historical trajectory. The private contracting of soldiery captures a shift in the sacrificial logic that is bound up with the archetype of the soldier-citizen. If private contractors cannot make any claims of legitimate sacrifice, we must ask why the state might deem the end of sacrifice beneficial. If state-soldiers are increasingly a financial and socio-political burden on the state, then the inclusion of private contractors provides respite for the state. When war-making is outsourced, it is subsequently rendered invisible, thus challenging the belief that the legitimacy of war depends on a national public validating it. The end of sacrifice will make the death of soldiers profane, thereby reconfiguring the relationship between soldiers, citizens, and states.

The globalization of citizenship produces privatized and individualized effects that trouble the state-as-container thesis. In this paper I explored how the soldier-citizen came to represent the most glorified expression of sacrifice in a period of nation-state building, in a time that saw the rationalization and exteriorization of war, and the codifications necessary to maintain proper conduct between powerful states and colonial spaces. I argued that the soldier-citizen, as a chief archetype of citizenship, was cultivated by the state within the boundaries of a social contract. States referred to soldier-citizens to implement strategies of moral regulation to cultivate the ideal model of citizenship and to act as a reference point for civilians and “others” as to what constituted “good” citizenship. This type of citizen was self-sacrificing and ideologically opposed to dangerous outsiders as portrayed by official narratives of the nation-state. Post-WWII citizenship relied on the concept of a thriving welfare state. Rights, understood as unfolding in social, political, and economic domains, and obligations, such as the willing submission to the rule of law and a collective agreement to protect the private property of individuals, were institutionalized. However, the neo-liberal restructuring of capitalism witnessed the reconfiguration of the state’s willingness to maintain the social contract. Privatization and other modes of power, characteristic of the postmodern era, not only restructured war-making practices to mimic business models by championing the uninhibited market, but they also produced new kinds of flexible soldier-citizens. This flexibility, contained by both the neo-liberal restructuring of capitalism and the mandate of the RMA, has been the prototypical feature in the constitution of the private military contractor: his/her body is the site where these ideologies meet. The biopolitics of citizenship then draws on the sacrifice of state-soldiers and private contractors differentially depending on what is at stake in the discursive constellation of citizenship. If we accept that citizenship is about a subject’s “becoming” in light of a public audience, then the privatization or negation of a con-

tractor's sacrifice limits that subject's claim on the state, thus disrupting how we conceive of citizenship and nationhood.

Self-sacrifice contains a publicizing trajectory. When bodies are maimed or killed in war or when injuries or death are identified retrospectively as sacrifices, there is, quite fundamentally, an implicit gesturing towards the social. People question the sensibility of soldiers' deaths and the consensus now seems to be that there is very little tolerance for the deaths of American soldiers, so much so that under President George W. Bush, visual representations of dead soldiers in coffins no longer circulated. However, the qualities of postmodern war, the emphasis on speed over geopolitics, so-called precise weaponry, bloodless killing, and sanitized virtual aesthetics, render violence a private commodity and therefore outside the social contract. President Barack Obama's secret drone programme, which is heavily reliant upon the social and political conditions of military privatization that are already in place, is symptomatic of a technological extension of the political philosophy expressed in military privatization. The incorporation of private military contractors allows the state to free itself from the accountability normally associated with modern war. Henceforth, governments can potentially wipe their hands clean of any hint of burden. That potential burden the state's end of the social contract is thrown to the wind of the market, becoming a problem and a solution to be remedied by the latter. Alas, this cornerstone of privatization coincides with the desacralization of citizenship.⁵⁷ War and violence are profoundly social phenomena, despite attempts, through economic privatizing and the outsourcing of violence to camps and other "zones of indistinction," to avoid the slow and often mundane, politically saturated processes of intelligence gathering, community building, and diplomacy. In North America and indeed beyond, the privatization of public space, prisons, and healthcare, the corporatization of universities, and the militarization of biopolitics, while being complex, all share in their reorganization of governing away from the social. Embodied representations of sacrifice seem only to have ideological currency in moments when a nationalistic and militarized consciousness is regenerated. In practice, as evidenced not only by PMSCs but also by the proliferation of drone strikes, there is a clear avoidance of this kind of sacrificial rhetoric; as such, we must continue to question how sacrifice illustrates what is at stake in today's postmodern wars. ■

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¹ Michael Taussig-Rubbo, "Sacrifice and Sovereignty," in *States of Violence: War, Capital Punishment and Letting Die*, eds., Austin Sarat and Jennifer Culbert (Cambridge: Cambridge University Press, 2009), 83-126.

² Saskia Sassen, "Towards Post-National and Denationalized Citizenship," in *Handbook of Citizenship Studies*, eds., Engin F. Isin and Bryan S. Turner (London: Sage, 2002), 277-293.

³ Deborah Avant and Lee Sigelman, "Private Security and Democracy: Lessons From the US in Iraq," *Security Studies* 19, no. 2 (2010): 230-265.

⁴ See Taussig-Rubbo, "Sacrifice and Sovereignty".

⁵ Robyn Schott, *Birth, Death, and Femininity: Philosophies of Embodiment* (Bloomington and Indianapolis: Indiana University Press, 2010), 32-33.

⁶ Deborah Cowen and Emily Gilbert, eds., *War, Citizenship, Territory* (New York: Routledge, 2008).

⁷ For an example of political critique, see Maya Eichler, ed., *Gender and Private Force in Global Politics* (Oxford: University Press, Forthcoming).

⁸ Étienne Balibar, *We, the People of Europe? Reflections on Transnational Citizenship* (Princeton: Princeton University Press, 2003), 20.

⁹ The biopolitics of soldiers' sacrifices were made clear in Canadian Prime Minister Stephen Harper's 2006 address to the media. He explained how soldiering is the highest calling of citizenship "not because you are ready to die for your country [but] because you are *ready to live* for your country" (Harper quoted in Deborah Cowen, *Military Workfare: the Soldier and Social Citizenship in Canada* (Toronto: University of Toronto Press, 2008), 249 emphasis added). Some 150 years earlier in 1863, Lincoln remarked at Gettysburg that soldiers "[give] their lives so that the nation might live" (Lincoln quoted in Taussig-Rubbo, "Sacrifice and Sovereignty," 89).

¹⁰ See Taussig-Rubbo, "Sacrifice and Sovereignty."

¹¹ "...the sacralisation of citizenship has found its central and most poignant expression in the obligation to perform military service for the state, to fight for the state and die for it if need be." Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992), 145.

¹² Cowen and Gilbert, *War*, 12.

¹³ Michael Mann, "Nation-states in Europe and Other Continents: Diversifying, Developing, Not Dying," in *Mapping the Nation*, ed., Gopal Balakrishnan (New York: Verso, 1996), 295-316.

¹⁴ Gopal Balakrishnan, ed., *Mapping the Nation* (New York: Verso, 1996).

¹⁵ Engin F. Isin and Bryan S. Turner, eds., *Handbook of Citizenship Studies* (London: Sage, 2002), 1-10.

¹⁶ Cowen and Gilbert, *War*, 10.

¹⁷ Isin and Turner, *Handbook*, 1-10, argue that nationality is the primary axis by which people are classified and thus also how citizenship rights can be allocated and comprehended overall. As such, national trajectories and practices constitute important issues in citizenship studies. The notion of national citizenship, however, has become increasingly problematic since globalization has produced flexible and non-national forms of citizenship and transnational capital flows and supranational organizations have challenged the power of nation-states to effectively govern their citizenry.

¹⁸ Drawing on a tradition of thought spurred on by Benedict Anderson, Brubaker, *Citizenship*, asserts that the territorialization of the state was also achieved through the development of print capitalism. This produced a community in an imagined form. The circulation of early print media not only managed to entrench new expressions of capitalist advancement, but it also cultivated increasingly literate, self-reflexive individuals; it drew them into a public and nationalized their conscious orientation to a territory. Citizenship is thus both an instrument and object of closure requiring a class of bureaucrats to oversee and implement the aims of the state whose chief targets of regulation include all potential citizens but might also include the migrant poor and foreigners.

¹⁹ Cowen, *Military Workfare*, 16.

²⁰ Catherine Lutz, "Making War at Home in the United States: Militarization and the Current Crisis," *American Anthropologist* 104, no. 3 (2002): 723-735, 727.

²¹ Janine Brodie, "The Social in Social Citizenship," in *Recasting the Social in Citizenship*, ed., Engin F. Isin, (Toronto: University of Toronto Press, 2008), 20-43.

²² Rogers Smith, "Modern Citizenship," in *Handbook of Citizenship Studies*, eds., Isin and Turner, 105-115.

²³ Cowen, *Military Workfare*, 53.

²⁴ Brubaker, *Citizenship and Nationhood*, 63.

²⁵ Colin Leys, *Total Capitalism: Market Politics, Market State* (Monmouth, Wales: Merlin Press, 2008).

²⁶ Tony Clarke, "Mechanisms of Corporate Rule," in *The Case Against the Global Economy: And For a Turn Toward the Local*, eds., Jerry Mander and Edward Goldsmith (San Francisco: Sierra Club Books, 1996), 297-308.

²⁷ Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995), 123, claims that privatization "violates public space, depoliticizes socially constructed problems and injustices, exonerates public representatives from public responsibility, and undermines a notion of political life as concerned with the common and obligating us in common."

²⁸ Karl Polanyi, ed., *The Great Transformation: The Political and Economic Origins of Our Time* (Boston, MA: Beacon Press, 2001).

²⁹ Fred Block, "Introduction," in *The Great Transformation*, ed. Polanyi, xviii-xxxvi.

³⁰ Kim Rygiel, "The Securitized Citizen," in *Recasting the Social in Citizenship*, ed., Isin, 210-238, 230.

³¹ Defined by Foucault, in Graham Burchell, Gordon Colin, and Peter Miller. *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press, 1991), as the “art of government” or the “conduct of conduct,” governmentality refers to the multiple and sometimes contradictory ways in which regimes of power intersect to produce myriad expressions of truth, which then facilitate certain disciplinary effects at the level of the individual and more broadly in the social body. Governmentality thus shapes the subject’s sense of self as well as daily practices. Global citizenship has witnessed mechanisms of governing which move beyond the purview of the traditional notions of the state-as-container, thus moving “beyond the social contract on which modern citizenship was configured.” Rygiel, “The Securitized Citizen,” 231.

³² Sassen, “Towards Post-National,” 280.

³³ Giovanni Arrighi, *Adam Smith in Beijing: Lineages of the 21st Century* (London: Verso, 2007).

³⁴ J. Joachim and A. Schneiker, “Of ‘True Professionals’ and ‘Ethical Hero Warriors’: A Gender-Discourse Analysis of Private Military and Security Companies,” *Security Dialogue* 43, no. 6 (2012): 495-512, describe how PMSCs actively manage their online self-presentation to industry insiders in ways that cultivate images of legitimacy, superior expertise, and as adaptable to changing security contexts.

³⁵ Anna Leander and Rens van Munster, “Private Security Contractors in the Debate about Darfur: Reflecting and Reinforcing Neoliberal Governmentality,” *International Relations* 21, no. 2 (2007): 201-216.

³⁶ Mark Duffield, *Global Governance and the New Wars: The Merging of Development and Security* (London: Zed Books, 2001).

³⁷ William Hartung and Miriam Pemberton, *Lessons From Iraq: Avoiding the Next War* (Boulder, CO: Paradigm Publishers, 2008).

³⁸ Andrew Alexandra, Deane Peter Baker and Marina Caparini, eds., *Private Military and Security Companies: Ethics, Policies and Civil-Military Relations* (New York: Routledge, 2008).

³⁹ Christopher Kinsey, *Corporate Soldiers and International Security: The Rise of Private Military Companies* (New York: Routledge, 2006).

⁴⁰ Kinsey, *Corporate Soldiers*, 52.

⁴¹ Rolf Uessler, *Servants of War: Private Military Corporations and the Profit of Conflict*, trans. Jefferson Chase (Berkeley: Soft Skull Press, 2008).

⁴² Ken Shimko, *The Iraq Wars and America’s Military Revolution* (Cambridge: Cambridge University Press, 2010), 10.

⁴³ Keir Lieber, *War and the Engineers: The Primacy of Politics Over Technology* (New York: Cornell University Press, 2005), 126, argues that the revolution revealed the “speed with which total annihilation [could be] carried out, and the ability to do so without first achieving success on the battlefield.”

⁴⁴ Dima Adamsky, *The Culture of Military Innovation* (Stanford: Stanford University Press, 2010), 79.

⁴⁵ Robert Mandel, *Security, Strategy, and the Quest for Bloodless War* (Colorado: Lynne Rienner Publishers, 2004).

⁴⁶ Mandel, *Security*, 29-30.

⁴⁷ This desire to minimize casualties applies to American soldiers. It is part of a historical problematic of limiting the ways in which American audiences have access to images and information regarding Americans who perish in wartime activities. As Stephen Graham, "Imagining Urban Warfare: Urbanization and U.S. Military Technoscience," in *War, Citizenship, Territory*, eds., Cowen and Gilbert, 51, says, quoting Lawlor (2004) "robo-war systems will 'help save lives by taking humans out of harm's way," 2. "Here, tellingly, only U.S forces are considered to fall within the category of 'human'."

⁴⁸ Christian Parenti, "Planet America: The Revolution in Military Affairs as Fantasy and Fetish," in *Exceptional State: Contemporary U.S. Culture and the New Imperialism*, eds., Ashley Dawson and Malini Johar Schueller (Durham: Duke University Press, 2007), 88-104.

⁴⁹ Charles Moskos, "Toward a Postmodern Military: the United States as a Paradigm, in *The Postmodern Military: Armed Forces After the Cold War*, eds., Charles Moskos, John Allen Williams and David Segal (New York: Oxford University Press, 2000), 14-31, 15.

⁵⁰ Shimko, *The Iraq Wars*, 2.

⁵¹ Adamsky, *Culture*, 59-61.

⁵² R.W Connell, *The Men and the Boys* (Cambridge: Polity Press, 2000).

⁵³ Simon Dalby, "Geopolitics, the Revolution in Military Affairs, and the Bush Doctrine." *YCISS Working Paper* (49). (York Centre for International Security Studies, Toronto: Canada, 2008).

⁵⁴ Graham, "Imagining Urban Warfare, 33-56, 37.

⁵⁵ Rygiel, "The Securitized Citizen."

⁵⁶ Rygiel, "The Securitized Citizen."

⁵⁷ Brubaker, *Citizenship*.

Commercialisation of Warfare and Shadow Wars: Private Military Companies as Strategic Tools¹

MARCUS MOHLIN

ABSTRACT

It is frequently argued that the existence of Private Military Security Companies (PMSC) is a proof of weakened state authority, and indeed strategies involving the hiring of PMSCs contribute to a change of the world order. Still, some decision-makers view such companies as a very useful and necessary extension of foreign policy. This article investigates the role of PMSCs by analysing the contract awarded to Military Professional Resources Incorporated (MPRI) to train the Bosnian military in 1995. Even though the case investigated is well known, it is actually partly misrepresented in current scholarly writings. The subsequent analysis will shed new light on the MPRI contract with the Bosnian Federation Government by illustrating that the situation in Bosnia in 1992-95 had become the new battleground for a tug of war between America and Iran, and the hiring of MPRI to train the Bosnian military must be seen in that context. Drawing on personal interviews and previously classified telegrams between the US State Department and some of its embassies around the globe, it will be illustrated that the practice of using PMSCs gives world leaders a possibility to *seem* disconnected from specific regions when they, in fact, are deeply involved. Apparently, some world leaders regard private military firms as valuable tools, and while it is at times held that PMSCs undermine state authority, it is clear that they can strengthen states considerably. In the case investigated here, the US government would not have been able to thwart Iranian influence in Europe had it not been for the services of MPRI. In short, companies allow decision-makers to operate in the twilight space of world politics where they can participate in the reproduction of present global political and social power structures.

Introduction

It is frequently argued that the existence of private military forces and security companies is a sign of state erosion and that use of such

forces will subsequently weaken, or at least compromise and transform, state authority.² This trend seems further reinforced today when wars and conflicts are waged in the shadows of world politics,³ and when private forces have effectively been “folded into [...] American foreign policy as a necessary dimension”.⁴ Even though there is now an existing international regime aiming to regulate private security providers,⁵ military firms seem to thrive and many governments still turn to them for a wide variety of military services. The main argument of this article is that strategies involving the hiring of Private Military Security Companies (PMSCs) contribute to a malevolent change of our contemporary world order, yet some decision-makers view such companies as a very useful and necessary extension of foreign policy. This paper attempts to inquire into the role of commercial entities providing military services by analysing the contract awarded to Military Professional Resources Incorporated (MPRI) to train the Bosnian military in 1995.

The military training and advice given by MPRI to the Federation of Bosnia during the latter half of the 1990s is often said to have changed the relative balance of power both within Bosnia-Herzegovina and across the region.⁶ The aim, it is widely held, was “to integrate and build the Bosnian army of Muslims and Croats against the Serbs,”⁷ and the purpose has so far been interpreted as an effort to establish a balance of power between the former warring parties.⁸ The logic pursued rests on the premise that improving the combat efficiency of the joint Muslim and Croat forces was expected to deter any future military aggression from the Serbs. It has also been suggested that the NATO-led intervention in Bosnia did not serve any “geo-strategic or economic goals”, but that it was “intended to stop massive violations of human rights and democratic standards.”⁹

Both positions are probably correct if one adopts a one-dimensional view of strategic matters, or if one assumes that a narrow focus on what happened within the cartographic borders of former Yugoslavia is sufficient to understand the role of MPRI and the US intervention. The case investigated is, though quite well known, actually partly misrepresented in current scholarly writings and the picture described is not complete. It was already suggested in 1999 that the training provided by MPRI may also have served to “eliminate the Iranian influence in Bosnia,”¹⁰ and, as will be shown, this was probably the major rationale behind the engagement of MPRI.

To further nuance the picture of the MPRI contract with the Bosnian Federation Government, this article seeks to illustrate that the situation in Bosnia in 1992-95 had at least two hitherto mostly neglected dimensions. Firstly, besides being a humanitarian disaster, Bosnia had

come to be understood as the new battleground for a tug of war between America and Iran; and secondly, US leaders faced a difficult strategic dilemma concerning their relationship with the Bosnian Government. This "Catch-22" like dilemma lays in the fact that the Bosnian Federation was in dire need of military training and equipment to prevent the country from either being run over by Serb forces, or falling prey to Iranian ambitions in Europe. At the same time, the US Government was unable to support any military training or advice missions to Bosnia because of its commitment to the impartial NATO-led Implementation Force (IFOR) that was established under the Dayton Peace Accords.¹¹

To prevent the Bosnian leadership from becoming puppets of the Iranian regime, while at the same time reasserting American influence in the region, senior US policymakers were convinced that the US had to pursue three specific objectives: firstly, to find a way to bypass the Dayton Peace Agreement that restricted US freedom of action and effectively put a halt to all military support of the Bosnian Muslims; secondly, to force Iran and its advisors out of the region; and thirdly, to deter Serbia from any renewed attacks against the Bosnian Federation after the US military withdrew from the region. By facilitating these objectives, it was argued, the United States could have helped to create a lasting peace in the region. Commercializing its military assistance by bringing in a contractor to train the Armed Forces of Bosnia-Herzegovina (AFBIH) made it possible for US decision-makers to meet all objectives.

A major starting point for this work is that in order to understand the role of MPRI to its full extent, ideas and perceptions among US decision-makers regarding the Bosnia crisis need to be reconstructed. One way to accomplish this is to locate the programme in the international context as it was perceived by senior US leadership at the time. To do this, strategic studies will be used to guide the analysis. Although increasingly contested, strategic thought has traditionally relied on a primarily realist and positivist understanding of world affairs, consisting of three major parts: strategic challenges are ultimately about uncertainty in world politics; the major political goal is related to the security of the state; and it is about furthering or protecting vital interests.¹² Threats and interests are often identified as a result of the beliefs and ideas held among senior decision-makers and strategists.¹³ When decision-makers approach the world "strategically", strategic theory based in historic experience is used as a set of best practices for the solving of problems and challenges and thus becomes a tool with which policy can be formulated and executed. In this way, desired ends can be met by weighing different options and specific actions against others, before employing the most suitable means.¹⁴ In essence, leaders faced with a problem try to manoeuvre as

best as possible to be able to control and manipulate the situation using available assets. This is the reason why strategy is considered an art.

Through an analysis of the actions and decisions of US leaders at the time, it becomes possible to reconstruct the logic underpinning the hiring of MPRI. For that purpose, the article draws on personal interviews and previously classified telegrams between the US State Department and some of its embassies around the globe. The telegrams, released through a Freedom of Information Act suit,¹⁵ are unique in that they provide us with a fundamentally new understanding of the role of MPRI. Through a close reading of them, it is possible to get a good picture of how and why a PMSC was engaged, the initial distrust between the Bosnian Federation Government and the company, and the strategic role it played in US Foreign Policy.

The article is divided into two major parts. The first will describe how three particular decision-makers in the Clinton administration constructed Iran as a threat challenging US interests in the Balkans. It will be illustrated that Iran was understood as trying to gain a foothold in Europe and that this move was seen in strategic terms, evoking analogies to the Cold War. The second part will map the origins of the MPRI contract with Bosnia and demonstrate how it was invented primarily to force Iran out of the region. Ultimately, the hiring of MPRI, and the activities of the company and the US administration, served the American interests of continuing to exert major influence over European politics.

Constructing the Iranian Threat

Towards the end of 1991, when the American public realised there was a major civil war going on in Bosnia, the US administration was occupied with the war in Kuwait. As a consequence, senior US policymakers regarded the situation as a European concern and overlooked the ramifications of the collapse of Yugoslavia.¹⁶ As the war continued and the media revealed the on-going ethnic cleansing and systematic persecution of minority groups, especially the Bosnian Muslims, it was loudly—albeit controversially—demanded in some quarters that America should have intervened. Europeans were similarly divided on how to deal with the crisis and there existed a lack of consensus on the significance of the issue. Complicating the matter further, Iran was at the same time supporting the Bosnian Muslims and was thereby about to gain a strategic foothold in Europe, in an analogous manner to how Al Qaeda and other Jihadist groups are currently thought to be seeking bases in Iraq, Syria, and across the Maghreb.¹⁷

With the end of the Cold War and the paradigmatic change of the existing security complex in the entire region, Bosnia-Herzegovina, with its advantageous position in the middle of the Balkans, had turned into a political vacuum. In words echoing Cold War rhetoric and filled with analogies to the domino theory, Warren Christopher, the US Secretary of State, evoked Bosnia as a borderland by claiming,

Bosnia lies on a fault line in a volatile region of Europe. To the south are Kosovo, Albania, and the Former Yugoslav Republic of Macedonia, the likeliest flashpoints of a wider war, as well as Greece and Turkey, two NATO allies. To the north and east lie Hungary, Romania and Bulgaria, fragile new democracies deeply threatened by the prospect of ethnic conflict in the Balkans. To the north also lies the Eastern Slavonia region of Croatia, which could yet spark a regional war if the Dayton accords are not implemented.¹⁸

In this vacuum, several countries were on a quest for power and influence.¹⁹ One such country was Iran whose leadership repeatedly, although unsuccessfully, had tried to penetrate the European hinterland.²⁰ Now an easy strategic opportunity was offered to them: by lending support to the Muslims in Bosnia they could have gained leverage in what had the potential to become an important corner of the new Europe.²¹

As early as 1991-1992, many American policymakers believed that Iranian leadership was pursuing a new and aggressive strategy aimed at challenging the US and that their objective was to drive the US out of the Middle East.²² The Iranian strategy was understood as an attempt to "divide Europe from the United States."²³ Consequently, when Iran increased its military posture in Bosnia-Herzegovina, it was interpreted as a threat to US influence in the wider European region.²⁴ Such reasoning was further reinforced by reports such as the one delivered by Croatian President Franjo Tudjman to the head of the US mission to Croatia, Ronald Neitzke in September 1992. According to Tudjman, an aircraft, allegedly en route to Bosnia from Iran, had landed in Zagreb on September 4, loaded with 4,000 assault rifles and "twenty heavily armed Mujaheddin" fighters.²⁵ In the eyes of some senior US policymakers, the Iranian-Bosnian connection was taken as evidence that the Bosnian Muslims "were clearly headed in the wrong direction" and that Iran looked at Bosnia as "an opportunity to spread their influence into the Balkans".²⁶ Such a covert Iranian military assistance programme was seen by the US to destabilize not only Bosnia, but the entire region.

Under these circumstances, US decision-makers had two potential courses of action: either to ignore Iranian arms transfers to the Bosnian Muslims, or to put a stop to them. To follow the second path meant taking certain risks. Most importantly, it could easily have been por-

trayed as a Western conspiracy against the Bosnians, thus leaving the door open for further Iranian positioning and exploitation of the power vacuum. For that reason, the Clinton administration chose the first path and turned a blind eye to Iranian machinations in Bosnia. The reasoning behind such a decision was built on the assertion that an intervention and a disruption of the flow of arms to the Bosnian Muslims might very well have pushed Bosnia into the hands of Iran, thereby undermining all future possibility of the partitioning of Bosnia-Herzegovina into the two-entity solution argued for by the Contact Group.²⁷ Giving tacit support to the Iranian supply of arms, decision-makers in the US Government chose the diplomatic way and instead tried to slowly persuade the Bosnian Muslims to accept a settled peace and the creation of a Bosnian Croat-Muslim Federation.

While US and European decision-makers looked on, Iran continued to send arms to the Bosnian Muslims and even reinforced its presence by deploying 1,500 military advisors.²⁸ By 1995 Iran had become such a threat that President Clinton issued *Executive Order 12957* saying that "the Government of Iran constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States."²⁹ A few months later, during a meeting between US and French government officials, it was suggested that Bosnia faced a risk of total annihilation if the Serbs continued to reap military successes on the battlefield. The delegates concluded that "Muslims worldwide will draw unacceptable conclusions" if the Bosnian Muslims did not receive military support. One of the participants even raised "the possibility of a fundamentalist Bosnia in the long term, especially if the Muslims there perceive themselves as having been betrayed by the West."³⁰ Firmly grounded in previous experience, and through Cold War analogies, the situation in Bosnia came to be viewed as evidence of an aggressive Iranian foreign policy aimed at challenging US interests. To continue ignoring Iranian and Islamic influence, it was thought, would inevitably lead to the isolation of the Bosnian Muslims and to the establishment of a fundamentalist Muslim state in Europe. Ignoring their presence in Europe was no longer an option and the question of forcing the Iranians and the Islamic Mujahedeen fighters out of Bosnia was instead given top priority.

The only question was how that could be accomplished. Simply replacing the Iranian advisors with US military trainers and advisors was not feasible because of the US commitment to IFOR, an operation that demanded impartiality towards all former parties to the conflict.³¹ In October 1995, the Chairman of the Joint Chiefs, General John Shalikashvili indicated a solution by proposing that military assistance could be provided to the Bosnian Muslims as long as it was disconnected from

IFOR.³² According to him, one alternative was entering into a “contract arrangement,”³³ thereby effectively bypassing the Dayton Peace Agreement. By doing so, it was thought, the US military, NATO, and IFOR could all remain impartial towards the former warring parties, while at the same time making Iranian support irrelevant. To be able to force Iran out of the Balkans and to deter Serbia from further attacks on the Bosnian Muslims, the new US political strategy came to rest on two pillars: first, the creation of a stable region, and second, improved relations between Bosnia-Herzegovina and the Western countries.³⁴ The first was thought to be accomplished by the even-handed implementation of the Dayton Peace Agreement, in which the US military and the Department of Defence played a significant role. The second meant that the US, together with several other nations, would assist the Bosnian Federation to increase its military capabilities.³⁵ The solution became known as the Military Stabilization Program (MSP) and was run from the US State Department.

Reasserting US Dominance in Europe

Most of the time referred to as just “train and equip”, as if the MPRI contract was the only component of the programme,³⁶ the MSP in reality consisted of three separate yet interconnected parts. The first concerned the transfer of donated equipment and vehicles to AFBIH; the second was a provision of special military training conducted outside Bosnia proper; and the third was military training provided by MPRI in Bosnia.³⁷ The training provided by MPRI may certainly be the most controversial part, and initially even government officials were rather sceptical about having a contractor assisting the Bosnian military,³⁸ but the other two parts of the programme, though less spectacular, were just as important.

To support the Bosnian government on military development issues and in its decision to choose a military training company, an independent group called the Acquisition Support Institute (ASI) was created. It was this group, led by former assistant Secretary of Defence Richard Perle, which ultimately recommended to the Bosnian Government that they should choose MPRI for the training.³⁹ On July 16, 1996, the training part of the MSP was made official by the public signing of the contract between the Government of Bosnia-Herzegovina and MPRI in Sarajevo.⁴⁰ Even though the contract was signed between delegates from the Federation of Bosnia-Herzegovina and MPRI, everything in the MSP was controlled by US Government officials in Washington DC: the US State Department had the lead and functioned as the coordinating agency,

while the US Defence Management Command assisted with administrative tasks.⁴¹ Given the complexity of the situation, it was convenient to have a company as a front.

It was also crucial that a US-led programme promoting the creation of a powerful Bosnian military had wide international support. When Germany showed interest in participating in the programme, instructions were immediately sent by cable from the US Secretary of State to the US Embassy in Bonn to encourage local staff to meet any German demands for participation.⁴² Similarly, the US Government received an offer from the Government of Pakistan to contribute to the training of the Bosnian military.⁴³ By meeting the demands from Germany, and by encouraging countries such as Pakistan, as well as a few other nations, to provide bilateral training opportunities to Bosnia, the US created a comprehensive military assistance programme with broad support.

Funding for the MSP was raised by the US Government through an account called The Federation Defence Fund, handled by the US Treasury on behalf of the State Department.⁴⁴ Financing came from a host of different countries including Saudi Arabia, the United Arab Emirates (UAE), Kuwait, Turkey, Malaysia, and Brunei, thus shaping the perception of the MSP as a multinational effort and taking the focus away from the US incentive of ushering Iran out of the region.⁴⁵ By early September 1996, the US Government had received pledges from various international donors exceeding 140 million USD. About 40 million USD of this was originally committed to pay for the MPRI contract, while the rest would be used for equipment and services not obtainable through donations.⁴⁶

The first part of the MSP, the provision and transfer of equipment and vehicles to the Bosnian military, had nothing to do with MPRI. Instead, it was a wholly separate activity coordinated by the State Department in Washington DC. It did, however, constitute a major part of the MSP, and for a period of some months the Bosnian Federation military received an abundance of military equipment donated from several countries.⁴⁷ For instance, over a few days in August, 1996, commercially chartered C-130s from Ramstein Air Base in Germany delivered the first shipments of military equipment donated from the United States Government to the Federation of Bosnia-Herzegovina. These initial shipments amounted to 1,000 automatic rifles and 200 machine guns, but over the next couple of months the AFBIH also received almost 100 main battle tanks and 100 armoured personnel carriers from the US and the UAE.⁴⁸ The Bosnian military even received military transport helicopters, as well as a large number of howitzers and light field guns.⁴⁹ In itself, this part of the MSP helped shift the relative balance of power in the region to the benefit of the AFBIH.

The second part of the MSP concerned special training of Bosnian military personnel in Bangladesh, Germany, Indonesia, Jordan, Malaysia, Pakistan, Qatar, Turkey, and the UAE.⁵⁰ By the end of August 1996, a first group of 35 officers from the Federation of Bosnia-Herzegovina left for special training in Turkey,⁵¹ and by late October 300 Bosnian-Muslim and Bosnian-Croat soldiers were receiving artillery and armour training there.⁵² Training of helicopter pilots and technicians and M113 maintenance personnel was provided for the Federation by Germany and was carried out on *Bundeswehr* installations in Germany.⁵³ Conducted on a bilateral basis rather than as integrated parts of a coherent training programme, this part was not coordinated in detail by either the US Government or MPRI. Thus, the syllabus varied very much, both in doctrinal and technical terms, between the contributing countries.

Significantly different from the bilateral training offered by the countries mentioned above, the contract between the Government of Bosnia and MPRI was much more focused and followed a comprehensive plan. It comprised three major parts: first, the training of different level officers and non-commissioned officers; second, the development of combat ready military units; and finally, a complete reorganization of the AFBiH into a modern and capable force.⁵⁴ The first part concentrated on training the leadership (not the individual soldiers) within the Bosnian military in order to create a professional officers corps, while the second part was aimed at making the units as able as possible for their main task: war fighting. The third part was a major undertaking and meant that MPRI, together with the AFBiH leadership and officials from the Government of Bosnia, analysed the capabilities needed to defend the Federation. This also included giving recommendations to the Government of Bosnia and the Ministry of Defence about what the force structure of the AFBiH should have looked like. As a result of the initial analysis, MPRI not only reorganized the force structure but also organized a large combat training centre at Glamoč and a military academy in Pazarić, to the southwest of Sarajevo.⁵⁵

Many bystanders, especially the Europeans, were worried that the MPRI training was so effective that the Federation army would have been able to restart the war. Indeed, the company would certainly have had the possibility of training the AFBiH to a level that would not only have changed the balance, but tipped it over to the advantage of the Federation. The task given to MPRI by the US State Department was, however, limited to defensive operations only.⁵⁶ Furthermore, the Dayton Peace Agreement set very harsh limits on what the former warring factions could actually do in terms of military training.⁵⁷ For instance, it was clearly stated where and how military equipment and hardware should

be stored, and how the parties could train and conduct exercises.⁵⁸ Taken together, these limitations put serious restrictions on the level of training provided to AFBIH units, and the impact of the training provided by MPRI in reality only had limited effects on the combat capability of the AFBIH.⁵⁹

Conclusion

Viewed from a distance, the military assistance programme provided by the US Government, its international supporters, and military firm MPRI must have been regarded as quite impressive. Not surprisingly, most outside observers also interpreted the goal of the operation as the building of a strong Bosnian military and took for granted that the desired end state was a change of the relative balance of power in the region. However, the programme was not a sign of a strong US commitment to the Bosnia-situation per se. Instead, through the hiring of US private military firm MPRI, high-level decision-makers in the US Government were able to influence Bosnian internal politics. This interference was aimed at, and indeed resulted in, the removal of what was thought of as an “Iranian threat” to US interests in Europe and its hegemony more broadly.

The decision by certain US policymakers to engage with a military firm for the purpose of training the AFBIH was thus a deliberate part of a broader US strategy for dealing with the crisis in Former Yugoslavia. It depended on the belief that a greater game was acted out on Bosnian territory: a game in which the ultimate goal was the influence over European politics. It has here been illustrated how the hiring of a PMSC allowed the US Government to distance itself from the counter moves through which Iran was ultimately forced out of Europe. By turning to MPRI the US Government did not have to rely on traditionally uniformed US troops and was, as a consequence, in a position to evade international criticism for interfering in the internal politics of Bosnia.

One counterargument that could easily be made against my assertion is the common understanding that the United States is very sensitive to casualties. Such reasoning could easily lead to the conclusion that contractors are occasionally engaged as substitutes for troops.⁶⁰ Indeed, President Bush had been very slow to act in Yugoslavia partly due to this risk aversion and there was a very serious concern that the US military, once deployed to Bosnia, would be bogged down in a new Vietnam-like quagmire.⁶¹ Even though the similarities with that conflict were actually quite few, the fear of such a prolonged conflict, and the corresponding US casualties, was real and did affect the US leadership. Despite this ap-

prehension, by February 1996 the US had deployed more than 24,000 soldiers in support of IFOR.⁶² The contractors on the other hand were only brought in later, and for either logistical tasks, or for the purpose of training as is illustrated in this article, not as substitutes for combat troops.

Even though this article has only dealt with the case of Bosnia, it stands clear that this changing practice (the use of PMSCs by states) in world politics gives world leaders a possibility to *seem* disconnected from specific regions when they, in fact, are deeply involved. For this reason, some decision-makers regard private military firms as valuable tools; a position that stands in sharp contrast to the more commonly held opinion that maintains that such companies are unsuitable for purposes of security sector reform and similar undertakings. This view is especially valid in the contemporary setting where practices and activities connected to the use of PMSCs, drones, and covert operations render it impossible to distinguish between friend and foe, between civilian and combatant, and even between nations.

While it is at times argued that PMSCs undermine state authority, it is instead clear that they can strengthen states considerably. In the case investigated here, the US government would not have been able to thwart Iranian influence in Europe had it not been for the tightly controlled services of MPRI. Thus, PMSCs can play a significant role as instruments of state power when the state needs an indirect form of engagement. As such, they allow decision-makers to operate in the twilight space of world politics where they can silently participate in the reproduction of present global political and social power structures. ■

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Notes

¹ This article is adapted from the doctoral dissertation titled *The Strategic Use of Military Contractors: American Commercial Military Service Providers in Bosnia and Liberia: 1995–2009* (presented and approved at the Finnish National Defense University, March 2012).

² Joakim Berndtsson, *The Privatisation of Security and State Control of Force* (Gothenburg: Gothenburg University, 2009), 209; Deborah Avant, *The Market for Force, The Consequences of Privatizing Security* (Cambridge: Cambridge University Press, 2005), 257.

³ On some of the practices of using covert operation forces, see for instance Marcus Mohlin, "Cloak and Dagger in Libya: The Thuwar and the Role of Allied Special Forces", in Kjell Engelbrekt, Marcus Mohlin, Charlotte Wagnsson (eds.), *The NATO intervention in Libya: Lessons Learned from the Campaign* (London: Routledge, 2013).

⁴ Avant, *The Market for Force*, 256.

⁵ International Code of Conduct for Private Security Service Providers, <http://www.icoc-psp.org/About—ICOC.html> (accessed June 2, 2013).

⁶ See for instance, Peter W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca: Cornell University Press, 2003), 127-130.

⁷ David Isenberg, *Soldiers of Fortune Ltd.* (Washington: Center for Defense Information, 1997), 15.

⁸ David Shearer, *Private Armies and Military Intervention* (Oxford: Oxford University Press, 1998), 60; Isenberg, *Soldiers of Fortune Ltd.*, p. 15; Robert Mandel, *Armies without States* (Boulder: Lynne Rienner Publishers Inc., 2002), 113-114; Singer, *Corporate Warriors*, 127-130.

⁹ Martin Binder, "Norms versus Rationality: Why Democracies Use Private Military Companies in Civil Wars", in Thomas Jäger and Gerhard Kummel (eds.), *Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects* (Wiesbaden: VS Verlag für Sozialwissenschaften, 2007), 307.

¹⁰ Jakkie Cilliers and Peggy Mason, *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies* (Halfway House: Institute for Security Studies, 1999), 116.

¹¹ *The Dayton Peace Accords* (1995) (The General Framework Agreement for Peace, GFAP).

¹² Colin S. Gray, *Modern Strategy* (Oxford: Oxford University Press, 1999), 55-68; Paul Kennedy (ed.), *Grand Strategies in War and Peace* (New Haven: Yale University Press, 1991), 4.

¹³ See for instance Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996).

¹⁴ André Beaufre, *An introduction to Strategy* (New York: Praeger Publishers, 1965), 24-25.

¹⁵ I am indebted to American journalist J.M. Berger for helping me obtaining these unique documents. They appear below as "Telegrams" from various US Embassies and missions and are identified by their dates, e.g. "920905a" and "920905b" (n. 25).

¹⁶ David Halberstam, *War in a Time of Peace: Bush, Clinton, and the Generals*, (New York: Simon & Schuster, 2001), 84-85; Ivo H. Daalder, *Getting to Dayton: The Making of America's Bosnia Policy*. (Washington, DC: The Brookings Institution, 2000), 1; Richard Holbrooke, *To End a War*. (New York: Modern Library, 1999), 27-29,

¹⁷ See for instance *Stratfor*, "Jihadists Seek a New Base in Syria and Iraq" (May 28, 2013).

¹⁸ Committee on Armed Services, *Situation in Bosnia: Hearings Before the Committee on Armed Services*. US Senate, One Hundred Fourth Congress, First Session (Washington, DC: US Government Printing Office, 1995), 345-347.

¹⁹ See for instance James Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War* (New York: Columbia University Press, 1997), 44.

²⁰ John R. Schindler, *Unholy Terror: Bosnia, Al-Qa'ida, and the Rise of Global Jihad* (St. Paul: Zenith Press, 2007), 131-132.

²¹ See for instance Loretta Napoleoni in the foreword to Christopher Deliso, *The Coming Balkan Caliphate: The Threat of Radical Islam to Europe and the West* (Westport: Praeger Security International, 2007), viii; Kenneth M. Pollack, *The Persian Puzzle: The Conflict between Iran and America* (New York: Random House, Inc., 2004), 253-259.

²² Pollack, *The Persian Puzzle*, 256.

²³ Daniel Byman, Shahram Chubin, Anoushiravan Ehteshami and Jerrold Green, *Iran's Security Policy in the Post-Revolutionary Era* (Santa Monica: RAND, 2001), 86.

²⁴ See for instance U.S. Actions regarding Iranian and other arms transfers to the Bosnian Army, 1994-1995. Report of the select committee on intelligence (United States Senate: November, 1996), available online: <https://www.fas.org/irp/congress/1996-rpt/bosnia.htm>; Chris Hedges, "Foreign Islamic Fighters in Bosnia Pose a Potential Threat for G.I.'s," *The New York Times*, December 3, 1995.

²⁵ Telegrams from the American Consulate in Zagreb to the US Secretary of State in Washington DC. September 5 1992. 920905a [E9], and 920905b[E11].

²⁶ Interview with Ambassador James Pardew, NATO headquarters, Brussels, February 20, 2008.

²⁷ The so called "Contact Group" was an informal group of countries with an interest in the developments in the Balkans region, See for instance Holbrooke, *To End a War*, 74; Gow, *Triumph of the Lack of Will*, 261-265.

²⁸ Interview with Pardew, 2008.

²⁹ Executive Order 12957, issued on March 15, 1995 by the President of the United States, available online: <http://www.treasury.gov/resource-center/sanctions/Documents/12957.pdf>.

³⁰ Telegram from the US Embassy in Paris to the Secretary of State in Washington DC, August 17, 1995. 950817 [E142].

³¹ Interview with Pardew, 2008.

³² Committee on Armed Services, *Situation in Bosnia*, 238.

³³ Committee on Armed Services, *Situation in Bosnia*, 238.

³⁴ Interview with Pardew, 2008; and additional comment from Pardew, November 17, 2010.

³⁵ Statement by the Secretary of Defense William J. Perry, in *Situation in Bosnia*, p. 214.

³⁶ See for instance Isenberg, *Soldiers of Fortune Ltd*, 15; Shearer, *Private Armies and Military Intervention*, 60; Mandel, *Armies without States*, 114; Singer, *Corporate Warriors*, 179; Avant, *The Market for Force*, 151.

³⁷ Interview with Pardew, 2008.

³⁸ Telegram from the Secretary of State to the US Embassy in Zagreb, June 13, 1995, 950613 [E140].

³⁹ Telegram from the Secretary of State to the US Embassy in Sarajevo, May 21, 1996, 960521 [E85]. According to James Pardew (2008), the contract to train the Bosnian military had first been set out as a tender for several different companies to compete on equal terms and the competing companies, of which all submitted detailed proposals, were DynCorp, Vinnell and MPRI.

⁴⁰ Telegram from the US Embassy in Sarajevo to the Secretary of State in Washington DC, several other US missions, to IFOR and to the Joint Chief's of Staff in Washington DC, July 17, 1996, 960717 [E108].

⁴¹ Telegram from the Secretary of State in Washington DC to the US Embassies in Abu Dhabi, Kuwait, Riyadh, Kuala Lumpur, Bandar Seri Begawan, Sarajevo and Zagreb, July 30, 1996. 960730b [E62].

⁴² Telegram from the Secretary of State in Washington DC to the US Embassy in Bonn, July 03, 1996. 960703 [E80].

⁴³ Telegram from the Secretary of State in Washington DC, August 01 1996, 960801 [E60]; telegram from the US Embassy in Islamabad to the Secretary of State in Washington DC, December 4 1996, 961204 [E118].

⁴⁴ Telegram from the US Secretary of State to the US Embassy in Sarajevo, May 21, 1996, 960521 [E85]; telegram sent from the US Embassy in Sarajevo to several US embassies (including to IFOR and Joint Chiefs of Staff in Washington DC), 960717 [E108].

⁴⁵ Telegrams from the US Secretary of State to the US Embassy in Abu Dhabi, June 1 and July 30, 1996, 960601 [E81]; 960730a [E61].

⁴⁶ Telegram from the Secretary of State to the Embassy in Bratislava, September 10, 1996, 960910 [E50].

⁴⁷ Interview with Pardew, 2008.

⁴⁸ Telegram from the US Embassy in Sarajevo to the Secretary of State, August 30 1996, 960830 [E104].

⁴⁹ *List of Equipment received by AFBiH* (Sarajevo: AFBiH OHQ, 1998); US Government Accounting Office, *Bosnia Peace Operation* (Washington DC: GAO, 1998), 171.

⁵⁰ US GAO, *Bosnia Peace Operation*, 171.

⁵¹ Telegram sent from the Secretary of State as info, September 07 1996, 960907 [E52].

⁵² Telegram from the US Mission to NATO to the Secretary of State, October 31, 1996, 961031 [E5].

⁵³ Interview with Colonel (Rtd) Mike Snell, MPRI Headquarters, Alexandria, VA, USA: October 30, 2007; See also telegram from the Secretary of State to the US Embassy in Athens, November 22, 1996, 961122 [E20].

⁵⁴ Telegram from the Secretary of State to the US Embassy in Abu Dhabi, June 1, 1996, 960601 [E81]; See also US GAO, *Bosnia Peace Operation*, 58-59.

⁵⁵ Interview with Brigadier General Sakib Forić, Deputy Commanding Officer of the AFBiH Operational Command (AFBiH HQ, Sarajevo, February, 28 2008); Interview with Snell, 2007.

⁵⁶ Interviews with Major General (ret) Sewall and Lieutenant Col (ret) Campbell of MPRI (MPRI offices, Sarajevo, February 28, 2008); interview with Snell 2007; interview with Pardew, 2008.

⁵⁷ GFAP, Annex 1a.

⁵⁸ Ibid.

⁵⁹ Mohlin, *The Strategic Use of Military Contractors*, 157-166

⁶⁰ Thanks to the anonymous reviewer who brought this to my attention.

⁶¹ Former US Army colonel Harry G. Summers said as much to members of US Senate, see *Situation in Bosnia*, 148; David Halberstam, *War in a time of Peace: Bush, Clinton, and the Generals* (New York: Simon & Schuster, 2001), 32; Warren Zimmerman, *Origins of a Catastrophe* (New York: Random House, 1996), 214.

⁶² Phillips, R. Cody, *Bosnia-Herzegovina: The U.S. Army's Role in Peace Enforcement Operations 1995-2004* (Washington, D.C.: United States Army Center of Military History, 2005), 19-20.

Regulating the Global Security Industry: A Liberal Normative Perspective

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ANDREAS KRIEG

ABSTRACT

As the global security industry is expanding both in terms of the geographical scope in which it operates and the types of clients it serves, commercially provided security on a global market for force has become an essential part of a global security complex. With an ever-growing number of individuals globally exposed to commercially provided security, concerns have been raised about the inconsistent regulation of this global security industry. At its core, this article advances a normative argument based on liberal theory of how to best regulate commercially provided security as a private, public, or global good. By extending the classification of security beyond the public-private dichotomy so as to include the global transnational sphere in which most private military and security companies (PMSCs) operate, this article argues that adequate regulation ought to revolve around a global supranational enforcement body. The reason is that as PMSCs increasingly affect communities and individuals beyond a mere private or public sphere, a regulatory regime simply constructed around the state as the public monopolist on force would not be able to adequately protect individuals in the global sphere from potential PMSC misconduct. Instead, a global supranational enforcement body able to safeguard the natural rights of individuals impartially and universally ought to regulate security as a global good.

Introduction

Ever since the incident in Nisour Square, Baghdad, Iraq on 16 September 2007, when private armed contractors killed seventeen civilians in an alleged attempt to fend off a potential threat,¹ the issue of regulating a growing market for commercially provided security in the private, public, and global sphere has received civil-societal and academic attention. Private military and security companies (PMSCs) have evolved from merely providing security for private clients domestically. Today, as PMSCs provide security to a variety of private and public clients within a

transnational context of limited or non-existent regulation and oversight, academic literature has increasingly addressed the question of how to best regulate a global market for security so as to mitigate the potentially negative effects of unethical company or contractor behaviour.² Alongside the normative claim in academia to enhance the regulatory framework within which PMSCs operate, various initiatives and regulation regimes were created in recent years in an attempt to close the regulatory gap by laying down fundamental guidelines for ethical behaviour within the private security industry. As of today several attempts towards regulation have been made: first, sporadic national regulation such as in South Africa or the United States; second, multi-stakeholder initiatives such as the Montreux Document³ or the *International Code of Conduct of Private Security Service Providers* (ICOC);⁴ and third, self-regulatory regimes such as the charter of the British Association of Private Security Companies (BAPSC) or the International Stability Operations Association's (ISOA) Code of Conduct. Although these initiatives can be considered to be first steps towards regulation, they fall short in providing a universal and credible framework that does not only set globally applicable standards but also creates a global enforcement mechanism.

This article takes a normative liberal theoretical approach to regulation in demonstrating that, by classifying security as either a private, public, or global good, different regulatory mechanisms ought to govern commercially provided security. As the normative debate about regulating the global market for force has to evolve from merely citing the state monopoly on force as a guiding principle for robust state regulation, this article has the normative ambition to advocate a regulatory regime that aims at protecting the interests of all those potentially affected, directly or indirectly, by PMSC operations. It argues that commercially provided security can take the shape of a private, public, as well as global good based on the extent to which it affects individuals within the private, public, or global realm respectively. The state has been granted the monopoly on regulating force merely within the public realm of the social contract, thereby respecting the individual's and the corporation's right to privacy. Therefore, the power of the state as a regulatory authority does not extend to the transnational, global public sphere. However, since PMSCs provide security to a variety of different clients increasingly within this transnational, global public sphere—potentially creating negative externalities not just in the public but in the global sphere—this article calls for the creation of a global supra-state mechanism, which can monitor PMSC behaviour and protect the interests of a global public.

This article begins by outlining the conceptual differences between the private and public sphere before defining the nature of commercially

provided security in the private, public, and global domain. Based on the nature of commercially provided security, particularly in the global sphere, this article concludes by demonstrating that commercially provided security within a transnational global security complex may be best regulated by relying on a global supranational regulatory authority.

Commercially Provided Security – A Matter of Private, Public, or Global Concern?

The Dichotomy of the Private and the Public Sphere

While in relation to the commercialization of security through private corporations the literature has often reduced the debate about the private or public nature of security to economic public good theory, it is important to first of all clarify the sociological and etymological meaning of the words “private” and “public.”

The distinction between the private and the public sphere can be traced back to the dichotomy of *oikos* and *polis* in ancient Athens, namely the distinction between the sphere of family and house and the sphere of the polity. For Aristotle the *oikos*, or household, was an integral part of the polity, but was distinct in its sovereignty from external interference by the polity.⁵ The right to privacy and private property was an essential attribute of the free citizen of the polity in ancient Athens. This right to privacy, however, did not remain unchallenged, since the interests of the community or polity could potentially come into conflict with the interests of the household or family.⁶ A similar distinction between the sphere of the family and the sphere of the political realm of the community can be observed in ancient Rome where the private and public sphere were described as *domi forisque*, literally “at home and outdoors.”⁷ *Domus*, the house, similar to the Athenian concept of the *oikos*, constituted the physical and mental sphere of privacy, which Cicero described as a sacred place of refuge from the public space of the forum.⁸ In that respect, the etymological root of the word “private”—from Latin “*privatus*,” meaning “withdrawn from public life”—becomes apparent.⁹ Although he was himself a man serving the public¹⁰ interest of city and state, Cicero realized that a man primarily ought to be a private individual serving his kin and only secondly a servant of the city and the community.¹¹ To that end, Cicero underlines the sacredness of the private sphere as separate from the sphere that concerns the public.

Based on the ancient distinction between private and public, one can affirm that within a liberal society the individual enjoys the liberty to maintain a sovereign sphere of privacy, which, as it does not concern the public sphere of household outsiders, ought to remain untouched by the interference of the community.¹² Although the distinction between what constitutes a *res publica* or a *res privata* is not absolute and might be redefined based on the level of social organization, there is nonetheless consensus within liberal theory that without the protection of the private sphere there can never be a public sphere.¹³ Hence, it can be argued that based on liberal social contract theory, the individual relinquishes his complete freedom within the anarchical state of nature when joining a liberal community so as to protect his individual realm of privacy from external interference.¹⁴ As an equal right holder, the individual within liberal society enjoys the inviolability of the private sphere, which according to Locke consists of the individual's life, liberty, and estate.¹⁵ This private sphere is safeguarded by the liberal state's social contractarian duty to protect. When individuals form a corporation as a private entity within the public sphere of the liberal social contract, they express their individual freedom collectively by creating a new private body that enjoys similar rights of privacy.

Nonetheless, because it exists within a public sphere of a liberal community, the inviolability of the private sphere, whether of the individual or the company, is not without limits. The right of the individual or company to exercise its autonomy within the realm of privacy extends only as far as it does not violate the privacy and natural rights of other right holders within the community.¹⁶ It is the social contractarian duty of the state as the regulatory authority to protect those individuals whose privacy and natural rights might be affected by negative externalities spilled over from the private activity of others. While the term "externality" traditionally derives from economic theory, it will be applied here to sociology and political theory to describe negative spillover effects generated by unethical or unlawful behaviour.¹⁷ Looking at the public sphere as not merely the public market but as the communal dimension of a liberal society, the liberal state as the social contractarian regulatory authority ought to protect the privacy of both individuals and companies from potential negative externalities generated by other private entities through unethical or unlawful behaviour. Frost defines the state's regulatory interference in the private sphere of companies as "[...] *putting in place incentives and disincentives that will steer the private (and by definition self-governing) firms in a given sector towards ethical and law-abiding conduct.*"¹⁸ It is important to note in this context that the degree of regulatory interference by the liberal state shall be as limited as possible so as

to remedy potential wrongdoing while at the same time maintaining the private character of companies.

Thus, from a liberal social contractarian point of view, individuals create the public sphere of a community in an effort to safeguard their natural rights of privacy, using the liberal state as a regulatory body safeguarding their autonomy from interference by other private entities.¹⁹ Particularly in the Lockean interpretation of the liberal social contract, the liberal state must be understood as the regulator of a discretionary association, whose regulatory authority does not exceed the public realm of this particular association. The public realm is thus bound to the moral and territorial boundaries of the discretionary association.²⁰

Security as a Public and Private Good

The validity of the normative argument advanced in this article rests on a liberal understanding of security. For the purpose of looking at the potential regulation of commercially provided security through PM-SCs as non-state actors within a global security complex²¹ comprised not merely of states, the definition of security has to go beyond the narrow realist definition of power-based state security. Within a contemporary transnational²² global security complex consisting of a variety of different non-state and state providers and consumers of security, security cannot be narrowly defined from a state-centric point of view, which widely fails to account for the diversity of actors in the global sphere today. Therefore, contrary to the reductionist or realist focus on security as the protection of state's sovereignty and territoriality, security will be considered from a liberal social contractarian point of view as the protection of individual property, namely the individual's life, liberty, and estate.²³ In this construction, the state is not primarily considered an actor in its own right within the transnational global security complex, but rather as an authority regulating the provision of security in the public sphere in protection of individual property. The individual, as the core actor within the global security complex, both benefits and suffers from commercially provided security in the private, public, and global sphere.

Traditionally, the characterization of the nature of security as either a private or public good has either been founded on the question of who provides it or who benefits from it. Both economic public good theory and liberal international relations theory emphasize that the provision of security ought to be determined by who ultimately benefits from it. Employing public good theory, Krahmann defines security based on the economic criteria of excludability and rivalry. Thus, the private nature of security is characterized by the degree to which beneficiaries can be

excluded and the extent to which its utility diminishes by consumption. In turn, the public nature of security is illustrated by the degree to which beneficiaries can be included and the extent to which its utility remains stable by consumption.²⁴ In other words, Krahmann's conceptualization of security as either a public, collective, or private good is essentially founded on security's quality of either generating a positive effect for merely the private sphere or a collective utility in the public sphere. The factors of inclusiveness and exclusiveness as indicators for the private and public nature of security take an equally prominent place in the liberal theoretical conceptualization of the private-public dichotomy of security.

In liberal theory security as a public good is defined as the inclusive protection of all individual lives, liberties, and estates within a collective.²⁵ Thus, liberal theory, similar to public good theory, defines the nature of security by who benefits from its provision.²⁶ While private security is security provided merely for the benefit of the individual's private sphere of family or household, public security is security provided for the benefit of individuals collectively within the public sphere. Particularly from a liberal social contractarian point of view, the public sphere as the communal domain is thereby demarcated by the boundaries of the state. The reason for this stems from the fact that the natural anarchy of the public sphere is regulated by the state, which functions as the communal regulatory authority of a particular discretionary association of individuals.²⁷ It is the state's role as the regulator of security on the communal level that highlights another very important question regarding the nature of security in liberal theory: which sphere might potentially be affected by negative externalities generated by security? In this respect, the public nature of security is no longer determined merely by the utilitarian question of who benefits from security but rather by who ought to regulate it in an effort to protect individuals from its negative externalities.

In contrast to De Gautier's assertion that individuals within a collective can coexist peacefully in absence of a central regulatory authority,²⁸ liberal social contract theory holds that private individuals are in need of an authority able to protect them against the anarchy of the state of nature. In an attempt to have their private lives, liberties, and estates safeguarded, private individuals form a discretionary association whose public sphere is protected by the state as the association's exclusive agent. Individuals voluntarily relinquish their anarchical freedom to express their individuality, which though protected from external interference is still subject to the collective interests of the public.²⁹ The individual submits to the state's monopoly on force³⁰ to establish a public sphere of security, which comes into existence through the state's regulation of the use of individual force within the public realm.³¹ That is to say, the

state, through a monopoly on force, promises to create a public realm of security in which the privacy of every individual is protected from any external interference. It follows that as the state guarantees security within the public domain, the individual is relieved of the need to protect his private realm. If individuals decide to supplement this publicly provided security by purchasing additional commercially provided security, this additional security will be regulated by the state as soon as the effect of security generates externalities beyond the private sphere of the client. The reason is that the state as the social contractarian regulatory authority within the public sphere—namely the sphere existing beyond the boundaries of *domus* and *oikos*—ought to protect private entities from potential negative externalities generated by other private entities.³² Thus, founded on the liberal socio-political public-private dichotomy, the nature of security is determined by the degree to which security generates spillover effects or externalities to the state-regulated public sphere of the discretionary association. The characteristics of security as a private good in this respect are not linked to its private beneficiaries, but rather to the extent to which the effects of security remain withdrawn from the public domain of the collective.

A Differentiated Look at Private, Public, and Global Security

While this liberal socio-political model of the public-private dichotomy can be credibly applied to the state-centric Westphalian arena of international relations, it requires revision when applied to the postmodern era of globalization,³³ in which security is not just applied within the private or public realm but also in a transnational global realm. Private military and security companies (PMSCs) have provided armed and unarmed security services within a rather small segment of a more extensive global market for force, ranging from supplementary support services, such as logistics or maintenance over advisory and training services, to actual static and dynamic security services.³⁴ Looking at this global market for force, the categorization of security into merely private and public goods appears to be insufficient. This is because PMSCs operate in a global security complex, namely a transnational system of individual divergent security providers, consumers, and entities subject to its negative externalities. Contrary to Buzan's realist interpretation of the concept as revolving around a mere group of states,³⁵ a contemporary interpretation of the global security complex ought—in light of an ongoing transnationalization of global affairs—to take into account the diversity of actors in the system. In considering the regulation of security provided by PMSCs

as transnationally operating non-state actors, a simple realist or reductionist focus on states appears too narrow, as I shall explain.

PMSCs provide security-related services to a variety of different private and public clients within the global security complex, potentially affecting negatively members of the extended transnational global public.³⁶ Critically, potential externalities generated by commercially provided security can affect private individuals positively as well as negatively across the private, public, and *global* spheres. This article will therefore provide a more differentiated characterization of security, moving beyond the private and public ambits to include those affected in the global domain.

Security as a private good shall be defined as security that is provided either within the domestic or corporate sphere of privacy without spilling over to the public sphere. Though rare, this strain of security, which is not accessible to individuals of the public but merely to individuals who are members of a private entity, is a private good enjoying the right of inviolability from regulatory state interference.

Security as a public good shall be defined as security generating potential externalities to bystanders in the public sphere who are neither beneficiaries nor subjects of security provision. The public sphere therefore must be understood from a social contractarian point of view as the communal dimension of the discretionary association. Security as a public good does not only include privately funded neighbourhood watches operating in the public sphere, or publicly funded but privately provided security of public institutions, but also privately funded security on private or semi-private premises with unrestricted access to the public such as airports, banks, and malls.³⁷ In all such instances, security provision potentially creates negative externalities in the collective public sphere, obligating the state to regulate these services.

Security as a global good shall be defined as security generating potential externalities to bystanders in the transnational sphere who are neither beneficiaries nor subjects of security provision. The global sphere thus relates to the global security complex, which exists beyond the boundaries of any one public domain, affecting individuals multiple public ambits—or in a public sphere that lacks a credible regulatory authority due to state failure. In this respect, the global sphere constitutes a security complex that has increasingly evolved into an anarchical multi-stakeholder system and that no longer centres on the state as the dominant actor but on private individuals operating in an increasingly transnational global environment.³⁸ The concept of anarchy in this respect cannot be limited to a realist understanding of the term as the absence of a global central regulatory authority sanctioning the self-interested activities of states. Accounting for the transnational reality of today's

global sphere, anarchy here refers to the unsanctioned nature of transnational activities of individual non-state actors within the global security complex. Thus, whenever PMSCs provide security for private or public clients overseas, not just generating externalities for the public of the home state but also—indeed, primarily—for the public of the host state, security must be recognized as a global good that cannot be adequately regulated by a social contractarian public enforcement body alone.³⁹ Deriving its public regulatory authority from a social contract with a particular discretionary association, the state has little means available to sanction the activities of a PMSC that operates transnationally, being either registered or in operation in more than one state. Given this fact, a global regulatory authority ought to take control so as to adequately protect individuals in global civil society who are affected by negative externalities emanating from globally operating PMSCs.

Regulating the Private Market for Force

In the recent literature on the private security industry, regulation, or the lack thereof, has become a buzzword. Most scholars agree that this industry requires an enforceable framework setting out clear guidelines for ethical and legal conduct within the global sphere in accordance with International Humanitarian Law and human rights.⁴⁰ Yet opinions vary about how to best achieve this objective. The most prominent regulatory efforts of the last five years can be divided into three categories: first, national regulation; second, industry self-regulatory initiatives; and third, multi-stakeholder regulatory frameworks. None of these measures, however, provides a comprehensive universal regulation of the global sphere. While some states have tried to regulate security as a public good in the domestic public sphere, and while private companies have invested in regulating security as a private good in the internal private corporate sphere, none of these means of regulation provides adequate protection for individuals in the global sphere who are potentially affected by negative externalities generated by commercially provided security as a global good.

Regulation: How It Ought to Be

Within a liberal egalitarian public society, individuals are free to express their natural rights within the realm of privacy as they see fit, subject merely to the constraint that individuals grant other right holders within this discretionary association the same privilege. Therefore, the liberal state's social contractarian duty to regulate the public sphere derives from

the need to provide equal right holders with a platform to turn to for grievance in the event that this sphere of privacy is violated. Regulation, then, is not just the establishment of adequate guidelines of conduct but also the establishment of an enforcement body able to monitor and enforce lawful and moral conduct of private entities within a community.⁴¹ In the private sphere, external regulation ought to be minimized as long as activities within this sphere do not spill over to the public or global sphere. The regulation of activities within the public sphere is undertaken by the liberal state, which serves individuals within a discretionary association as the public enforcement body. Looking at the global public, however, the question of to what extent the natural rights of individuals can be adequately protected has not yet been adequately addressed.

Particularly in respect to the provision of security as a global good, the liberal state appears to lack the legitimacy and capability required to protect those individuals who are not signatories to its own social contract. According to the social contractarian state monopoly on force, the regulatory reach of the liberal state is limited to the boundaries of the public sphere since it is founded on the territoriality of a particular public community.⁴² Nonetheless, some commentators seem to envisage a stronger regulatory commitment on the part of the state, emphasizing its unique role as the monopolist on force.⁴³ They highlight the fact that the current guidelines developed through the various regulatory initiatives are merely first steps in an effort to enhance national regulation,⁴⁴ or point out that the state is the only authority with the coercive ability to enforce regulation.⁴⁵ From a normative perspective, however, the state lacks both the authority and enforcement ability to regulate the transnational activities of individuals. When individuals operate in the global security complex as actors flexible in their affiliations to states and their public spheres, a global quasi-state regulatory authority ought to be established that can speak on behalf of a global public. This global public is not comprised of exclusive discretionary associations of right holders but of an inclusive global collective of individuals whose private sphere ought to be indiscriminately protected by a global regulatory authority.

This global regulatory authority ought to be able to mitigate and remedy potentially negative externalities arising from the unethical behaviour of private security companies, which predominates not in the public sphere but in the global arena. When PMSCs originating in one part of the world provide security in another part of the world, particularly where local state ability to protect the natural rights of individuals has been compromised, public regulatory efforts made through state channels are insufficient. When security generates negative externalities to individuals within a global sphere, a global enforcement body ought to

regulate these transnational activities in an attempt to protect the local individual's private sphere, which consists, according to Locke, of the individual's life, liberty, and estate.⁴⁶ When the rights of individual members of global society, whether in the PMSC's home, host, or client state, are violated by PMSC misconduct, the envisaged supranational enforcement body ought to not only be able to hold these companies accountable but also to remedy the individual's loss suffered.

Unlike current initiatives that attempt to regulate these globally operating commercial security providers merely within the public sphere, in the private sphere, or sporadically in the transnational sphere through multi-stakeholder intergovernmental initiatives, regulation of the global security complex ought to be supranational in nature and universal in its applicability. A United Nations (UN) executive body could be an eligible global platform for individuals to pass on grievances and seek remedy. This UN executive body ought to not only formally affirm the industry-developed principles and standards laid down in the ICOC but also incorporate an enforcement mechanism to hold PMSCs to account.⁴⁷ In this way, the supranational character of such a UN body would transcend the authority of the industry within the private sphere and of the state within the public sphere. It ought to present a universal, impartial enforcement authority accessible to every private individual who might possibly be exposed to the externalities generated by PMSCs providing commercial security within the global sphere.⁴⁸ This supranational authority ought to go beyond simply regulating state behaviour, instead recognizing the multi-polarity of the global security complex as a global sphere in which individual non-state actors provide, consume, and are subject to the externalities of security.

Conclusion

The multinational contractor teams involved in the Nisour Square shootings in Baghdad were working for a US based PMSC providing security services to clients in Iraq. They were operating neither within the private nor within an exclusively public sphere. Providing services to US public institutions within an Iraqi public realm, these contractors severely violated the natural rights of local Iraqi civilians by killing seventeen and injuring many more. The reckless behaviour of contractors thus generated a negative externality within an overseas public sphere inadequately governed by a malfunctioning local state authority. The subsequent unsuccessful attempts of both Iraqi and US authorities to hold these contractors legally accountable, as well as the failure to compensate those affected by

this severe misconduct, demonstrates the weakness of public enforcement bodies to regulate security as a global good in a global sphere.⁴⁹

This article advanced the normative argument that as commercially provided security becomes a good that is increasingly provided not merely in the private and public sphere but also in the transnational global sphere, the regulation of this globally operating commercial security industry needs to possess a global character as well. Relying solely on the state's monopoly on force is insufficient as its scope is limited to the public sphere, serving a single discretionary association rather than global civil society at large. Consequently, a state-centric regulatory approach leaves individuals who are exposed to negative externalities overseas unprotected and unrepresented. While multi-stakeholder initiatives such as the Montreux Document and the ICOC are commendable industry and civil society-led efforts to fill the regulatory vacuum, these initiatives fail to establish an independent, supranational, and universal enforcement body capable of impartially monitoring and regulating security provision within a widely anarchical global security complex.

Hence, in an attempt to overcome this anarchy within the global sphere, a global supranational enforcement body embedded in the framework of the UN would provide the necessary protection of individual rights globally, while at the same time offering remedies for those individuals worldwide whose natural rights are violated. This global enforcement body ought to uphold the individual's private natural rights against potential externalities generated by other private entities supplying security in the global sphere. Simultaneously, it ought to respect both the private character of PMSCs and the public character of states from which security services emanate, provided the PMSCs' services do not create negative externalities to the global sphere. ■

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¹⁰ Etymologically the word 'public' finds its root in the Latin word '*publicus*', which is a derivative from the word '*poplicus*' meaning 'of the people'.

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¹⁹ Locke, "The Two Treatises of Government," §123.

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²¹ In this article a global security complex is defined as a transnational system of a divergent group of individual security providers, consumers and those subject to its negative externalities.

²² I intentionally employ the term 'transnational' instead of 'international' so as to describe a sphere that is not dominated by the boundaries of the state or the nation but by a divergent spectrum of individual non-state actors. The state exists within this multipolar sphere as one actor among many. [See Robert O. Keohane, & Joseph S. Nye, eds. *Transnational Relations and World Politics* (Cambridge, MA: Harvard UP, 1972)].

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³⁰ Max Weber introduced this concept in his 1919 pamphlet 'Politics as a Vocation' where he states that "[...]the right to use physical force [within a given territory] is ascribed to other institutions or to individuals only to the extent to which the state permits it. The state is considered the sole source of the 'right' to use violence." [See Max Weber, *Politik als Beruf: Zweiter Vortrag(4) vor dem Freistudentischen Bund*. (Munich: GRIN Verlag, 2009): 4.]

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- ⁴⁰ Doug Brooks and Chorev, "Ruthless Humanitarianism – Why Marginalizing Private Peacekeeping Kills People". In ed, Alexandra, A. et al, "Private Military and Security Companies" (London: Routledge, 2008).; Marina Caparini, "Domestic Regulation: Licensing regimes for the export of military goods and services", in "From Mercenaries to Market...", Chesterman, S. et. al. (New York: Oxford University Press, 2007).; Louise Doswald-Beck, "Private Military Companies under International Humanitarian Law", in "From Mercenaries to Market...", Chesterman, S. et. al. (New York: Oxford UP, 2007).; Frost, "Regulating Anarchy"; Kinsey, "Corporate Warriors"; Jan Grofe, "Human Rights and Private Military Companies: A Double-Edged Sword too Dangerous to Use?", in Jaeger, T. et al, *Private Military and Security Companies*, (Berlin: Springer, 2007).; Maogoto, "Contemporary PMFs"; McNaylor, "Mind the Gap"; Kevin O'Brian, "What should and what should not be regulated", in Chesterman, S. et. al, "From Mercenaries to Market..." (New York: Oxford UP, 2007).
- ⁴¹ Frost, "Ethically Evaluating".
- ⁴² See Weber, "Politik als Beruf," 4.
- ⁴³ Avant, "The Market for Force," 46.
- ⁴⁴ Mayer, "What the ICoC is not".
- ⁴⁵ Frost, "Ethically Evaluating".
- ⁴⁶ Locke, "The Two Treatises of Government," §123.
- ⁴⁷ See John Ruggie, "Respect, and Remedy: a Framework for Business and Human Rights," *UN Document A/HRC/8/5*, April 7, (2008).
- ⁴⁸ Not universal in its application but supranational in character, the International Criminal Court provides a good example for a regulatory regime that transcends the public boundaries of states to protect the rights of individuals.
- ⁴⁹ All US contractors were able to avoid criminal conviction until 2013 despite various indictments while Blackwater was able to make the families of the victims refrain from filing further charges by paying marginal compensation in an attempt to mitigate corporate reputational risk exposure. [See Ryan Devereaux, "Blackwater guards lose bid to appeal charges in Iraqi civilian shooting case", *The Guardian*, 5 June 2012.]

Holding on to the Monopoly on Violence? The Use of Armed Force, the Dutch Approach to PMSCs, and the Anti-Piracy Case

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ABSTRACT

The trend towards privatization of security, ranging from the provision of logistics and supply to the utilization of armed units, has spread across democratic states since the 1990s. This article examines the Dutch Government's anti-piracy policies, specifically regarding the use of Private Military Security Companies (PMSCs) to protect Dutch merchant shipping in the Horn of Africa region. The regulation and legal status of Private Military Security Companies, and their role in terms of meeting national security goals, are still being resolved at both the national and international levels, although a patchwork normative regime is emerging. In the Dutch case, legal issues, commercial interests, and the State's ability to protect its nationals all play a role. However, this article focuses on the Ministry of Defence's wish to protect the primary role of the armed forces, and the aim more generally to maintain full jurisdiction over and claim on the monopoly of the use of violence. The article covers the recent legislative debates and discussions on national security and the pros and cons of using PMSCs in this specific case.

Introduction

The trend towards privatization of security, ranging from the provision of logistics and supply to the utilization of armed units, has spread across democratic states since the 1990s. Leading nations within this field such as the United States, Britain, and Israel have pursued privatization as part of a general move across all policy areas to reduce state involvement and increase the role of the corporate sector, improving efficiency and innovation in the process.¹ The regulation and legal status of Private

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Military Security Companies (PMSCs), and their role in terms of meeting national security goals, are still being resolved at both the national and international levels, although a patchwork normative regime is emerging.² This article focuses on the position of the Netherlands on the hiring of armed private security personnel for anti-piracy operations in the Horn of Africa region. While the legal implications remain crucial, clarifying responsibilities and rules of engagement for PMSCs does not solve the wider question of the merits of privatization itself (in fact, it considerably eases the processes of privatization).³ This article focuses on the Ministry of Defence's wish to protect the primary role of the armed forces, and the Dutch state's aim to maintain its full jurisdiction over and claim on the monopoly of the use of violence. Yet recent military missions in Afghanistan and Somalia have revealed that existing resources cannot meet demand. One alternative is "smart defence," involving the sharing of tasks with NATO allies.⁴ Another concerns the use of PMSCs in particular cases requiring armed force. Whereas the first option does not affect the state's claim to a monopoly, the second does. A kind of "stealth privatization" has occurred as Dutch shipping companies illegally sought armed security to secure their vessels. Faced with pressure from the private sector and several reports arguing for a new approach, in 2013 the Ministry changed its position and initiated the preparation of new legislation.

The Dutch Approach to PMSCs

The Netherlands emerged as a wealthy independent nation in the sixteenth century partially thanks to an effective use of "privateers" and irregular warfare against the superior Spanish forces during the Eighty Years War. The Dutch East India Company has even been referred to as "the first private military company," although this may be overstated.⁵ The post-Napoleonic constitution of 1815 codified the state's claim to the monopoly of violence, and since then the state has maintained its primary position as security provider.⁶ Other legislation has strengthened this position, such as the Weapons and Munitions Law (WML) that forbids private armed security within the Netherlands (articles 13, 26 and 27). At sea, Dutch criminal law also applies on board Dutch vessels, and the WML allows only temporary licenses for weapons to be kept on board vessels for self-defence.⁷

Nevertheless, comparable to other democracies, the Netherlands has seen a growth in the formation of PMSCs in recent years. The WML only applies to activities on Dutch territory, and does not cover Dutch PMSCs

outside of the Netherlands. Many small companies have offered courses in weapons training in Israel, Serbia, Slovenia, the Canary Islands, and, in one remarkable case, Iceland.⁸ The increase in piracy attacks in the Gulf of Aden region caused several companies to advertise their services for Dutch vessels: ESS & SA, The Group, Executive Risk Consulting, Daito, Dutch Security International (DSI Holding), and Specops (all companies formed by former Dutch armed services personnel). To stay within Dutch law these services are presented as for self-defence only, for the emergency protection of a particular vessel or its crew.⁹

This increasing commercialization of security provision triggered a critical report by the Advisory Council for International Issues (AIV: Adviesraad Internationale Vraagstukken) at the end of 2007. The AIV, which provides non-binding opinions on Dutch foreign policy at the request of the government, spoke out against the “accountability gap.” The legal status of PMSC personnel was unclear, and they were operating in a lawless zone outside existing jurisdiction (namely, the legal systems of the hiring country, the host country, and the country where the PMSC is located) that allowed a *de facto* immunity from prosecution. The AIV declared that the Dutch state should be “liable, under international law, in the final instance” for PMSC behaviour.¹⁰

The cause for the AIV’s concern was the Dutch military mission in the Afghan province of Uruzgan from 2006 onwards. The novel demands of Uruzgan forced the Ministry of Defence to hire essential services from the private sector for the first time. The AIV complained that the implementation of this public-private co-operation could not be fully traced. Details on the use and cost of private contractors were “general and fragmented.”¹¹ The Uruzgan mission required private provision of fuel transport, catering, airlift capacities, and equipment maintenance, but also armed security for the Dutch embassy in Kabul, the hiring of a local militia (the so-called Afghan Security Guard), and (unspecified) payments to the controversial tribal leader Mathiullah Khan to keep the peace. These extra contractual arrangements fell outside of NATO’s International Security and Assistance Force (ISAF) operations, but were deemed necessary in order to achieve ISAF’s goals. The AIV criticized both the legal gaps and the lack of financial accounting, which undermined the claim of PMSC advocates that their use saves money.

Uruzgan brought attention to the PMSC issue in the Netherlands for the first time. Proposals to privatize sections of the defence apparatus to lower costs had been made as early as 1985, but only a handful of examples exist up to the mid-2000s (for instance the Topographical Service now functions according to a commercial mandate).¹² A book chapter on outsourcing in the Dutch context published as late as 2007 could still

comment that the commercial-military connection “was almost non-existent” and that the military establishment “strives after an autarkic position.”¹³ A gradual appreciation of potential cost and quality gains did not alter “the Dutch preference to employ exclusively military personnel in operation areas” and keep primary tasks in state hands.¹⁴ Nevertheless, at the time of the decision to go to Uruzgan, some commentators claimed that, “the trend towards outsourcing is irreversible.”¹⁵ If the Netherlands wanted to utilize its military as a multi-functional expeditionary force on international missions, public-private co-operation would be essential.

The AIV report highlighted the “tension between political ambition and military capabilities,” and remarked that the desire for a globally deployable crisis-response force did not fit easily with a consistently declining defence budget.¹⁶ An inevitable increasing reliance on private sector logistics and supply would result. While this allowed for greater flexibility, with extra services brought in only when needed, it also raised concerns that unregulated PMSCs could be used to reduce the number of military personnel deployed, and in so doing reduce the political sensitivity of a mission, both within Parliament and for the general public. In other words, not only was the military unable to meet all the demands placed on it, but it was also potentially politically prudent that it should *not* be able to do so. This could encourage a lack of transparency by the government to avoid democratic controls on this “privatization by stealth.” Subsequent parliamentary questions revealed that the Ministry continued to avoid accepting legal responsibility for the actions of hired personnel.¹⁷

In October 2008 the then Minister for Defence Eimert van Middelkoop stated that private companies improved the armed forces’ deployability, but that these remained contractual arrangements involving a limited time span and set of tasks. The Minister emphasized his complete agreement with the AIV on maintaining the state’s monopoly of the use of violence and that the core business of security provision must remain firmly in its hands. Hiring commercial services and expertise was purely to strengthen the effectiveness of the professional military, not to bypass or undermine it. Van Middelkoop declared that “civilian personnel ... would not be deployed for offensive tasks or tasks directly related to strategic planning,” the latter including the processing of intelligence.¹⁸

The Ministry’s position on this last point was soon challenged. An Israeli firm, Aeronautics Defense Systems (ADS), had been contracted to provide surveillance for Dutch forces in Uruzgan using Unmanned Aerial Vehicles (UAVs) from 1 March 2009. The Dutch unit running the “Sperwer” UAVs had reached the limit of its deployment, there was no replacement, and someone had to provide the vital intelligence on Im-

provided Explosive Devices (IEDs) and Taliban movements. The Ministry emphasized that ADS personnel would not be involved with intelligence analysis or its use in relation to armed force, but some observers (including in the AIV) still felt this directly contradicted previous declarations that core tasks (including anything concerned with intelligence) would remain a state responsibility.¹⁹ This was particularly trenchant because van Middelkoop, as a member of Parliament at a seminar on the privatization of warfare held at the Netherlands Institute of International Relations (Clingendael) in 2004, had spoken out against “capitalism in uniform” as “a very risky business.”²⁰

The Anti-Piracy Case

Since the mid-2000s, the rising demand from the commercial shipping industry for protection against acts of piracy in the Gulf of Aden region has exposed how, on the one hand, the Ministry holds on to its unique right as the provider of security for Dutch interests, but on the other, struggles to deliver it. Opinion has been divided on the PMSC / anti-piracy issue. The Netherlands has been part of both NATO’s Ocean Shield and the EU’s Atalanta naval operations since they began in 2008, and the general opinion is that these have contributed to allaying the threat of piracy. The move to more unconventional forms of protection has therefore generated opposition, in contrast to other nations—most notably the United States and the United Kingdom—that saw anti-piracy as “a new and potentially lucrative market” for PMSCs, and looked to PMSCs as a means to reduce the need for naval intervention.²¹ Politicians have warned of escalating violence through the presence of armed guards on Dutch-flagged ships. In June and October 2009 Minister of Defence van Middelkoop stated that while the stationing of marines on vulnerable Dutch ships could be acceptable, this was undesirable due to legal and logistical obstacles. None of this satisfied the private sector. While the Nederlandse Vereniging van Kapiteins ter Koopvaarderij (KVKK: Netherlands Society for Merchant Captains) expressed concerns about the extra responsibilities in determining when to employ self-defence, the Koninklijke Vereniging Nederlandse Reders (KVNRR: Royal Society of Netherlands Shipping) and the seamen’s union Nautilus International reversed their initial resistance, and in 2010 supported exploring possibilities for hiring private armed security, including changing existing laws. The principal reason was that military personnel were not sufficiently available.²²

With commercial discontent towards official policy rising, in March 2010 the government requested more advice from the AIV on how best to address the piracy issue. Yet the government's central question was very broad: "How can the international community—and the Netherlands in particular—combat piracy and armed robbery at sea most effectively?" None of the subsidiary questions addressed the PMSC issue or the monopoly of violence directly, and it was the AIV itself that added this to their investigation.²³ The report, which covered the background and context to the rise of piracy in the Malacca Straits, West Africa, and Somalia, sketched the threat level: of the 1031 vessels that sailed under a Dutch flag, around 450 generally passed through the Gulf of Aden annually. By 2009 this had dropped to between 250 and 300. While the KVR claimed piracy as a cause of the decline, the AIV nuanced this by pointing out the negative trends in global trade in general. Between 2005 and 2010 twenty-nine Dutch-flagged and two Dutch Antilles-flagged vessels had suffered pirate attacks around the world, but only two faced an actual hijacking (one in the Gulf of Aden and one off the coast of Nigeria). While these figures are very low, the extra costs of preventive measures (extra equipment on board vessels, employment of private security) and higher insurance premiums led ship owners to claim, "that their profit margins are under increasing pressure." This concern was placed next to the overall observation that "the vitality of the Netherlands' ports and maritime shipping industry is key to the competitiveness of the Dutch economy," so that although the value of Dutch shipping in the economy was relatively small (€1.5bn in 2008), the very existence of piracy "threatens the economic security of the Netherlands" by affecting business for the port of Rotterdam.²⁴

Piracy was effectively a national security issue, but "ship-owners bear primary responsibility for protecting their crews and ships."²⁵ Not surprisingly, Dutch ship-owners were demanding more governmental responsibility in the form of military Vessel Protection Detachments (VPDs). Those interviewed by the AIV insisted that a show of force was necessary to ensure deterrence, and if the government did not respond then there would be an increasing turn to private solutions (even though the International Maritime Organization (IMO) and most international shipping companies felt the presence of privately-hired armed guards on board vessels would increase the risk of violence). There is a strong sense from this report that the shipping companies were looking to push the government into a corner. Use of armed guards was still illegal under the WML, and as a result the investigators were unable to persuade shipping, insurance, or security companies to speak in detail on this subject.

The government is responsible for preventing and combating these practices and would not close its eyes to the risks involved. When international organisations and states are unable to exercise their jurisdiction in practice, grey or black areas can arise, resulting in illegal situations. This creates grave risks for all concerned, which should not simply be tolerated.²⁶

The report recommended that VPDs should be deployed, but only for “highly vulnerable ships” in the Gulf of Aden and only after the conclusion of Status of Forces Agreements with appropriate local states on the transit of Dutch military personnel. Outside of that region such vessels should be allowed to employ private armed guards only under strict guidelines on use of force and international law. The government should move “to certify and regulate private security companies” and amend the WML to allow their use of weapons.²⁷

The AIV report pointed towards the privatization of use of force, affecting the state’s monopoly of violence. The pro-PMSC lobby of Dutch ship owners and the KVR, by hinting at the already-existing use of unregulated PMSCs, were making the government respond to their demands to avoid potentially unregulated violence at sea. The government issued a four-page reply three months later: VPDs would be sanctioned as part of the constitutional task of the armed forces to maintain international order (Article 97), but only once a string of strict criteria had been met. The mixed approach of VPDs in the Gulf of Aden being supplemented by PMSCs operating in the wider Arabian Sea was rejected. Best Management Practices by the shipping companies must maintain the highest possible level of non-violent preventive measures. Limitations on the VPDs’ field of operations were clearly set out: “No rights are associated with these activities because the government accepts no general duty to provide this form of protection.”²⁸

The reply also stated that a new investigation into the legal and practical implications of armed guards on Dutch vessels was necessary to decide the issue. The Advisory Committee on Armed Private Security against Piracy (the de Wijkerslooth Committee) began its task on May 9, 2011, eventually producing its report in early October. The central question from the government was to the point: “What is your advice in relation to the eventual undermining of the monopoly of violence with the deployment of armed private security guards, in order to provide an adequate protection of Dutch-registered vessels against piracy?” The Committee’s report began by delving into Max Weber and claiming that private citizens may use violence if it is both sanctioned by and

in the interests of the state. However, the state could provide no security guarantee for its citizens. The central question was whether piracy represented a threat that challenged the state's ability to offer sufficient protection. Overall, there seemed little reason to assume this. In 2010 only four Dutch vessels experienced piracy attacks worldwide, and the Committee remarked on how both PMSCs and insurance companies could profit from treating the piracy issue out of proportion. Nevertheless, this increased the need for the state to prevent market forces from taking over. This was supported by several factors: the UN Convention on Law of the Sea regards nation-states as the only legitimate actors for conducting anti-piracy operations; the ambivalence of the International Maritime Organization towards private guards on merchant vessels; and the fact that the littoral states of the Gulf of Aden (and particularly the "failed state" of Somalia itself) were unable to project any effective legal apparatus over the region.²⁹ The Dutch state should act to fill the regulatory vacuum and provide "a higher level of protection for Dutch merchant shipping against Somali piracy." The most effective and least controversial way was to use military personnel or through "insourcing" (temporary military status for reservists or PMSC personnel). This would maintain the monopoly of violence and avoid complications with the WML. Two factors could alter this solution: if the state could not protect vulnerable vessels; or if many other nations switched to private security, providing sufficient precedent. Above all, state action was essential to prevent "its citizens from resorting to the use of weapons or to individuals or companies that are able to offer the required protection, thereby leading to a possible escalation of violence and certainly losing democratic checks on the use of weapons."³⁰

The government responded that VPDs meant "a substantial intensification of policy" that would have to be covered by the Defence budget, but "that the deployment of armed private guards at this moment is not appropriate."³¹ But could a sufficient number of VPDs be provided? The Committee remarked that only two ships could be provided with VPDs at the same time, that the time taken to arrange the detachments was too long, and that many of the approximately 250 requests for such support had been declined "because of lack of capacity."³² The government's response was cautious: first to check if an expansion of VPD capacity was possible, and then to check the details on bringing in reservists or PMSCs under state control. Should international developments on the use of private security change in a clear direction, the government would act "to maintain a level playing field for Dutch-registered shipping."³³

Other stakeholders were becoming increasingly impatient. The de Wijkerslooth Committee had decided, after consulting the AIV, not to

pursue the exact details of what Dutch shipping companies were already doing with private security (“a time-consuming task”). Following the presentation of the report and the government’s response, two companies—Jumbo Shipping in Rotterdam and Vroon Shipping in Breskens—announced the intention to station private armed guards on their ships, drawing a warning from the Minister of Justice, Ivo Opstelten, that they could face prosecution. No move to prosecute has ever been made. In August 2012, frustrated by the continuing slow response from the government, the KVR and Dutch shipping companies such as Wagenborg went on record in the press that they did not allow any ship to pass through the Gulf of Aden region without (illegal) armed guards, choosing “the protection of their personnel above the policy of the Dutch government.” Minister of Defence Hans Hillen remarked correctly that this was a provocative move from the shipping lobby to try and force the government into privatization. Once again, no legal steps were taken by the public prosecutor to investigate these activities. Meanwhile a majority in Parliament (including the Labour, Christian Democrat (both in the ruling cabinet) and Liberal parties), which had previously been supportive of expanding the VPDs to cover the demand, now wanted clarification from the Ministry whether this could actually be provided.³⁴

The Debate in 2012-2013

Between 2007 and 2011 the two AIV reports and the de Wijkerslooth Committee had opened up the political debate on the use of PMSCs. The general wish of the government, Parliament, and the armed forces was to maintain as far as possible the monopoly of violence. Concerns over legal grey areas surrounding the use of private armed guards would only be overcome if the international context changed enough so that it would no longer be a problem.

These dilemmas were central to yet another report, from the Dutch foreign affairs think tank Clingendael, in March 2013, however entitled “State or Private Protection against Maritime Piracy? A Dutch Perspective,” the report’s team was led by Bibi van Ginkel, a member of the AIV’s Peace and Security Committee who had co-authored the 2010 assessment on private security. The Clingendael report, which was an independent project not subject to any governmental request, set out to test the effectiveness of the VPD system and monitor the situation on the international regulation of PMSCs. It claimed that the VPD system, operational since March 2011, was inadequate and unable to satisfy the security interests of Dutch shipping. Between March 2011 and November 2012 only 144 requests for

VPDs were made, of which only fifty-three were accepted, and only forty actually became active, when in that time period between 450 and 500 Dutch-flagged ships would have passed through the Gulf of Aden. The majority were put off from applying by the slowness of response, the strict criteria required, and the costs (originally €150,000 flat fee plus €25,000 per week, this was dropped to €5,000 a day in April 2012—still considerably more than a typical fee for a PMSC). Other reasons may have contributed to the low demand—the increasing availability of convoys sailing under international naval protection, or the promotion of best practices for vessel security—but the report does not contradict the de Wijkerslooth conclusion that lack of capacity for providing enough VPDs played a role in determining the low numbers. The report criticized the Ministry's attempt to hold on to the monopoly of violence when the means to satisfy this were not available: "sticking to a legalistic approach which is too strict could even push shipping companies towards the practice of illegally hiring PSCs."³⁵ The Ministry of Defence's own internal assessments in contrast pointed to an improvement in the provision of VPDs from March 2011 to March 2013 as shipping companies adapted to ministerial guidelines, although companies still felt they were "too expensive."³⁶

Clingendael's intervention was joined by the entry—for the first time—of Dutch PMSCs into the public debate. At the forefront was ESS & SA (Exclusive Security Services & Special Assignments), which co-sponsored a seminar (with Clingendael) on international trends in anti-piracy in May 2013.³⁷ Established in 2009 with former Dutch Marine Corps and Special Forces personnel, ESS & SA has been active in the Gulf of Aden region since 2010. In April 2013 it issued a statement that referred to the "frustration" of the Dutch companies towards official policy, remarking that "Dutch ship owners have lobbied long for endorsement of PCASP [Privately Contracted Armed Security Personnel]."³⁸ ESS & SA may be a "model" PMSC. They adhere to the IMO's Maritime Safety Committee guidelines (issued in May 2011, updated in May 2012) and the International Code of Conduct (ICoC) promoted as an addition to the Montreux document (although the ICoC is for land-based PMSCs and has lost some of its usefulness due to the use of many other criteria).³⁹ They also adhere to the Security Association for the Maritime Industry (SAMI) and its introduction of standards for private maritime security company accreditation. ESS & SA personnel have expressed understanding for the government's position: "within a democracy the monopoly of violence should lie with the government...it's a problem of control, who are you going to give the monopoly of violence to?" Nevertheless, the company considered the new ISO as a step forward for regulated privatization because "it covers all the bases."⁴⁰ Other companies such as G4S have also

recently profiled their capabilities and willingness to act within strict guidelines.⁴¹ Previously the pro-privatization lobby was dominated by the shipping companies and the insurers—now, in a new development, they have been openly joined by the PMSCs themselves.

The Minister of Defence acknowledged the Clingendael report as “a useful contribution,” but still emphasized Best Management Practices, convoys under stewardship of Operations Atalanta and Ocean Shield, and the use of VPDs. At the same time the Ministry foregrounded de Wijkerslooth’s two criteria for change: the extent to which VPDs could meet demand, and the extent to which international norms on PMSCs were being altered.⁴² The government admitted that VPDs could not be more flexible or cheaper: “Considering the pressure on the Ministry of Defence’s budget it is undesirable to raise the Ministry’s contribution towards the deployment of a VPD.”⁴³ In May 2013 the Ministry informed Parliament that the inability to meet the demands of shipping companies regarding the flexibility, scale, cost, and geographical reach of VPDs meant that the necessary legal changes for allowing PMSCs would now be explored. A further statement in June effectively admitted that this would mean an alteration to the state’s monopoly on violence, although this was phrased in a subsequent debate as meaning that “the government, under specific conditions and sufficient constitutional guarantees, may allow armed self-defence and in this way delegate the monopoly of violence to others.” In the same month a new international security strategy included the statement that “[p]rivate security firms will also take on some of the work of protecting merchant vessels.”⁴⁴

The government’s admittance in May-June 2013 that it could not meet the wide-ranging demands of the commercial sector for protection was a crucial determinant in the change of policy. The Ministry of Defence had increased the available VPDs to 175 to meet forecasted commercial demand, but the problems were in their deployment limitations, not their availability. During the parliamentary debate in June the government stated that it was unable to provide the necessary security for Dutch citizens, causing a shift towards allowing private security under the mantle of the state. Alongside this, the changing international context had a decisive impact. By late 2012 Cyprus, Denmark, Finland, Greece, Italy, Norway, Portugal, Spain, the United Kingdom, and the United States already accepted armed guards on board vessels. Other nations that were previously critical of such privatization had introduced or initiated legislation. Germany sanctioned a new Maritime Ship Surveillance Regulation that from 21 June 2013 allowed private security firms operating in Germany and abroad to apply for approval with the German Federal Office of Economics and Export Control (BAFA) to sail with German-

flagged merchant ships. Belgium has also altered its laws to allow PMSCs in order to avoid loss of business for Belgian shipping companies. The Netherlands was fast becoming one of the last countries in Europe still insisting on a strict application of the state's monopoly of violence. Even in France, where (as with Russia, Japan, and Turkey) political resistance to the privatization of military security and disdain for US and British PMSCs has been strong since the conflicts in Iraq and Afghanistan, there have been initial discussions on allowing French firms to compete in the anti-piracy market.⁴⁵ In the words of a Liberal (VVD) MP, "the Netherlands is in danger of becoming an island" surrounded by nations that grant PMSC activity at sea, with potentially damaging commercial consequences. Between December 2011 and March 2013 sixty-five ships were removed from the Dutch register in order to adopt another national flag. The reasons were not stated, but security must have been an issue.⁴⁶ Parliamentary opinion remained divided, with parties supportive of PMSCs (the VVD and the populist PVV) ranged against parties supporting the interests of the armed forces (the Christian Democrats) and those who want sufficient legal guidelines (D66). Strangely enough, while other nations are gradually choosing private security alternatives because anti-piracy is not regarded as a core task in an era of (military) austerity, the Dutch government has so far insisted otherwise. Anti-piracy is "a policy priority" and has general public support.⁴⁷ Media reports have similarly focused on how the decision in October 2013 to send a military detachment to Mali was based partly on the need to secure continuing military capacity in a period of severe budgetary restraint.⁴⁸

Current regulations tend to overlap since no single universally-applied regime exists. The Montreux process, involving non-binding international humanitarian regulations for PMSC behaviour in situations of armed conflict, was introduced by the International Committee of the Red Cross and the Swiss government in September 2008 and did receive a Dutch signature in February 2009 (one of forty-six current signatory states).⁴⁹ The main push for a universal regulatory system is now focused on the International Organization for Standardization (ISO), and specifically ISO 28007. Supported by the IMO and potentially the basis for an internationally-agreed vetting system for PMSCs in maritime security, a pilot case for this ISO was completed in early 2013 with the PMSCs Ambrey Risk and Solace Global.⁵⁰ The Dutch government signalled in June that ISO 28007 would form the basis for adapting the legal framework to allow private armed security on board Dutch vessels.⁵¹ While the WML should be amended, recent statements by the government have stated that new laws will also be introduced to cover the details. The WML does give the Minister of Justice

the power to consent to the use of arms, and the criteria by which they are used, in specific situations, and this could be expanded.⁵²

Conclusion

Since 2008 the anti-piracy debate has lined up various stakeholders against each other: the ship owners and the KNVR, concerned about costs and security for personnel, against the KVKK, concerned about the responsibility of ship captains, the Ministry of Defence, concerned about their ability to defend Dutch interests abroad, and the government as a whole, responsible for maintaining its monopoly on the use of violence. In 2012-2013 the balance changed. In May 2013 the KVKK came out in support of private armed security so long as the Ministry of Defence remained fully responsible for its deployment, and the Ministry has since then acknowledged that the KVKK, together with the private security sector, will be consulted on the new laws before introducing them to Parliament in 2014.⁵³ The government has overcome the van Wijkerslooth commission's conclusion that the monopoly of violence could be loosened under strict guidelines by stating that it will be *delegated* to designated PMSCs. The deployment of VPDs will continue, and the PMSCs are regarded as no more than an extension of state responsibilities concerning the protection of Dutch citizens. The shift towards privatization is therefore being carefully managed, both in legal terms and in the sense of maintaining the government's primary role.⁵⁴ This still fits within van Middelkoop's requirement in 2008 that private firms should strengthen and not undermine military capabilities, although it does go against his determination that they "would not be employed for offensive tasks." It is undeniable that the PMSC option has been pushed by a commercial lobby because of the limitations encountered with the state-controlled VPDs. The provocations of the Dutch shipping companies, both by withholding information (from the AIV) and then releasing it (via the press) forced the government to respond either with legal action or some form of privatization. The switch in opinion of the NVKK was also a key moment because it had been an influential opponent to privatization. Yet the policy shift in 2013, while carefully managed, also represented a defeat for the government's long-standing wish to hold on to the monopoly. Partial privatization is the result, with the assertion that the monopoly of the use of violence will still remain fully with the state. While this may be the case with regard to the law, there is no doubt that the anti-piracy case is causing a change in the *perception* of the role of the Dutch state in twenty-first century security provision. The unique elements of the

anti-piracy case may keep these developments as a one-off rather than the beginning of a trend, but there is no doubt that this is now a test-case with potential precedent status for the employment of PMSCs by the Dutch government in the future. ■

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Notes

¹ See Nicola Stanger, *One Nation Under Contract: The Outsourcing of American Power and the Future of Foreign Policy* (New Haven: Yale University Press, 2009).

² PMSCs here refers to companies providing armed personnel, to differentiate from those providing logistics and catering support. See Carlos Ortiz, *Private Armed Forces and Global Security: A Guide to the Issues* (Santa Barbara: Praeger, 2010).

³ See James Pattison, "Deeper Objections to the Privatisation of Military Force," *Journal of Political Philosophy* 18, no.4, (2010): 425-447.

⁴ See Ministry of Defence, *In het belang van Nederland*, The Hague, September 17, 2013, 8-9, for an overview of "smart defence" initiatives with other NATO allies.

⁵ Dirk Gielink, Maarten Buitenhuis, and Rene Moelker, "No Contractors on the Battlefield: The Dutch Military's Reluctance to Outsource," in ed. Thomas Jäger and Gerhard Kümmel *Private Military and Security Companies: Chances, Problems, Pitfalls, and Prospects*, (Wiesbaden: VS Verlag, 2007), 153. On privatized warfare in Europe at that time, see David Parrott, *The Business of War: Military Enterprise and Military Revolution in Early Modern Europe* (Cambridge: Cambridge University Press, 2012).

⁶ The 1815 constitution declared it the responsibility of the sovereign to ensure the maintenance of a navy and army (Article 122). In 1887 this was amended to clarify that the military forces were present "to protect the interests of the state" (Article 181). In 1983 an extra clause was added: "The government is in command of the armed forces" (Article 98, after 2000 Article 97). As one commentator has put it, "The organisation of the state's monopoly of violence is, in terms of constitutional law, relatively undefined," Leonard Besselink, "Geweldsmonopolie, Grondwet en Krijgsmacht," in *Grondwet, Krijgsmacht en Oorlog*, Publikaties van de Staatsrecht-kring, Pt. 26 (Nijmegen: Wolf, 2008), 9.

⁷ Wet wapens en munitie, 1997, article 14.4.c and article 22.2.

⁸ ECA Program wanted to buy fifteen Sukhoi jet fighters from Belarus and hire Keflavik Air Base for training sessions in air combat. See Andrew Ward, "Cold War base to be private 'Top Gun' school," *Financial Times*, August 30, 2010.

⁹ Mark Akkerman, "De opkomst van de nieuwe huurling: Over Nederlandse private diensten in de militaire- en veiligheidssector," *Campagne tegen Wapenhandel*, January 2011.

¹⁰ "De inhuur van private militaire bedrijven: een kwestie van verantwoordelijkheid," *Adviesraad Internationale Vraagstukken*, Report no. 59, (December 2007): 25.

¹¹ *Ibid.*, 27.

¹² See final report, Interdepartementale werkgroep Heroverweging Personeelszorg Defensie, November 1985; M.M.M. van Eechoud, "Openbaarheid, exclusiviteit en markt: commercialisering van overheidsinformatie," *Mediaforum*, 10/6 (1998).

¹³ Gielink, Buitenhuis, and Moelker (eds.), 153.

¹⁴ Joop Voetelink, "De inzet van contractors bij crisisbeheersingsoperaties," *Militaire Rechtelijk Tijdschrift*, 97, no.4 (2004): 129-147.

¹⁵ Stella Beernink, *Particuliere Militaire Ondernemingen, Conflicten en Falende Staten* (The Hague: IKV, 2005). See also the frameworks for outsourcing that were put forward at that time: Mirjam Bult-Spiering et.al., *Handboek publiek-private samenwerking* (Utrecht: LEMMA, 2005); PPP Knowledge Center, *Public Private Partnership* (The Hague: Ministry of Finance, 2005).

¹⁶ Adviesraad Internationale Vraagstukken Report no. 59 (2007): 8.

¹⁷ Tweede Kamer der Staten-Generaal, *Beantwoording vragen van het lid den Bommel (SP)*, 1572, The Hague, March 6, 2008.

¹⁸ Tweede Kamer der Staten-Generaal, "Verslag van een Algemeen Overleg AIV-advies Civiele Dienstverlening," October 23, 2008, no. 58, 31 700, Vergaderjaar 2008/2009.

¹⁹ Tweede Kamer der Staten-Generaal, "Onbemande vliegtuigen (UAV)," December 12, 2008, no. 5, 30 806, Vergaderjaar 2008/2009; Steven Derix, "Cruciaal, gevoelig, niet voor burgerogen," *NRC Handelsblad*, January 23, 2009.

²⁰ Eimert van Middelkoop, "Privatisation of Warfare," IKV/Clingendael seminar, June 2, 2004, quoted in AIV Report no. 59 (2007): 36.

²¹ Kees Homan and Susanne Kamerling, "Operational Challenges to Counterpiracy Operations off the Coast of Somalia," in ed, Bibi van Ginkel and Frans-Paul van der Putten, *The International Response to Somali Piracy: Challenges and Opportunities*, (Leiden: Martinus Nijhoff, 2010), 80-81.

²² Hans Heynen, "Kvnr wijst private bewapening niet langer af," *Schuttevaaier*, December 3, 2010.

²³ "Combating Piracy at Sea: A Reassessment of Public and Private Responsibilities," *Adviesraad Internationale Vraagstukken*, Report no. 72 (December 2010): 7.

²⁴ Ibid., 22-26. The report estimated that all the added costs generated by piracy represented about 0.25 per cent of the value of global maritime trade. The proportion of all ships reporting piracy attacks was around 0.01-0.02 per cent.

²⁵ Ibid., 27.

²⁶ Ibid., 32.

²⁷ Ibid., 52-53, 59.

²⁸ “Regeringsreactie op het AIV-advies ‘Piraterijbestrijding op zee’,” April 1, 2011, Vergaderjaar 2011/2012, TK.

²⁹ “Geweldsmonopolie en piraterij,” *Adviescommissie gewapende particuliere beveiliging tegen piraterij*, October 2011, 20, 27.

³⁰ Ibid., 42.

³¹ Tweede Kamer der Staten-Generaal, “Beveiliging zeevaartroutes tegen piraterij,” no. 19, 37 206, The Hague October 7, 2011, 2.

³² “Geweldsmonopolie en piraterij,” 32.

³³ Tweede Kamer der Staten-Generaal, “Beveiliging zeevaartroutes tegen piraterij,” no. 19, 37 206, The Hague, October 7, 2011, 7.

³⁴ “Beveiligers tegen piraterij strafbaar,” NOS, November 10, 2011; “Private beveiligers toch met wapens op schepen Nederlandse reders,” *NRC Handelsblad*, August 2, 2012; “Hillen: koopvaardij probeert met inhuren private beveiligers,” *NRC Handelsblad*, August 3, 2012.

³⁵ Bibi van Ginkel, Frans-Paul van der Putten, and Willem Molenaar “State or Private Protection against Maritime Piracy? A Dutch Perspective,” *Clingendael Report*, 2013, 10-11.

³⁶ Tweede Kamer der Staten-Generaal, “Beveiliging zeevaartroutes tegen piraterij,” Appendix, no. 44, 32 706, Vergaderjaar 2012-2013.

³⁷ “International trends regarding the use of private security companies for protection against maritime piracy,” *International Club*, The Hague, May 30-31, 2013.

³⁸ See “Dutch Government will allow Armed PMSCs,” ESS & SA, April 29, 2013, <http://www.ess-sa.eu/news/esssa-dutch-government-armed-pmscs-pressrelase-4.html> (accessed July 3, 2013).

³⁹ See “International Code of Conduct for Private Security Service Providers Signatory Companies”, ICOC, February 1, 2013, http://www.icoc-psp.org/uploads/Signatory_Companies_-_February_2013_-_Composite_List.pdf (accessed July 3, 2013).

⁴⁰ Nina Vlasova and Muriel Siebel (ESS & SA), interview with author, Amsterdam, June 26, 2013.

⁴¹ “Gewapende beveiligers tegen piraterij,” G4S, June 4, 2013, <http://www.g4s.nl/nl-NL/media%20trefpunt/News/2013/06/04/Gewapende%20beveiligers%20tegen%20piraterij/> (accessed July 3, 2013).

⁴² Tweede Kamer der Staten-Generaal, “Brief van de Minister van Defensie,” no. 42, 32 706, Vergaderjaar 2012-2013.

⁴³ Tweede Kamer der Staten-Generaal, “Beveiliging zeevaartroutes tegen piraterij,” no. 44, 32 706, Vergaderjaar 2012-2013. The statement on the Ministry’s financial limitations is particularly interesting because the VPDs are paid for out of a collective cross-ministerial budget for foreign policy under the Homogene Groep Internationale Samenwerking (HGIS). The rest of the costs are paid for by the shipping companies. In 2012 the Ministry of Defence directed €34.5m to anti-piracy operations and the Ministry of Foreign Affairs €2.37m. See Tweede Kamer der Staten-Generaal, “HGIS-Nota 2014,” no. 2, 33 751, Vergaderjaar 2012-2013; Tweede Kamer der Staten-Generaal, “Beveiliging zeevaartroutes tegen piraterij,” no. 45, 32 706, Vergaderjaar 2012-2013.

⁴⁴ Tweede Kamer der Staten-Generaal, “Beveiliging zeevaartroutes tegen piraterij,” no. 46, no. 50, and no. 51, 32 706, Vergaderjaar 2012-2013; *A Secure Netherlands in a Secure World*, International Security Strategy, June 21, 2013, 18.

⁴⁵ “State or Private Protection against Maritime Piracy?” 23-24 on the UK, Denmark, and Norway; “Privéfirma’s mogen schepen gewapend beveiligen,” *Gazet van Antwerpen*, February 1, 2013; “German-flag ships closer to getting armed security,” *Safety4Sea*, June 24, 2013. See also the French parliamentary debate on the issue held on February 14, 2012, <http://www.assemblee-nationale.fr/13/rap-info/i4350.asp> (accessed December 14, 2013).

⁴⁶ Tweede Kamer der Staten-Generaal, “Beveiliging zeevaartroutes tegen piraterij,” no. 51 and no. 56, 32 706, vergaderjaar 2012-2013.

⁴⁷ Tweede Kamer der Staten-Generaal, “Beveiliging zeevaartroutes tegen piraterij,” brief regering, April 26, 2013, no. 44, 32 706, vergaderjaar 2012-2013.

⁴⁸ Since 2012 the Ministry of Defence’s budget has been reduced from €5.5bn to around €4bn, with the loss of 12,000 positions and the selling off of entire capabilities such as tanks. See “Defensie wint weer terrein in Den Haag met missie Mali,” *De Volkskrant*, October 21, 2013; “Mogelijk forse militaire missie mali,” NOS, October 19, 2013.

⁴⁹ See “Participating states of the Montreux document,” Swiss Federal Department of Foreign Affairs, <http://www.eda.admin.ch/eda/en/home/topics/intla/humlaw/pse/parsta.html> (accessed July 3, 2013).

⁵⁰ “LRQA [Lloyds Register Quality Assurance] approves Solace Global and Ambrey Risk to ISO/PAS 28007,” *PRWeb*, November 4, 2013.

⁵¹ Tweede Kamer der Staten-Generaal, “Beveiliging zeevaartroutes tegen piraterij,” June 25, 2013, no. 51, 32 706, vergaderjaar 2012-2013.

⁵² Article 14.4 of the WML states that the Minister can grant exemptions from the law in relation to “equipment on ships and aircraft, as well as the crew.”

⁵³ “Defensie moet regel houden bij piraterij,” *Trouw*, May 13, 2013.

⁵⁴ This is the stance maintained in parliamentary debates. See “Beveiliging zeevaartroutes tegen piraterij,” Verslag van een Algemeen Overleg, August 8, 2013, no. 56, 32 706, vergaderjaar 2012-2013, TK.

ALISON HAWKS

ABSTRACT

Post-9/11, the privatization of security witnessed an unprecedented growth in Iraq and Afghanistan. In 2005 there were reported more contractors than soldiers in both conflicts. Despite heavy media coverage, armed security contractors comprise the smallest percentage of the industry, yet they are its most controversial aspect. While there is a significant body of scholarship on the privatization of security, the individual private security contractor remains relatively overlooked in academic inquiry. Many private security contractors have military experience, often a requirement for the job. This paper addresses these individuals by way of their military–civilian transition, asking: how does becoming a private security contractor after military service affect an individual's transition from the military to civilian life? This paper explores the potential influence of the individual's residual military network as opposed to understanding the individual's move into security contracting by motives alone. It further discusses the role that private security contracting plays in the individual's overall life-course in regards to their military-civilian transition, concluding that the greatest transition the individual faces is leaving security contracting for civilian life. To support this argument, this paper uses data collected from a survey of 1,515 private security contractors and thirty-two interviews with private security contractors.

Introduction

Despite the unprecedented growth of the private security sector post-9/11, modern outsourcing was borne out of the end of the Cold War,¹ what Edward Luttwak termed “a new season of war.”² From the end of the Cold War until the conflicts in Iraq and Afghanistan, the privatization of security largely focused on logistics, support, and training.³ While outsourcing or the privatization of security is not a new phenomenon,⁴ the unprecedented extent to which the United States and its allies relied on outsourcing in Iraq and Afghanistan signalled a paradigm shift in military strategy. As a result, outsourcing security has become a profound flashpoint for how the West wages war. For some this flashpoint may be

argued as the consequent weakening of state sovereignty by a state reliant on outsourcing.⁵ For others, it is the accountability and regulation, or lack thereof, of the private military and security company (PMSC) industry. Yet, this flashpoint cannot only be relegated to the larger concepts of *how* a state fights, but must consider *who* the state relies on, and creates a market for, to wage its wars.

It is this latter category of “who” that is the focus of this paper. There are hundreds of thousands of people that comprise the PMSC industry⁶ and their functions range considerably. PMSCs provide services on almost every continent across a range of industries.⁷ The smallest sector of this industry is armed private security contractors. Typically, armed security contractors provide diplomatic, static, or active security in hostile environments.⁸ Despite disproportionate media attention, security contracting is not restricted to Western English-speaking individuals. Most security contractors are, in fact, not Westerners.⁹ This study, though, focuses only on Western, English-speaking private security contractors for purposes of scope, language, and analysis.

Post-9/11 armed contractors came to the fore with two public incidents in Iraq involving the American PMSC Blackwater: the killing and mutilation of four private security contractors in Fallujah in 2004, and the 2007 killing of fourteen Iraqis by Blackwater contractors in Nisour Square.¹⁰ As a result of these incidents, the media portrayed security contractors as “mercenaries,” and Blackwater became synonymous with the wider industry.¹¹ Beyond these incidents, relatively little is known about who these individuals are, where they come from, and why they chose to become private security contractors. Scholarship on the individual security contractors have thus far been examined by way of their gender and masculinized identity,¹² ethnicity within post-colonial analysis,¹³ psychological health and well-being,¹⁴ and attitudes and values.¹⁵ While the individual’s prior military experience is consistently acknowledged within this body of literature, further examination of the relationship and influence the individual’s prior military experience and identity has on the individual becoming and being a private security contractor remains limited. The individual security contractor, in overall scholarship on the privatization of security, is distinctly treated as a characteristically separate entity, exhibiting behaviours and attributes exclusive to private security contracting.¹⁶

By nature of the PMSC industry, though, a specific “identity” is difficult to form. Contracts vary in length, contractors move between PMSCs, and conflicts come and go. Security contracting is the culmination of experience. It is not a new skill industry in which distinctive skills and qualities are developed for purposes of identification. Whether it is mili-

tary experience, law enforcement experience, logistics, combat, strategy, etc., it is experience the market requires as the state does not have the supply capacity. It is more accurate to consider security contracting as a hybrid, where security contracting, in the case of Iraq and Afghanistan, can be termed a “quasi-military environment” where the language used, operational structure, and commonality of experiential backgrounds creates an environment that exhibits qualities of both the military and civilian life to the extent that it cannot be defined as one or the other. Private security contractors become “transmigrants... social and organisational amalgams—they are [ex] soldiers and civilians, they are outside yet inside the military system, and are invested in both spheres and as continual migrants journeying between military and civilian spheres.... [becoming] mediums for a constant flow of ideas, identities, and social links between them.”¹⁷

Current analysis, though, accepts the individual solely as a security contractor, defined by a particular security contractor identity and way of life.¹⁸ The PMSC literature’s customary nod to prior military experiences does not take into account how this experience might influence and regulate their behaviour and identity as a security contractor. Further, it does not consider that private security contracting may be an extension of, or play a role in, their military–civilian transition. In other words, becoming a private security contractor after military service may be a crucial part of the transition to civilian life, whether intended by the individual or not. Understanding this role considers prior military experience as influential regarding the following:

1. why the individual chose to become a private security contractor versus securing other civilian employment;
2. how the physical and social environment of private security contracting influences this decision and their transition; and
3. the forecast potential of their transition from security contracting to civilian life.

Examining the individual private security contractor by way of their military–civilian transition allows for two things. First, it positions the individual as the centre point of analysis, incorporating the individual’s past experiences and identity in a holistic approach to understanding the PMSC industry. This approach is a departure from most of the literature on the individual security contractor that tends to see the very act of being a security contractor as an explanation of the individual and not the other way around.¹⁹ Second, this approach introduces a third dimension

to the traditional two-dimensional military to civilian transition where-by military is the first dimension and civilian life the second. Private security contracting is neither, but represents a third “quasi-military” dimension by which the individual may or may not use security contracting as a tool to negotiate their transition to civilian life.

Transition

Sociology has positioned transition within a developmental framework, defined as *turning points* or as a period between two periods of stability.²⁰ Transition, broadly speaking, is any event or non-event that results in changed relationships, routines, assumptions, and roles.²¹ Transition, though, is not exclusive to these fragmented changes within a person's life. Within life-course research, transition demarcates particular stages within an individual's life and contributes to an “overall formulaic structure of the life-course.”²² Some argue transition is defined by age-related physiological transitions.²³ Others argue instead that the *type* of transition experienced is more valuable to analysis than the physiological stages, and further, that there are three particular types of transition.²⁴ This analysis uses these three types as they incorporate the individual's experience as a whole. The first type is “anticipated” transition, comprising normative gains and losses or major alteration of roles that predictably occur in the course of the unfolding life cycle.²⁵ Examples include becoming a spouse, mother, father, job moves, or physical moves. The second, “unanticipated transitions” are alterations that occur unpredictably, such as losing a job, losing a partner, or having a serious or sudden illness. Third are what is called a “non-event transition,” an event “the individual *expected* but did not occur, thereby altering his or her life—the marriage that never occurred, the promotion that never materialized, the child that was never born... the realizations that the expected transition did not and will not ever occur alters the way they see themselves and might also alter the way they behave.”²⁶ Yet most important is that the experience of transition is largely subjective. While transition is influenced by objective factors like age or timing, the individual's memory is based on the perception of who the individual thought s/he was at the time, and who they are now.

In military-civilian transition literature, transition is examined by way of social, physical, and mental processes of an individual's transition to civilian life after leaving the military.²⁷ Often, for lack of a better designation, the literature categorizes the military veteran by a “successful” or “unsuccessful” transition. Higate rightly remarks that this “crude

dichotomy of those who ‘fail’ and those who ‘succeed’...has led to an overstating of both the prevalence and nature of homelessness among ex-servicemen and has diverted attention from those who move into paid employment.”²⁸

Unsuccessful transitions are generally measured by the presence of one or more of the following: homelessness, mental health disorders (e.g. posttraumatic stress disorder [PTSD]), alcohol and substance abuse, domestic violence, deterioration of friend and family relationships, and suicide, among others. The prevalence of these conditions is further examined by the type of the individual’s military experience, i.e. combat deployments, and pre-existing socioeconomic conditions. Successful transition is subsequently defined as an absence of these conditions but has until recently been ignored in the academic debate. Successful transition into civilian life is only recently emerging as a practical area of research. McDermott posits the utility of this type of research as identifying the factors that contribute to a successful transition for practical and applicable purposes for those who have not yet transitioned.²⁹ He develops this as a concept of “adaptability” so that the individual may adapt and consequently succeed in civilian life.³⁰ The difficulty in situating security contractors within this Manichean successful/unsuccessful typology is that the individual may be successful and unsuccessful simultaneously. For example, in a recent RAND study on contractors, 25 percent met criteria for probable PTSD, 18 percent screened positive for depression, and 10 percent reported high-risk drinking.³¹ Further, 33 percent of respondents participated in the survey while they were currently deployed on contracts.³² Using the definition above, these individuals would be classified as “unsuccessful” yet also “successful” by being gainfully employed. Security contracting may, then, serve to stabilize the possible prevalence of these conditions.

This type of binary classification for military veterans-turned-private security contractor offers little insight into the individual. Instead, addressing the *type* of transition the individual experienced as a result of becoming a security contractor provides analytic depth otherwise unknown. To further understand the type of transition, I developed a survey bifurcated into two periods of time: those that had spent a short amount of time in civilian life between leaving the military and becoming a security contractor, and those who had spent a longer amount of time in civilian life between military exit and security contracting. Each timeframe answered the same questions regarding their transition to see the affect, if any, time in civilian life had on their transition before becoming a private security contractor.

If becoming a security contractor is a kind of linear experience in which the individual does not perceive a significant shift of identity or environment, then military exit may be perceived as a “non-event” transition, despite military exit as an arbitrarily significant life transition. Security contracting, a familiar and similar environment to many contractors with prior military experience, may not force the individual to adapt to new norms and behaviours, or develop new skills or competencies that individuals leaving the military for civilian life will have to address.³³ The move from post-service employment to an institution-like environment in relation to successful and/or unsuccessful transitions is, Jolly argues, the “red herring” of military–civilian transition literature.³⁴ She concludes “the size of the step away from the military proved to be, of itself, beside the point ... it is not the nature of the new occupation which is crucial but the sincerity and power of the individual’s attachment to it.”³⁵ Yet, an individual’s attachment to another institutionalized setting may be indicative of the degree to which they are institutionalized. Dandeker et al. address this like move as a natural progression, whereby one is “weaned off of the dependency culture in order to make a successful transition to civilian life.”³⁶ Security contracting, by its virtue of being similar to the military in terms of areas of operation, as well as contractors often working alongside or in conjunction with the military in these areas, may intuitively lead one to conclude that becoming a security contractor after military service is simply a movement from one institution to another. Yet, applying private security contracting within this institutional transition framework makes the false assumption that the PMSC industry is an institution, and one in which people are institutionalized to a specific and cohesive identity for the purposes of the institution’s aims and objectives. Institutionalized identity is something the PMSC industry requires via proxy of prior military service as a condition of employment. It is not something it creates.

The security contractors interviewed, overall, did not report seeking an institutionalized environment post-military exit, but sought an environment in which they were 1) understood using a common language; 2) recognized for specific skills and competencies; and 3) employed in something that gave them purpose.³⁷ Structure was something of an antithesis to what these individuals sought after military service. For example, one of the strongest themes to emerge from the interviews regarding the appeal of security contracting was “autonomy.”³⁸ They were not necessarily looking for structure, but seeking an environment in which they could exercise agency while simultaneously sustaining a particular, previously developed military identity.

For survey reliability I used the exact five-point Likert scales also used in Franke et al.'s survey on former law enforcement personnel-turned-private security contractors along the categories of motive, patriotism, warriorism, and job engagement.³⁹ The results of my survey and Franke et al.'s survey were consistent with the population. The survey was also developed from Pilot Interviews, as well as a Pilot Survey, using the survey instrument Survey Monkey. The survey was sent to three PMSC's security contractor databases. This is not largely representative of the whole security contractor population, as many are not Western contractors. It is, though, representative of the population this paper, and overall research, sought to examine; Western English-speaking security contractors with prior military service.

82.9 percent (n=1,217) of survey respondents reported their military exit as an "anticipated" transition.⁴⁰ 46.7 percent of survey respondents spent between one and six months in civilian life between military exit and security contracting and had, on average, six to ten years of prior military service. Of this percent, 35.9 percent answered "neutral" on a five-point Likert Scale when asked if becoming a security contractor played a role in their transition to civilian life. "Neutral," for the majority of those with little to no time in civilian life are either potentially not experiencing a transition at all or are not aware they are transitioning. The "environmental continuity" from the military to security contracting does not force, by way of contrast, the individual to adapt to a different set of social and behavioural norms, i.e. re-socialize. This does not mean becoming a private security contractor prevents the individual from transitioning to civilian life. Nor does it mean the individual is incapable or unwilling to transition. Private security contracting, immediately or shortly after military exit, may *postpone* the individual's transition.

53.3 percent of survey respondents spent longer than six months in civilian life. Of these, 35 percent had spent six or more years in civilian life, on average between military exit and security contracting.⁴¹ Emerging in the interviews for this age group was an oft-repeated description of the appeal of contracting as "getting back in the game."⁴² The interviews also produced the following themes for how individuals perceived security contracting: "familiar," "we all speak the same language," "I know what to do," and "using my skills and capabilities," among others.

What the PMSC industry does offer in the form of security contracting for military veterans is a form of environmental continuity where working in the operational, physical environment of security contract-

ing, like in Iraq and Afghanistan, provides a specific feeling or experience to the individual that outweighs the risk of being in that environment.⁴³ This feeling or experience can either be a continuation of the individual's current experience if they proceed immediately into security contracting after military exit, or it is a return to a remembered experience they seek again. As a result, this environment provides several things to the individual: a common language in which the individual is understood and understands others to the extent of experiencing a sense of belonging within a community; common prior experience and by extension a common understanding of norms, behaviours and attitudes; and acceptance and recognition of understood skills and capabilities.

It became apparent, in the interviews, that security contracting had a direct tie to both the individual's remembered military experience and also the expectations of their projected experience as a security contractor. From these interviews the following overall themes emerged:

1. For those with fewer than six months in civilian life between exiting the military and becoming a security contractor:
 - a. Environmental continuity;
 - b. Autonomy in relation to the lack of autonomy felt or experienced during military service; and
 - c. Social mobility through economic gain—paying for education, homeownership, and debt eradication.
2. For those with longer than six months in civilian life between exiting the military and becoming a security contractor:
 - a. Returning to a remembered experience, “getting back in the game”;
 - b. Recognition by others of skills and competence from prior military experience;
 - c. Feeling of belonging; and
 - d. High (in comparison) economic remuneration for skills they had confidence in.

In response to questions about how the individual remembers feeling during civilian employment, after the military, and before security contracting, the following was reported:⁴⁴

1. Negative Feelings: “frustrated,” “powerless,” “lack of understanding of me and my lack of understanding of them,” “emp-

2. Positive Feelings: "made the best of it," "job was enjoyable and a challenge at times, but the mentality was different," "happy with working life, although the camaraderie and close team work is not as integrated in civilian life," "satisfied and happy to be in employment so soon after discharge."

I will now look to the individual's reported motives and networks to understand how the individual arrived at security contracting, and what exerted the most influence in this process. Motives provide context on this process, networks the clarity. "Human motivation has to be understood as the product of interaction between events and things in the social world, and interpretations of those events and things in people's psyches."⁴⁶ Motive is often appropriated as either *intrinsic* or *extrinsic*. Intrinsic motivations are defined as the doing of an activity for its inherent satisfaction rather than for some separable consequence.⁴⁷ Christopher Coker writes "intrinsic motivations are those that civilians bring to military life. They are genetic or culturally constructed in childhood" while he describes extrinsic motivations as "derived from the military through socialisation including training."⁴⁸

Their relation to basic motivation theory can be traced from cognitive evaluation theory that posits "interpersonal events and structures (e.g., rewards, communications, feedback) that conduce towards *feelings of competence* during action can enhance intrinsic motivation for that action because they allow satisfaction of the basic psychological need for competence."⁴⁹ Feelings of competence will naturally come from what Ryan and Deci describe as interpersonal events and structures, and it is safe to argue these include requirements of the needs of self-esteem and will be inherently linked to the individual's identity.⁵⁰

Yet, exploring individual security contractor's motivations through intrinsic or extrinsic motivators does not explain the unique area the individual security contractor inhabits as they transition from the military to security contracting. A more flexible and applicable theory to this population is what the sociologist C. Wright Mills argued: motivations as narratives. He states, "motives are words. Generically, to what do they refer? They do not denote any elements 'in' individuals. They stand for anticipated situational consequences of questioned conduct."⁵¹ In this understanding, motivation is contextual and rational. It is not assigned either an inward or outward reason but is shaped by the environment the individual is in. As and when that environment changes, so will the

individual's motives. If the environment does not change significantly enough to impact the individual, then it is possible to argue their motivation will not change either.

In contrast to other motivation theorists, Mills analyses motive by way of vocabulary: "an explanatory paradigm of why certain motives are verbalized rather than others."⁵² He writes, "conversations may be concerned with the factual features of a situation as they are seen and believed to be or it may seek to integrate and promote a set of diverse social actions with reference to the situation and its *normative pattern of expectations*."⁵³ I have italicized the last line of this quotation to emphasize the influence of institutions on situations and how they can engender not only a particular narrative of the individual's motive, but also what others expect the individual's motive to be. An example of a normative social construct existing today regarding security contractors is the motivation of economic gain. For Mills, this explanation of money as a sole motive would be far too reductive in considering these individuals, as "institutionally different situations have different *vocabularies of motive* appropriate to their respective behaviours."⁵⁴ Verbalizing "money" as a motive is not copacetic to the military institution—in that money is not a motivator in and of itself. The military institution is one that embeds, reinforces, and nurtures the individual's role in the social contract, emphasizing the *service* the individual provides. As explained below, the money motivator for the military population at large is usually an expression of social mobility.

Woodruff et al.'s study on enlistment propensity developed four types of motivation expressed: "institutional factor, composed of a desire to serve one's country, feelings of patriotism, sense of adventure, and desire to be a soldier (for a few years)," "future oriented enlistment, the desire to be a career soldier and the desire to receive money for college," "self-interested, occupationally oriented, expressed in the need to support one's family, the need to deal with a personal or family crisis (e.g., divorce, job loss, and financial problems), the lack of better employment options, and the military being the best employment available," and "pecuniary motivation, includes both enlistment bonus and money to repay college loans."⁵⁵

Pecuniary motives were present as direct, secondary and tertiary enlistment motives in Woodruff's et al.'s study⁵⁶ and are related to the individual's social mobility and interaction with institutional structures (e.g. student loans), not necessarily indicating that the individual is motivated by money to simply have it. Supported by the interviews conducted in this paper, the survey exhibits similar propensities of motivation to the extent pecuniary motive experiences a similar response rate to other

non-pecuniary motives. The highest percentage (78.6 percent where $n=1,322$) report being motivated by the opportunity as a security contractor to “make more money than in my previous job,” barely edging out the motivation “to face and meet new challenges” (78.3 percent), and one percentage point above “for personal growth.”⁵⁷ These results are consistent, with one exception, to Volker Franke and Marc von Boemcken’s survey of prior law-enforcement personnel-turned-private security contractors, from which this survey category was reproduced.⁵⁸ The exception was “to serve my country,” which in this study reported a 33.9 percent “Very Important/Important” response, yet more, 37.4 percent reported “Neutral.” In comparison, Franke et al. reported 65.4 percent as “Very Important/Important” for this option.⁵⁹ This is potentially explained by socio-cultural differences between cohorts: Franke et al.’s survey population were US citizens, whereas my survey represented mostly UK citizens [62.3 per cent].⁶⁰

Knowing these individuals are motivated by various reasons and that most of them have similar feelings⁶¹ does not give insight as to why the individual chose security contracting over civilian life, or why they became security contractors after a longer period in civilian life. This was not, however, the purpose of Franke et al.’s study, which was mainly concerned with the attitudes and values of private security contractors. They give us an idea about who the contractors are: they are concerned with others’ well-being, they are open to learning and having new experiences, they seek to better themselves, and want to experience purpose and fulfilment in their job.⁶² Motives produce a big picture view of the community. They are not sufficient to comprehensively explain either the individual or the role that becoming a security contractor plays in their transition. One may be motivated to do something but never actually do it. As such, motive is an unreliable analytic framework.

Networks provide details and clarity, pinpointing who the individual knows, how they know them, and how their relationships to these people may influence the individual to participate in particular activities or behaviours.⁶³ In today’s world, connected by various social media outlets and technologies, civilians are products of social networks formed by family, education, and work. These civilian networks will be fluid, flexible, and can change easily and quickly because the individual is not constrained within a larger network. The military is entirely different in that it connects according to an inherent hierarchy. As a structure of command, it will be fluid but not flexible. People move within the military network on a structured basis, pre-planned and predetermined. What this means for transition is, absent the military network, that those leaving are more likely to be influenced by the path their peers took be-

cause those peers represent a network that is both familiar and in a way institutionalized and in turn become influencers themselves. Mills, in prescience, wrote indirectly of networks in regards to motive by stating, “when an agent vocalizes or imputes motives, he is not trying to *describe* his experienced social action. He is not merely stating ‘reasons.’ He is influencing others and himself.”⁶⁴

Applying Christakis and Fowler’s theory of connection, if one soldier leaving the military knows just one person who has gone into, or is going into, security contracting, they are themselves more likely to do so. Knowing one or more people is in effect a force multiplier for the appeal of security contracting. The individual’s pre-existing network may exert a higher level of influence as a result of a number of “knowns” in security contracting; language, prior experience, and skills and competencies. The networks of security contractors may remain relatively constricted because they will not be adjusting their network on as large a scale as if they left the military and entered traditional civilian life. Entering exclusively into civilian life exposes the individual to a more free and open network, one in which they will have greater control, but they will be less influenced by it as the network will be relatively underdeveloped and new. Individuals leaving the military and becoming security contractors may remain heavily influenced by their previous network, which can determine not only the direction they take after leaving the military but also their residual military identity. If they have relied on this network to find employment as a security contractor, it is likely their network will not alter significantly and remain somewhat constrained yet highly influential, thus limiting exposure of this network to outside sources.

The security contractor is not subjected to the ideological socialization that occurs when joining the military. The individual transitioning is largely reliant upon a particular pattern of ties that enable them to obtain the job as a contractor.⁶⁵ These ties allow the individual to function within a group to achieve a particular outcome (employment as a security contractor) more so than if the individual operated solely on their own.⁶⁶ In this sense, individuals leaving the military for security contracting have the opportunity to influence and be influenced to a degree of three, according to Christakis. He calls it the “Three Degrees of Influence Rule.”⁶⁷

Everything we do or say tends to ripple through our network, having an impact on our friends (one degree), our friends’ friends (two degrees), and even our friends’ friends’ friends (three degrees). Our influence gradually dissipates and ceases to have noticeable effect on people beyond the social frontier that lies at three degrees of separation. Likewise, we are influenced by friends within three degrees but generally not those beyond.⁶⁸

According to this rule, it is plausible to argue that individuals who leave the military and become security contractors are not only influenced by those that assisted them in getting the job, via their network, but will influence others to become security contractors as an option after leaving the military. This creates a self-sustaining and relatively homogenous network, lacking the influence of the civilian labour market and subsequently adaptation to civilian skills and social norms.

This type of network will promulgate ideas, norms, and languages familiar to the network, but will neither export the network faculties, nor import foreign ones. As a result, the individual will not be exposed to environments that force change by their difference. The application of networks to military to civilian transition life via security contracting is presented here as a “first-cut” at the network influence of the individual’s move into security contracting after military service. A limitation here is the absence of analysis of those service leavers that knew other security contractors but did not become one. Networks are simply introduced here as a potentially more empirical way in which to understand the processes and the influences of these processes in becoming a private security contractor.

Conclusion

Understanding the security contractor with prior military experience is introduced here as a new way of examination. It suggests that security contracting alters the traditional two-prong military-civilian transition, and allows for greater analysis of individuals who are often thought to transition to other institutional organizations. For this population, this is not the case. As a result, military-civilian transition should be re-considered to understand the influence of socio-cultural environmental continuity in relation to the individual’s transition; and how this might be translated into practices for transition.

This paper has shown that security contracting, for those with a short time in civilian life between military exit and security contracting, is a tool of negotiation in the individual’s transition where they seek environmental continuity, autonomy, and economic means for social mobility. For those who spend a longer time in civilian life between the military and security contracting, security contracting is a way to return to a remembered experience (military service), receive recognition and experience feelings of belonging not experienced in civilian life, and increased remuneration for skills the individual has confidence in. It has further been shown that security contracting, for some, will post-

pone an individual's transition to civilian life. For those with a potential prevalence of posttraumatic stress disorder, this postponing may pose significant problems when the individual does leave contracting. Their transition will now be once-removed from the military, with security contracting serving as a stabilizer. This transition, from contracting to civilian life, is one that requires further and robust inquiry to understand the impact and effect similar environments have on the prevalence of social, mental, and physical issues that may surface during or as a result of the individual's transition. ■

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Notes

¹ Peter W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (New York: Cornell University Press, 2003).

² Edward Luttwak, "Towards Post Heroic Warfare," *Foreign Affairs* 74, no. 2 (May/June 1995): 109-122, 109.

³ For a comprehensive view see, among others, Christopher Kinsey, *Corporate Soldiers and International Security: The Rise of Private Military Companies* (London: Routledge, 2006), Deborah Avant, *The Market For Force: The Consequences of Privatizing Security* (Cambridge: Cambridge University Press, 2005); and Singer *Corporate Warriors*.

⁴ See for example Sarah Percy, *Mercenaries: The History of a Norm in International Relations* (Oxford: Oxford University Press, 2007); and Janice Thompson, *Mercenaries, Pirates and Sovereigns* (Princeton: Princeton University Press, 1994).

⁵ Avant, *The Market for Force*; Anna Leander, *Eroding State Authority? Private Military Companies and the Legitimate Use of Force* (Rome: Centro Militare di Studi Strategici, 2006); Elkke Krahmann, *States, Citizens and the Privatization of Security* (Cambridge: Cambridge University Press, 2010), among others.

⁶ Singer, *Corporate Warriors*.

⁷ Singer, *Corporate Warriors*

⁸ Diplomatic security is the protection of diplomats, static security is the protection of buildings, sites and/or any other area, and active security is the protection of a group of individuals or individual, convoy security, and/or training.

⁹ See USCENTCOM *Quarterly Census Reports* FY2007–FY2013 for tracking of the type of contractors (i.e. security versus training) and US, Third Country National or Local National; available at: <http://psm.du.edu/articles—reports—statistics/data—and—statistics.html> (accessed January 10, 2014).

¹⁰ Before these incidents, though, abuse had been reported as occurring in Iraq's Abu Ghraib as civilian contractors working as interrogators for the PMSC CACI were caught abusing prisoners in 2003–2004.

¹¹ For a full definition on 'mercenary,' see Additional Protocol of the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflict (Protocol I) 8 June 1977.

¹² See Paul Higate, "Mercenary Killer or Embodied Veteran? The Case of Paul Slough and the Nisour Square Massacre" (working paper, University of Bristol, 2007); Paul Higate, "Cowboys and Professionals: The Politics of Identity Work in the Private and Military Security Company," *Millennium Journal of International Studies* 40, no.2 (2012): 321–341; Paul Higate, "Putting 'Mercenary Masculinities' on the Research Agenda" (Working paper, Department of Politics, University of Bristol, 2009); Jutta Joachim and Andrea Schneiker, "Of 'True Professionals' and 'Ethical Hero Warriors': A Gender-Discourse Analysis of Private Military and Security Companies," *Security Dialogue* 43, no.6 (2012): 495–512.

¹³ Amanda Chisholm, "The Silenced and Indispensable," *International Feminist Journal of Politics* (2013): 1–22.

¹⁴ Katy Messenger et al., "The Experiences of Security Industry Contractors Working in Iraq: An Interpretative Phenomenological Analysis," *JOEM* 54, no.7 (July 2012): 859–867; Anthony Feinstein and Maggie Botes "Psychological Health of Contractors Working in War Zones," *Journal of Traumatic Stress* 22, no.2 (April 2009): 102–105, 102–103; Molly Dunigan et al., "Behind the Shadows, The Health and Well-Being of Private Contractors," RAND Corporation, available at <http://www.rand.org/pubs/research—reports/RR420.html>, accessed on 10/02/2014.

¹⁵ Volker Franke and Marc Vom Boemcken, "Guns for Hire: Motivations and Attitudes of Private Security Contractors," *Armed Forces & Security* 37, no.4 (2011): 725–742; Jutta Joachim and Andrea Schneiker, "New Humanitarians? Frame Appropriation Through Private Military and Security Companies," *Millennium Journal of International Studies* 40, no.2 (2012): 365–38; also, see Deborah Avant and Lee Siegelman's survey "Public Reaction to Military versus Private Security Deaths in Iraq" via Time Sharing Experiments (TESS), available at: <http://www.tessexperiments.org/data/avant313.html> (accessed January 10, 2014) where it was concluded the public feels for contractors, but only when they die.

¹⁶ See for example Higate's work "Mercenary Killer" that focuses exclusively on US PMSC Blackwater security contractors and develops a narrative situating the contractor as an extreme, hyper-masculine "aggressor."

¹⁷ Edna Lomsky-Feder, Nir Gazit and Eyal Ben-Ari, "Reserve Soldiers as Transmigrants; Moving Between the Civilian and Military Worlds," *Armed Forces & Society* 34, no.4 (2008): 593–614, 594.

¹⁸ Higate, “Mercenary Killer”; Higate, “Mercenaries and Professionals”; Higate “Cowboys and Professionals”; and Joachim and Schneiker, “Of True Professionals”

¹⁹ With the exception of Amanda Chisholm, “The Silenced and Indispensable,” *International Feminist Journal of Politics* (2013): 1-22.

²⁰ Daniel Levinson, cited in Jane Goodman et al., *Counseling Adults in Transition: Linking Practice with Theory* (New York: Springer Publishing Company, Inc, 2006): 23. [Emphasis in original.]

²¹ Ibid., 33.

²² Daniel J. Levinson, “A Conception of Adult Development,” *American Psychologist* 41, no.1 (January 1986): 3-13.

²³ Ibid.

²⁴ Goodman et al., “Counseling” (2006).

²⁵ Peralin & Lieberman (1979) in Jane Goodman et al., “Counseling” (2006), 220.

²⁶ Goodman et al., “Counseling” (2006), 33-35.

²⁷ Some other aspects of this literature include long-term veteran earnings, veteran employment rates, influence of spouses and cohabitation on veteran relationships, deployment effects on children and/or family cohesion, among others.

²⁸ Paul Higate cited in James McDermott, “Old Soldiers Never Die” (doctoral thesis, University of Leicester, Centre for Labour Market Studies, n.d.), 220. Available at: <http://lra.le.ac.uk/handle/3281/3366>.

²⁹ Ibid., 8.

³⁰ Ibid.

³¹ Molly Dunigan et al., “Behind the Shadows, The Health and Well-Being of Private Contractors,” RAND Corporation, available at <http://www.rand.org/pubs/research—reports/RR420.html>, p. 39-40, accessed on 10/02/2014.

³² Ibid.

³³ There are hundreds of organisations, both public and private, that address and provide services for service leavers assisting in the adaptation of skills and abilities to civilian employment. For example, the Transition Assistance Program (TAP) in the US and the Resettlement Process in the UK. This depth and breadth of these services is an acknowledgement that resocialisation must occur for the individual to experience a transition absent of adverse conditions associated with an unsuccessful transition.

³⁴ Ruth Jolly, *Changing Step: From Military to Civilian Life, People in Transition* (UK: Brassey’s, 1996), 15.

³⁵ Ibid., 15.

³⁶ Dandeker et al., cited in James McDermott, "Old Soldiers" .

³⁷ Author's Interviews, forthcoming PhD 2014.

³⁸ This emerged from asking interviewees the following questions: "what about the military appealed to you when you joined? What did you like/enjoy about your time in the military? What did you dislike about your time in the military? What appealed to you about security contracting?"

³⁹ Franke and von Boemcken, "Guns for Hire."

⁴⁰ Anticipated was defined in the survey as "retirement, decided not to re-enlist, wanted to leave the military," Author's survey 2012.

⁴¹ Author's survey data 2012.

⁴² Personal interview with the author, March 2012.

⁴³ Steven Schooner and Colin Swan, "Contractors and the Ultimate Sacrifice" (working paper, a George Washington University Law School Public Law and Legal Theory, Legal Studies Research Paper 2010), available at: <http://ssrn.com/abstract=1677506> (accessed January 10, 2014), where Schooner and Swan state that security contractors are 4.5 times more likely to die than soldiers.

⁴⁴ Responses were often-repeated, and it is the responses that were reported more than three times that were used here. Author's interviews with private security contractors February 2012 – September 2013.

⁴⁵ These responses were collected in the open text box portion of the survey, in response to the question "Describe how you felt in civilian employment, after leaving the military." Choices given were "Bored," "Challenged," "Both," "Neither," "Other," in which individual's could elaborate on their experience. Some answers were repeated numerous times but I have included them here only once. Alison Hawks Contractor Transition Survey 2012.

⁴⁶ Claudia Strauss, "Models and Motives," *Human Motives and Cultural Models*, Roy G. D'Andrade, Claudia Strauss (eds.) (Cambridge University Press, 1992), 1.

⁴⁷ E. Deci and R. Ryan, "Intrinsic and Extrinsic Motivations: Classical Definitions and New Directions," *Contemporary Educational Psychology* 25 (2000): 54-67, 56.

⁴⁸ Christopher Coker, *The Warrior Ethos: Military Culture and the War on Terror* (New York: Routledge, 2007) 5.

⁴⁹ E. Deci and R. Ryan, "Intrinsic and Extrinsic Motivations," (2000): 58 [emphasis in original.]

⁵⁰ Ibid., 59.

⁵¹ C. Wright Mills, "Situated Actions and Vocabularies of Motive," *American Sociological Review* 5, no.6 (December 1940): 904-913, 905

⁵² Ibid., 905.

⁵³ Ibid., 905 [emphasis added].

⁵⁴ Ibid., 906 [emphasis in original].

⁵⁵ Todd Woodruff, Ryan Kelty and David R. Segal, "Propensity to Serve and Motivation to Enlist Among American Combat Soldiers," *Armed Forces & Society* 32, no. 3 (April 2006): 353-366, 360-361.

⁵⁶ Ibid.

⁵⁷ Author's survey data 2012.

⁵⁸ Franke and von Boemcken, "Guns for Hire."

⁵⁹ Ibid., 736.

⁶⁰ Author's survey 2012; US citizens represented 18.5 percent of respondents, and 'Other,' 18.3.

⁶¹ Aside from "to serve my country," all reasons were reported as important. Author's survey 2012.

⁶² Franke and von Boemcken, "Guns for Hire"

⁶³ Nicholas Christakis and James Fowler, *Connected: How Your Friends' Friends' Friends Affect Everything You Feel, Think and Do* (New York: Back Bay Books, 2009).

⁶⁴ Mills, *Situated Actions and Vocabularies*, 907.

⁶⁵ Contractors though, specifically Close Protection Officers, do extensively train together in which they develop group and social cohesion to the extent that being a CPO is not entirely individualistic.

⁶⁶ Nicholas Christakis, *Connected* (2009), 9: "While a network, like a group, is a collection of people, it includes something more: a specific set of connections between people in the group. These ties, and the particular pattern of these ties, are often more important than the individual people themselves. They allow groups to do things that a disconnected collection of individuals cannot." Despite this, people without any ties to the military and/or security contracting do secure employment as private security contractors. The argument here is that networks facilitate industry entry faster.

⁶⁷ Ibid., 22.

⁶⁸ Ibid., 28.

Private Military and Security Companies: The Future for Research

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SARAH PERCY

The editors of this special issue on private military and security companies (PMSCs) have asked me to provide some concluding remarks by considering future directions for PMSC research. This is good news and bad news: good news, because I have now had the opportunity to read some very interesting new work on PMSCs, and bad news because swift and continual changes in the private military and security industry mean that whatever predictions I make are quite likely to be proven wrong by upcoming events. I started writing about PMSCs before the start of the war in Iraq in 2003, and the industry has taken so many twists and turns since then that there will always be surprising new directions for researchers to pursue.

I am going to divide these concluding remarks into two sections. First, I will identify some areas where there are still holes to be filled and research to be done. Happily, some of the articles in this special issue are beginning to respond to these new areas. Second, I will point out that the real difficulty with identifying future research directions for questions relating to PMSCs is that it is hard to know where the industry is going next and, accordingly, which areas are still worth questioning.

While the literature on PMSCs has boomed since the late 1990s, when academics and others began commenting on PMSCs in Angola and Sierra Leone, it has yet to exhaust all available topics of study. The most obvious void I have noticed, which may reflect a disciplinary bias rather than a genuine hole in the literature, is in anthropological studies about PMSC employees themselves. Who are they? Where do they come from? Why do they choose to be employed in this capacity? And, as Hawks asks here, what happens when they return to civilian life? Understanding these kinds of questions will lead us to a richer understanding of many debates currently rehearsed in the literature. For example, understanding why fighters themselves choose these roles can help illuminate some of the ethical questions that come up in relation to the privatization of force. Are PMSC employees motivated by money, or something

else? How much evidence is there of PMSC employees moving between “white” and “black” markets for force, and what implications does this have for regulation?

PMSCs also raise many theoretically interesting and important questions for a variety of disciplines, particularly for political scientists and scholars of international relations as they challenge ideas about the monopoly on the use of force, the ideal soldier, and motivations for war. Baggerini’s piece in this special issue is one example of the types of theoretical question that remain to be considered. There are significant implications surrounding the decision to privatize the use of force, and new theoretical examinations will always be welcome.

More historical work on PMSCs might be another way to probe bigger theoretical questions. It is worth pondering, for instance, how the decision to consolidate the monopoly on the use of force helped with state-building, considering the consequences of “undoing” that monopoly. Janice Thomson¹ began this work with her (absolutely essential) book, but more could be done in this area.

There are also specific historical gaps that could benefit from serious examination, ideally by historians using archival methods. Nearly all of the work on 1960s- and 1970s-era mercenaries in Africa relies on the first-hand accounts of the mercenaries themselves or on contemporaries’ journalistic accounts. A serious scholarly history of mercenaries in this period would be a major contribution. Moreover, the subject matter is so colourful that it would surely make a fascinating read. Mohlin’s article on MPRI in this issue is a good example of a closer look at a single and relatively unexamined case that can shed light on our understanding of the industry as it evolves.

There are a few areas in which PMSC research has been over-worked; the most obvious of these is the literature on regulation. There are scores of articles (particularly in international law) on the question and far too many of them reiterate the existing literature without making serious contributions to it. That is not to say that the law does not raise interesting dilemmas, but in my view most of the remaining unanswered questions are jurisprudential. For example, considering the International Code of Conduct of Private Security Service Providers and the Montreux Process as instruments of soft law is an interesting problem. Krieg’s article considering the theoretical impact of regulation is another contribution that moves the literature beyond summaries of summaries of regulatory instruments.

My last hope for future research on PMSCs is that scholars new to the subject use their imaginations to seek interesting analogues or cases. This special issue is a good start. It is important that we know more about

the national contexts for these cases, as Scott Smith and Jansen argue in their work on the Netherlands. But I think as scholars we can still go further, ideally by considering PMSCs in light of similar types of fighter in the international system. How do PMSCs compare with international volunteers, for example? Or with pirates? What can mercenaries tell us about other covert uses of violence in the international system? Such imaginative comparisons will keep the field interesting and vibrant.

I will now turn to the crystal ball-gazing portion of these concluding remarks. I will hedge my bets here by reiterating that anything I say about the future of the private security industry (and therefore the sorts of topics that scholars ought to be looking at) is quite likely to be proven wrong. The industry has changed so much over the last twenty years that anybody predicting how it will change next would either be very brave or very foolish. In 1993, Executive Outcomes had not yet taken its first mission. Since then, PMCs have taken many forms: combat providers for beleaguered African states; security actors keen to avoid combat (at least on paper), used in the tens of thousands in Iraq and Afghanistan; as security providers for government installations around the world; and as armed guards to protect shipping from piracy. It should be clear here that part of the difficulty of knowing what will happen to PMSCs next is knowing what will happen to war next; the lengthy wars in Iraq and Afghanistan fundamentally altered the industry, and so too could another major war. It should be clear that part of the challenge of knowing what will next happen to PMSCs relates to the difficulty of fully understanding how war will evolve in years to come; the lengthy conflicts in Iraq and Afghanistan fundamentally altered the industry, and so too could another major war.

If I were to make three predictions about the future of the industry, with all my provisos about inaccuracy attached, it would be these. First, we are unlikely, due to budget cuts and the absence of popular will, to see an expeditionary war of the Iraq/Afghanistan type in the next five-to-ten years, and therefore PMSCs will have to seek new business and potentially change form as a result; some have already gone out of business, and others will surely follow. Whilst some of this new business will be successful, other aspects will stall or fail. I remain unconvinced that the private maritime security industry has enough work for all of those seeking to enter it; it is not exactly a novel field of endeavour, but wide-ranging interest in it certainly is new.

However, the industry's next turns will no doubt reveal important avenues for research in at least three ways: first, there has been some suggestion, mainly by the industry itself, that PMSCs ought to begin to provide humanitarian aid.² Were this to come to fruition, it would raise a

whole host of questions for research relating to humanitarian space and state-building. Second, the absence of “white market” work for the thousands employed in Iraq and Afghanistan may have interesting impacts on other conflicts and on “black market” work for mercenaries. What will some of these contractors do next? Monitoring these moves may yield interesting future research.

Finally, it is unlikely that states will turn back from PMSCs. The United States would find it hard to go to war without contractors, and military cuts may increase reliance on the private sector in other states. PMSCs are here to stay. Furthermore, while embassy security guards’ day-to-day work may appear less interesting to researchers, it is possible that there is a lot to say about their implications for international security, even if they are not as immediately obvious as the international security consequences of using private actors to fight wars. While there is some danger of a lull in future research on the industry, distinct regional perspectives, new disciplinary perspectives, and thinking about private fighters in comparison either with historical precedents or other analogues may prove fruitful, at least until such time as changes in the patterns of war surprise us again with new directions and avenues. ■

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Note

¹ Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994).

² Sarah Percy, “Regulating the Private Security Industry: A Story of Regulating the Last War,” *International Review of the Red Cross* 94, no. 887 (2012): 941–960. <http://dx.doi.org/10.1017/S1816383113000258> (accessed January 10, 2014).

Political Contagion in the Eurozone Debt Crisis

PATRICK CREUSET

ABSTRACT

Taking a closer look at cross-country contagion in the Eurozone Debt Crisis (EDC), this paper shows that political decisions and announcements from the Eurozone's core countries—suggesting a weak willingness to pay for peripheral members—contributed to the crisis spreading across the Eurozone periphery. Econometric tests (Forbes-Rigobon method, GARCH mean-regressions measuring the impact of political events on daily changes in bond spreads) strongly support this political contagion view of the EDC. Ironically it implies that while the very purpose of bailouts was to prevent intra-Eurozone contagion, the political indecision that accompanied these bailouts in the Eurozone creditor countries considerably worsened the crisis. Another finding is that austerity measures in individual periphery countries had no significant impact on bond spreads; domestic politics in peripheral countries were only relevant to markets insofar as they could be seen to have a material influence on core governments' ability to convince their national constituencies of the need for further rescue measures. These conclusions have direct policy implications: while the fear of contagion has been used to justify the bailout approach to financial crises since the 1990s, the existence of political contagion cautions that a bailout in itself is a vain effort if it is not accompanied by a firm, clear, and ultimately credible political stance by the lender of last resort.

Introduction

A spectre has haunted Europe—the spectre of financial contagion. With the advent of the Greek crisis in October 2009, “the powers of old Europe” have attempted to prevent the crisis from spreading throughout the Eurozone periphery. Following Obstfeld, the interaction between markets and governments can produce multiple equilibria where mar-

kets lose confidence in the ability and/or willingness of a sovereign to honour a commitment such as debt or a currency peg.¹ Such loss of confidence—translating into higher borrowing costs in the case of a sovereign debt crisis—may, in turn, lower both the government's ability and willingness to pay bondholders, thereby further worsening investors' expectations. In some cases, such a jump between multiple equilibria in one country may be caused by events in another country or region. This phenomenon, commonly referred to as contagion,² has been the defining element of the Eurozone Debt Crisis (EDC) of 2009–2011. Figure 1 illustrates how the crisis spread when risk premia on the European periphery began to rise in tandem with Greek debt worries. Yet, exactly which factors drove this contagion remains unclear.

This paper provides evidence for political contagion in the EDC between January 2009 and June 2011. The argument developed in the following is that political events and announcements emanating from the Eurozone's core played a key role in propagating the crisis within the Eurozone periphery, a phenomenon for which conventional macroeconomic wisdom and existing political economy approaches do not hold a satisfying explanation. When a peripheral government has lost its ability to pay (e.g. Greece, Ireland), the political willingness to pay of the monetary union's core countries becomes market participants' chief concern. Will these better-off members be prepared to pay the economic costs necessary to restore crisis countries' ability to pay? Moreover, are the crisis countries able to implement austerity measures deep enough to provide creditor governments with the domestic scope for manoeuvre necessary to reach an agreement? If investors are in doubt about the outcome of this two-level game, they will price-in higher default and devaluation probabilities for all countries likely to depend on creditor countries' goodwill, leading to a jump from a stable to a crisis equilibrium in these countries. This hypothesis is tested against other contagion channels presented in the literature using Forbes-Rigobon contagion tests and GARCH mean-regressions measuring the impact of political events on daily changes in bond spreads. The results lend strong empirical support to the political contagion view of the EDC and contribute to the literature on the impact of political news on financial markets. This paper also provides a coherent explanation for the failure of the bailout approach to financial crises in preventing contagion. In the absence of a credible economic policy framework, bailouts are no magic bullet to restore market confidence and can, at best, only provide short-term relief.

The argument is structured as follows. Section 2 will provide a brief review of the existing literature on contagion. Section 3 will introduce a political economy model of contagion and present the econometric meth-

Contagion in Financial Crises

Typology of Contagion Models

Financial crisis models can be roughly but usefully divided into two categories. The first generation of models emphasize macroeconomic fundamentals in the tradition of the seminal balance-of-payments crisis model developed by Krugman.³ Although this is a currency crisis model, the general idea can be applied to other types of crises: the villain of the story is a government that enters an external financial commitment that stands at odds with its subsequent macroeconomic policies. The idiosyncrasies of financial markets or political decision-making do not play any significant role in this type of model. Emanating from work by Drazen and Masson, Obstfeld, and Eichengreen and Jeanne, second-generation models emphasize the indeterminacy of the final outcome, that is, the presence of multiple Nash equilibria—in stark contrast to the first-generation model considered above.⁴ Multiple equilibria are generated by the interaction between investor expectations and politicians' constant reassessment of the costs and benefits associated with their policies. Hence, crises can be self-fulfilling and can affect economies with relatively sound fundamentals and policies. Economic fundamentals can nevertheless play a passive role in this type of model by putting a country in the "crisis zone," i.e. fundamentals need to be bad enough to put the country in a situation where it becomes susceptible to a self-fulfilling investor panic.⁵

The dichotomy in financial crisis modelling between fundamentals and self-fulfilling dynamics has also shaped the literature on contagion.⁶ Accordingly, the definition of contagion itself has been subject to disagreement. Whereas a broad definition of contagion as the transmission of negative market movements, paired with increased volatility in currency, bond, or equity markets across different countries is widely accepted, controversy has focused on the distinction between "true" or "shift"-contagion and interdependence effects.⁷ Shift-contagion, as defined by Forbes and Rigobon, refers to a significant increase in cross-market linkages after an initial shock. This is a much more restrictive definition than those used in previous studies, where simultaneous asset-price crashes across different countries were seen as contagion, even

if the correlation coefficients between these markets remained stable or declined. “True” contagion would thus have a measurable, negative effect of its own, over and above the continuing effects of normal interdependence between two economies. Although Forbes and Rigobon explicitly avoid associating shift contagion with any specific transmission channel, the logical implication from the preceding discussion is that this type of contagion, if reflected in the data, cannot be explained solely by economic fundamentals (normal interdependence) but reveals the workings of other transmission channels of the type emphasized in multiple-equilibrium models. We might thus conclude that fundamentals-driven contagion only supposes continuing negative co-movement between markets, whereas contagion driven by the idiosyncrasies of financial markets and/or political processes supposes an increase in the co-movement between markets. Although other econometric methods than the popular Forbes-Rigobon correlation-covariance approach have been developed, Dungey et al. have demonstrated the high degree of conceptual similarity between these approaches.⁸

The distinction between shift contagion and normal interdependence is particularly important for the following analysis since one could otherwise argue that any ordinary signs of contagion in an area as highly integrated as the Eurozone would merely reflect strong economic interdependence. Yet using the criterion of shift contagion, that is *increasing* cross-country correlations, this objection becomes irrelevant, since the level of prior interdependence is controlled for through the existing level of cross-country correlations of asset prices. An increase in correlations would thus be a robust indicator of contagion, even between economically interdependent country pairs, and is the definition used in this paper.

Existing Political Economy Models of Contagion

Two sets of political economy models have been developed to explain contagion. The first has been dubbed “membership contagion” by Drazen and is chiefly concerned with international politics.⁹ It was meant to explain contagion in the 1992 ERM crisis and its focus is specifically on currency unions and weaker forms of fixed-exchange-rate clubs. The originality of this model is that the government’s cost-benefit function, which guides the decision whether to defend its prior commitment (in this case to a fixed parity), incorporates a purely political objective as opposed to economic objectives like employment.¹⁰ This objective is captured by the parameter Z , the value of pertaining to the club. The macroeconomic cost a government incurs in the form of the loss of independent monetary policy is seen as a membership fee, paid in order to

achieve long-term political benefits. Now, suppose an exogenous shock affects an important member of this club, leading the latter to leave. If this member is important, it may significantly lower Z , the value of being a member of this club, for other countries. Knowing this, investors will place increasing speculative pressure on these countries. This leads to a simultaneous expansion in the governments' cost functions and a contraction in their benefit functions—thus, the currency peg falls in one country after another. A second political economy approach is based on the seminal work of Alesina and emphasizes domestic party politics as a contagion channel.¹¹ Building on the idea that financial markets might fear the election victory of a left-wing party susceptible of diverging from the previous economic policy consensus, Miller, Thampanishvong, and Zhang¹² demonstrate how the risk premiums on Brazilian sovereign debt moved together with opinion polls predicting the election victory of Luiz Inácio Lula da Silva, thus transmitting market fears of a potential Brazilian restructuring after the resounding Argentine default of 2001.

Drazen's model of membership contagion is not, strictly speaking, applicable to the EDC given that no member country has yet left the Eurozone. It is nevertheless relevant as it introduces the idea that international political interdependence can have an impact on financial markets in crisis periods. This feature distinguishes Drazen's model from more traditional "political" approaches that have, similar to Alesina et al., focused almost exclusively on the impact of domestic electoral politics on financial markets.¹³

Overall, existing contagion models have mainly focused on currency crises in developing countries and are thus ill-suited to explain the contagion of a sovereign debt crisis in a monetary union of developed countries. In addition, there is a lack of systematic attention in conventional models to the contagious dynamics beckoned by inter-state negotiations.

A Political Economy Model of Intra-Eurozone Contagion

How can we make sense of the interaction between politics and markets in a monetary union? Lifting the unrealistic assumption of the state as a unitary actor, governments can be seen as brokers between domestic interest groups and other member governments of the union. Governments are thus simultaneously negotiating at two "tables," an international and a domestic table—a configuration that fits Robert Putnam's two-level game approach.¹⁴ At the international table, a peripheral Eurozone government under market pressure will try to use the fact that domestic

pressure is constraining its win-set (i.e. that it cannot push austerity measures above a certain threshold in the interest of domestic stability) in order to convince other members to lend their assistance in the form of bilateral guarantees, rescue mechanisms or looser monetary policy. At the domestic table, the government is able to use international pressure and support as an argument vis-à-vis its constituency for enduring deflation and honouring the international commitment in the form of debt repayment. A government will renege on its external commitment if domestic ratification becomes impossible—what Putnam calls “involuntary defection.”¹⁵ Conversely, a core or creditor Eurozone government will put forward its domestic political constraints in order to limit its costs at the international table while emphasizing its own international commitment to EMU and their peripheral partners’ austerity efforts at the domestic table. When a peripheral government has lost its ability to pay (e.g. Greece, Ireland), the political willingness to pay of the monetary union’s core countries becomes market participants’ chief concern. Will these better-off members be prepared to pay the economic costs of higher inflation or fiscal transfers necessary to restore peripheral nations’ ability to pay and/or to avoid involuntary defection on the part of crisis countries? If investors are in doubt about this, they will price-in higher default and devaluation probabilities for *all* countries depending on such goodwill and there will be a jump from a stable to a crisis equilibrium in these countries. In this perspective, domestic politics in peripheral countries only matters to markets insofar as they influence core governments’ ability to ratify rescue measures at their “domestic table.” It is argued that this political contagion mechanism was at play in the EDC: doubts about the core’s willingness to pay spread the crisis across countries (1) directly and/or (2) indirectly by lowering the perceived probability that the periphery would be willing to implement sufficiently radical austerity measures to restore its ability to pay.

Defining the Competing Hypotheses

Three competing hypotheses about political contagion and its causes can be defined. First, the null hypothesis:

H₀: There is no evidence of political contagion in the EDC.

The null hypothesis (H₀) would be verified (1) if tests for contagion yielded insignificant results or (2) contagion was not closely associated with specific political events predicted by the alternative hypothesis

H1: Cross-country contagion in Eurozone sovereign debt followed political events or announcements that indicated an insufficient willingness to pay on the part of the Eurozone's core countries.

The competing hypothesis:

H2: National elections or other domestic political signals creating uncertainty about the willingness to pay of a peripheral country had the biggest impact on sovereign spreads.

H2 is grounded in the second political economy model presented in Section 2.¹⁶ If this approach bore explanatory power for Eurozone contagion, one would expect significant negative co-movements in sovereign bond spreads in response to and/or anticipation of victories of left-wing candidates, or, to give this idea greater extension, of candidates who could be conceivably seen as having a preference to renege on the debt accumulated by their predecessors. Examples include: the election of PASOK candidate George Papandreou in Greece in October 2009, and the election of Fine Gael (centre-right) candidate Enda Kenny in Ireland in February 2011.

Testing the Impact of Political News on EDC Contagion

Two econometric tests are used to test these hypotheses. In the following, the modelling technique, variable selection, and data sources will be presented and explained separately for each test.

Test 1: Correlation Analysis of Sovereign Bond Spreads Measuring Political Contagion

The first test is a correlation analysis of sovereign bond spreads between Greece, Ireland, Portugal, and Spain. Building on the Forbes-Rigobon framework mentioned in Section 2, the idea is to compare co-movements of sovereign spreads before and after a political event. An increase in cross-country co-movements immediately following a significant political event/announcement will be interpreted as evidence for political contagion. For H0 to be rejected, two further conditions are added in this study: (1) an increase in volatility and (2) falling bond prices in the immediate aftermath of the political event. Using this model thus implies

adopting a very restrictive view of contagion as an effect over and beyond simple economic interdependence.

I will use Dungey's formulation of the Forbes-Rigobon contagion test within an OLS regression framework to test for changes in market co-movements. In this framework, a scaling parameter is introduced to correct for heteroskedasticity.¹⁷ An alternative to this adjustment would be to use ARCH/GARCH class models, but these fail to achieve convergence due to the relatively small number of observations (forty instead of 638 for the entire time series). Two regression equations are estimated for the pre- and post-event periods, respectively, between the six country pairs under study (between Greece, Ireland, Portugal, Spain):

$$\begin{aligned}\left(\frac{y_t}{\sigma_{y,t}}\right) &= \alpha + \beta_1 \left(\frac{x_t}{\sigma_{x,t}}\right) + \varepsilon_{x,t} \\ \left(\frac{y_{t+1}}{\sigma_{y,t+1}}\right) &= \alpha + \beta_2 \left(\frac{x_{t+1}}{\sigma_{x,t+1}}\right) + \varepsilon_{x,t+1}\end{aligned}$$

where y_t and x_t represent the ten-year bond spreads for two peripheral Eurozone countries pre-event, and y_{t+1} and x_{t+1} represent the same data series post-event; α is a constant and an error term. The standard deviation, σ , is a measure of the respective pre- and post-event volatility and acts as a scaling parameter that adjusts for heteroskedasticity.¹⁸ Heteroskedasticity arises when the variance of random variables changes over time; in financial crises, volatility as measured by the standard deviation of asset returns naturally increases, which would bias the post-event coefficient upward. Finally, the regression parameters β_1 and β_2 measure the co-movement of y_t and x_t and y_{t+1} and x_{t+1} , respectively. The first condition for contagion as defined above, i.e. an increase in cross-market co-movements, is thus satisfied when:

$$\beta_2 > \beta_1$$

Following Rigobon and Rigobon and Dungey et al. the Fisher transformation is used to test for the significance level of $\Delta\beta$ ¹⁹

$$z = \frac{\frac{1}{2} \ln\left(\frac{1+\beta_2}{1-\beta_2}\right) - \frac{1}{2} \ln\left(\frac{1+\beta_1}{1-\beta_1}\right)}{\sqrt{\frac{1}{N_{t+1}} + \frac{1}{N_t}}}$$

where N represents the respective sample sizes of the pre- and post-crisis periods and z is the test statistic. The other two conditions for contagion can be stated as:

$$\sigma_{t+1} > \sigma_t$$

and

$$\Delta(y) \geq 0$$

where σ_t and σ_{t+1} are measures of pre- and post-event volatility and $\Delta(y)$ stands for the change in spreads after the event. The pre- and post-event observation periods are defined as twenty trading days. This time horizon ensures a sufficiently large sample size to yield significant results, while at the same time, being short enough not to water down the effect of the initial event.

Spreads—i.e. the difference in yields to maturity between a bond and its risk-free benchmark (the equivalent German bond)—on ten-year, straight sovereign bonds issued by the central governments of Greece, Ireland, Portugal, and Spain will be used as response variables. Using spreads instead of raw bond prices, yields, or holding period returns, presents two advantages. First, it adjusts for business cycle effects by eliminating the time-value component of the yield. Second, by implication, the spread reflects the risk premium required by investors and is thus a direct, clean measure of a country's perceived riskiness.²⁰ Daily quotations of these spreads are used for higher accuracy when measuring the direct impact of individual political events or announcements. Finally, ten-year rather than shorter maturities are used because they are more susceptible to reflect bondholders' long-term political-economic concerns about the robustness of the Eurozone and the willingness to pay of the sovereigns under study and/or their Eurozone partners.

The explanatory variables are different types of political events or announcements collected from the *Financial Times London* archives between January 2009 and June 2011 through the Nexis Database. Co-movement tests will be run following seven events which can be grouped into three categories: (1) signals emanating from the Eurozone's core raising doubts about its willingness to pay, (2) elections or votes in individual periphery countries, and (3) important macroeconomic news releases. The maximum number of events that can be studied using this test is naturally limited by two factors. First, the observation period totals forty days for each event on a total of 638 trading days. Second, the test only works for events that do not coincide closely with another type of important event, e.g. an important election coinciding with an EU summit. Its results are thus best interpreted as comparative, quantitative case studies.

The second test is a series of GARCH/EGARCH regressions estimating the high-frequency impact of different types of political events on the ten-year sovereign bond spreads of Greece, Spain, Portugal and Ireland. Given that the observation horizons are comparatively long in the first test (forty days), the incidence of an important number of minor events and announcements fall below the radar and short-run impacts of political announcements are not measured. The second test shortens observation horizons and increases the number of political events under study and thus fulfils two functions. First, it acts as a check for the omitted variable bias in the first test. If the GARCH regressions do not find the same categories of political factors to have had the strongest impact on spreads across countries, this would be strong evidence for a heavy omitted variable bias in Test 1, and vice-versa. Second, the aim of this test is not to measure contagion per se, but to find out what types of political events had the most profound impact on sovereign borrowing costs. Did markets only listen to the German finance minister or were they sensible to announcement of steep austerity measures in individual peripheral countries? Did strikes in Greece have an impact on Portuguese and Spanish spreads? It thus considerably enriches the analysis by giving more detailed and systematic information on a broader set of political variables. Similar tests for the impact of political risk factors, such as uncertainty over elections, or institutional variables, such as the number of veto players, have found significant effects of political risk factors on bond markets, but have only focused on emerging markets.²¹

All four time series are characterised by volatility clustering and ARCH effects as evidenced by statistically significant autocorrelations as well as skewness and kurtosis (Figure 2), thus making GARCH the optimal choice since it allows for time-varying volatility).²² This choice is consistent with the recent econometric literature on the impact of politics on financial markets.²³

In order to ensure stationarity of the time series, the response variable is defined as the daily change in ten-year bond spreads instead of the raw spread. The explanatory variables are, again, different categories of political events/news selected from the same sample of *Financial Times London* articles as in Test 1 and coded as dummy variables.

1. Positive news from the Eurozone-core (indicating willingness to pay/support the periphery).
2. Negative news from the Eurozone-core.

3. National austerity measures (coded for each of the four countries under study).
4. Negative news from individual periphery countries (indicating lack of willingness to pay or increasing risks of involuntary defection) such as elections (evaluated on a case-by-case basis), parliamentary votes, political crises and strikes (coded for each of the four countries under study).
5. Index of global investor confidence (continuous, interval-level control variable).
6. Rating downgrades (dummy control variable).

Credit rating downgrades are used as a country-specific control variable. Steiner and Heinke²⁴ have, inter alia, demonstrated the significant effects of rating downgrades on Eurozone bond prices, thus making rating downgrades a potentially powerful control variable.²⁴ Of course, a problem remains because ratings already incorporate political information; yet, if anything, this only contributes to *underestimating* the impact of the political information measured. The GARCH mean equation then takes the form:

$$y_t = \eta + \sum \beta_i x_{it} + \beta_c x_{ct} + \beta_r x_{rt} + \varepsilon_t$$

where y_t is the daily percentage change in spreads, η the intercept, β_i the regression coefficients for the political explanatory variables, β_c the coefficient for global investor confidence, and β_r the coefficient for rating downgrades. ε_t is an error term satisfying $\varepsilon_t \sim N(0, \sigma_t^2)$. I use the mean rather than the variance equation since the sign of the coefficients (the direction of the change in spreads) and the predicted magnitude of the change in spreads coinciding with a specific political event have a more direct relevance to the research question than volatility. Volatility could even be a misleading indicator in the context of the EDC given that some of the most important volatility spikes were associated with falling spreads.

Following the Portmanteau white noise test results presented in Figure 3, GARCH (1,1) models are estimated for the daily changes in Greek and Portuguese spreads. A GARCH (1,2) model is most efficient for Spain. For Ireland, only an EGARCH (1,1) model allowing for asymmetric shocks to volatility rejects the null hypothesis of no autocorrelation.

Forbes-Rigobon Contagion Test

The results of the first test are reported on the next page. The three criteria for contagion, defined in Section 3.2:

$$\Delta(y) \geq 0$$
$$\sigma_{t+1} > \sigma_t$$
$$\beta_2 > \beta_1$$

are satisfied after four events, thus allowing the rejection of the null-hypothesis of no political contagion. For the other four events, the results of the Forbes-Rigobon test are not reported given their lack of analytical value when the first two conditions are not met. If spreads fall or do not rise significantly and volatility recedes across the Eurozone periphery, as was the case after the Greek and Irish elections as well as, surprisingly, after the announcement of a Greek budget deficit double the assumed number in October 2009, there is no case for contagion. In contrast, and confirming H1, spreads, volatility, and cross-country correlations increased after announcements from the Eurozone’s core suggesting to markets a weak willingness to pay. None of the above ensued in the aftermath of the Greek or Irish elections, as would have been predicted by H2. The only national political event on the periphery with serious contagious consequences was the Portuguese parliamentary vote rejecting further austerity measures in late March 2011 that led Prime Minister Socrates to announce his resignation.

Contagion Test Results

29/03/10: IMF talks, uncertainty over Greek bailout (from Datastream)				
	Greece	Spain	Portugal	Ireland
Volatility pre	12.99	2.82	7.43	5.57
Volatility post	82.91	7.06	28.71	11.34
Δ in spreads	93.6%	38.5%	79.2%	27.4%
Δ in β	Greece	Spain	Portugal	Ireland
Greece	-	0.33***	0.177***	0.156*
Spain	0.33***	-	0.41***	0.294***
Portugal	0.177***	0.41***	-	0.245***
Ireland	0.156*	0.294***	0.245***	-

27/10/10: EU summit announces haircuts (from Datastream)

	Greece	Spain	Portugal	Ireland
Volatility pre	62.33	11.45	36.29	24.31
Volatility post	57.07	19.77	47.07	62.38
Δ in spreads	26.5%	38.4%	35.3%	41.0%
Δ in β	Greece	Spain	Portugal	Ireland
Greece	-	0.166**	0.302***	0.115**
Spain	0.166**	-	-0.02	0.103*
Portugal	0.302***	-0.02	-	0.164***
Ireland	0.115**	0.103*	0.164***	-

06/12/2010: German rejection of E-bonds (from Datastream)

	Greece	Spain	Portugal	Ireland
Volatility pre	16.73	30.70	36.81	42.71
Volatility post	34.80	9.28	32.86	44.05
Δ in spreads	9.3%	15.7%	26.2%	14.9%
Δ in β	Greece	Spain	Portugal	Ireland
Greece	-	0.467**	0.05	0.473***
Spain	0.467**	-	0.627***	-0.13
Portugal	0.05	0.627***	-	0.249*
Ireland	0.473***	-0.13	0.249*	-

23/03/2011: Socrates loses austerity vote (from Datastream)

	Greece	Spain	Portugal	Ireland
Volatility pre	31.88	12.43	15.74	18.85
Volatility post	57.80	14.59	73.07	43.66
Δ in spreads	19.1%	25.2%	47.0%	-0.1%
Δ in β	Greece	Spain	Portugal	Ireland
Greece	-	0.848***	0.278**	-0.61
Spain	0.848***	-	0.995***	-0.07
Portugal	0.278**	0.995***	-	-0.38
Ireland	-0.61	-0.07	-0.38	-

*Significant at the 90 per cent level

**Significant at the 95 per cent level

***Significant at the 99 per cent level

(from Datastream)

04/10/09: Greek general election					22/02/11: Irish election			
	Greece	Spain	Portugal	Ireland	Greece	Spain	Portugal	Ireland
Volatility pre	9.10	5.21	6.30	9.62	33.20	13.49	27.93	11.63
Volatility post	3.49	4.45	5.55	5.04	32.98	11.31	15.36	17.50
Δ in spreads	0.8%	-23.0%	-24.5%	-12.3%	3.3%	-13.2%	5.3%	9.8%
20/10/09: Greek deficit double the assumed number					19/02/09: Steinbrueck support for Eurozone			
	Greece	Spain	Portugal	Ireland	Greece	Spain	Portugal	Ireland
Volatility pre	5.33	4.65	3.89	7.27	24.57	11.57	18.65	22.75
Volatility post	6.15	1.97	1.93	3.53	12.02	7.35	5.88	11.25
Δ in spreads	9.0%	-6.8%	-11.8%	-6.5%	-6.7%	-19.8%	-7.7%	7.8%

These results are thus consistent with the predictions of the two-level game political economy approach developed in the previous section. When EU-level talks in March and October 2010 revealed the Eurozone's core countries' lukewarm willingness to pay (IMF involvement, German hesitation and the announcement of haircuts that was later amended to exclude existing bondholders) investors not only sold Greek bonds but also Spanish, Portuguese, and Irish bonds, which were deemed to be similarly dependent on the core's willingness to pay. The magnitude of the ensuing increase in spreads is significant by any standards, with a staggering increase of 79.2 per cent in Portuguese spreads in the twenty trading days following the announcement of IMF involvement in a potential Greek bailout. The increases in cross-country correlations after the first three events are both broad and strong across country pairs, and are statistically significant for most pairs (marked in blue). Results from the fourth event, the failed austerity vote in the Portuguese parliament and the ensuing political crisis that preceded Portuguese bailout talks, are also consistent with the predictions of the two-level game approach. The question this vote answered for markets was not whether Portugal was willing to pay—it became increasingly clear it could not—but whether it was politically able to implement austerity measures tough enough to satisfy core countries' domestic opposition to further bailouts. Only this interpretation can explain why correlations increased dramatically with Spanish and Greek spreads but decreased with Irish spreads. Perceived as having taken sufficiently harsh steps towards austerity, free from riots, and boasting a newly elected government, Ireland effectively decoupled from the Southern periphery. On the other hand, the perceived proximity in political culture and social tolerance levels towards austerity in the former three countries can explain why the Portuguese domestic crisis

increased the level of political risk priced into Spanish and Greek bonds. Yet, the events that should have spread contagion following Alesina and Miller et al., like the Greek or Irish general elections, both rightly anticipated to be respectively won by a left-wing party (Greece) and a party that had been campaigning on renegotiating bailout terms (Ireland), did not have any contagious effects and only led to slightly rising spreads in the countries concerned.²⁵ The last event to be reported is the former German finance minister's initial support for the periphery in February 2009. This case is interesting, not for its contagious properties (spreads and volatility fell), but because it is a positive signal from the Eurozone's core creditor country and thus has some counterfactual properties if compared to the three negative contagion shocks reported. Confirming the preceding analysis, volatility was roughly halved across the periphery and spreads fell following this event, except in the case of Ireland.

High-Frequency Impact of Political News on Periphery Spreads (Garch Model)

The GARCH regression results reported below reveal remarkable regularities. The two "core" variables are significant while country-specific variables are almost always insignificant or do not have the expected sign, e.g. Greek austerity measures leading to *rising* spreads. These results are very strong evidence against H0 and H2. In essence, these results imply that only some categories of political events appear to matter to investors. German and EU-level politics seemed to have a stronger (large and systematic) and broader (greater number of countries affected) impact on Eurozone bond markets, while national austerity measures, strikes, and elections failed to cause significant market responses. Bearing in mind that the mean daily change in spreads over the test period lies around 0.0035 for the countries under study, the reported coefficients for the variables "Core positive (negative)" imply that whenever a core event occurred, it explained, on average, all of the daily change in peripheral spreads. The GARCH/EGARCH regression results thus confirm the results from the Forbes-Rigobon test.

GARCH Regression Results (Raw data by Datastream)

Greece			Spain		
Dependent variable: daily Δ in spreads			Dependent variable: daily Δ in spreads		
Variable	Coef.	p-value	Variable	Coef.	p-value
Core positive	-0.01437	0.006	Core positive	-0.03815	0.000
Core negative	0.01114	0.008	Core negative	0.02427	0.004
Austerity	0.01315	0.045	Austerity	0.01348	0.348
grepolneg	-0.00897	0.023	grepolneg	-0.01307	0.081
esppolneg	0.01309	0.022	esppolneg	0.02002	0.140
porpolneg	-0.00339	0.626	porpolneg	0.00152	0.913
irepolneg	-0.00327	0.810	irepolneg	-0.00337	0.917
Ratings	0.01383	0.018	Ratings	-0.02130	0.350
Global-Macro Index	-0.06350	0.000	Global-Macro Index	-0.12010	0.000

Portugal			Ireland		
Dependent variable: daily Δ in spreads			Dependent variable: daily Δ in spreads		
Variable	Coef.	p-value	Variable	Coef.	p-value
Core positive	-0.03309	0.000	Core positive	-0.01893	0.005
Core negative	0.01315	0.070	Core negative	0.01513	0.047
Austerity	-0.00156	0.931	Austerity	0.02015	0.027
grepolneg	-0.01390	0.047	grepolneg	-0.02024	0.000
esppolneg	0.01392	0.195	esppolneg	0.01389	0.175
porpolneg	0.01880	0.522	porpolneg	0.00837	0.715
irepolneg	-0.00840	0.670	irepolneg	-0.00421	0.785
Ratings	0.01433	0.287	Ratings	0.00515	0.432
Global-Macro Index	-0.08122	0.000	Global-Macro Index	-0.04963	0.000

In analyzing the problem of what factors could explain the cross-country contagion of the EDC, this paper has demonstrated that political decisions and announcements from the Eurozone core suggesting a weak willingness to pay for peripheral Eurozone members spread the crisis across the periphery. The empirical support for this view leaves little room for ambiguity. Ironically it implies that while the very purpose of bailouts was to prevent intra-Eurozone contagion, the political indecision that accompanied these bailouts in the Eurozone creditor countries considerably worsened the crisis. Another finding of this study is that austerity measures in individual periphery countries had no significant impact on spreads. Domestic politics in peripheral countries were only relevant to markets insofar as they could be seen to have a material influence on core governments' ability to convince their national constituencies of the need for further rescue measures.

The strong evidence for political contagion, despite the use of the restrictive Forbes-Rigobon framework, challenges the predominantly economic focus of conventional contagion models and has direct and profound policy implications. While the fear of contagion has been used to justify the bailout approach to financial crises since the 1990s, the existence of political contagion cautions that a bailout in itself is a vain effort if it is not accompanied by a firm, clear, and ultimately credible political stance by the lender of last resort. ■

Tables and Figures

Fig. 1. Ten-year Sovereign Bond Spreads over German Bunds, Onset of the Crisis (Datastream)

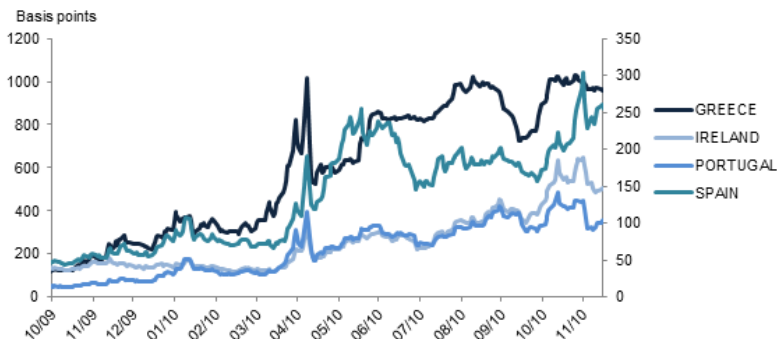
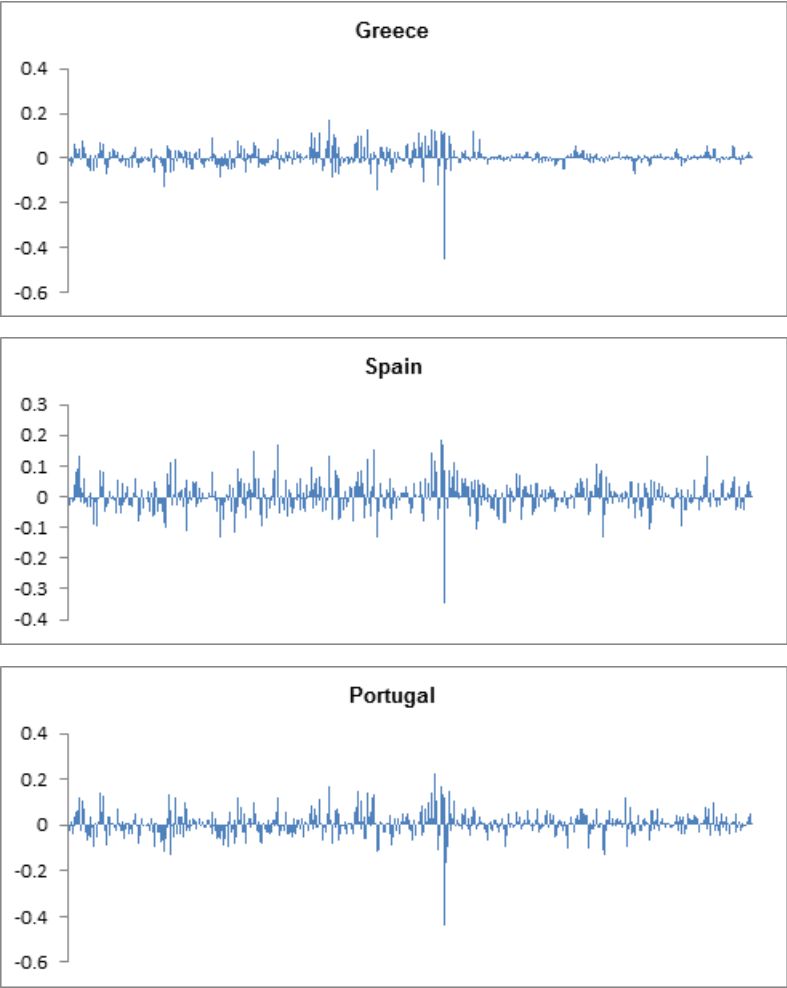


Fig. 2. Volatility Clustering and Summary Statistics

Summary statistics

Daily Δ in spreads	Greece	Spain	Portugal	Ireland
Observations	638	638	638	638
Mean	0.00378	0.002748	0.004709	0.003508
Std deviation	0.040346	0.04717	0.050955	0.037211
Skewness	-1.7693	-0.27649	-0.60844	-0.78326
Kurtosis	29.22189	8.449831	12.75102	15.84605
Autocorr*	0.2651	0.2726	0.3327	0.3676

Ljung-Box test for 50 lags, reported only for lag 1 (strongest for all countries at 0.01 level of significance)



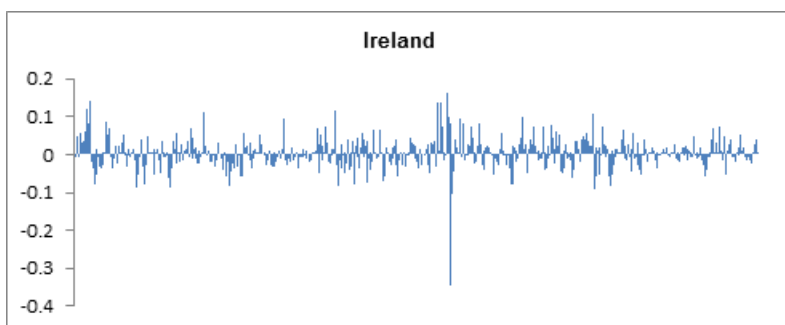


Fig. 3 Model Fit

Model fit - Portmanteau white noise test					
Daily Δ in spreads	GARCH(1,1)	GARCH(1,2)	GARCH(2,2)	GARCH(3,3)	EGARCH(1,1)
Greece					
Q	40.0635	42.8282	44.9524	57.1579	N/A
Prob > $\chi^2(40)$	0.4674	0.3508	0.2722	0.0384	N/A
Spain					
Q	47.3941	39.5722	46.9343	62.9471	N/A
Prob > $\chi^2(40)$	0.1965	0.4894	0.2095	0.0118	N/A
Portugal					
Q	37.9678	N/A	66.93	87.7337	N/A
Prob > $\chi^2(40)$	0.5621	N/A	0.0048	0	N/A
Ireland					
Q	65.3807	64.9683	88.5582	99.2949	51.1156
Prob > $\chi^2(40)$	0.0069	0.0075	0.0000	0.0000	0.1119

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Community-Based Distribution of Family Planning Services in Humanitarian Settings: Identified Need and Potential from Malakal, South Sudan

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ABSTRACT

Displacement can increase people's desire and need for family planning while they simultaneously experience barriers to access. While community-based approaches to the distribution of family planning methods have been well-established and documented in other development contexts since the 1970s, limited documentation exists for community-based distribution (CBD) of contraceptives in humanitarian settings. The Women's Refugee Commission and American Refugee Committee (ARC) implemented a pilot project on CBD of family planning services in Malakal, South Sudan, to examine whether CBD is applicable and feasible in a humanitarian setting and would enhance people's access to and use of contraceptives. Through close consultation with the United States Centers for Disease Control and Prevention, the project was implemented from May 2010-August 2011 in three administrative units in Malakal with a total population of 79,700. In August 2011, a process evaluation was conducted, consisting of a household survey, focus group discussions, in-depth interviews, and a review of routinely collected data. Qualitative data showed community openness to CBD. Current demand for family planning services appeared to be driven by changing circumstances, including lifestyle changes. Respondents did not naturally link conflict to challenges in obtaining family planning services. Analysis of routinely collected

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Introduction

Under international human rights law, access to family planning is a human right¹ and neglecting family planning can have serious health consequences.² Studies on funding trends³ and global policies⁴ from the Reproductive Health Access, Information and Services in Emergencies (RAISE) Initiative have shown that family planning in crisis-affected settings has been largely overlooked. At the field level, the paucity of global policies and funding for family planning has been reflected in the lack of services in several internally displaced person (IDP) camp settings.⁵ Documented by McGinn et al., cross-sectional baseline studies in three conflict-affected settings in 2007-2008 found between 12 per cent and 35 per cent of women having unmet need for contraception.⁶ The adequate provision of family planning services in humanitarian settings is often hindered by the collapse of health systems, lack of trained staff, and logistical barriers, such as conflict-related insecurity and damaged or non-existent infrastructure.⁷

In development settings, community-based approaches to the distribution of family planning services have been well-established and documented since the 1970s. According to Phillips et al., where contraceptive prevalence is low, CBD can have an impact on knowledge and preferences.⁸ Prata et al., further note that CBD is recommended in rural communities and isolated urban contexts because it offers accessibility, convenience, and affordability to clients.⁹ Despite the wealth of knowledge and research in development settings, limited documentation exists for CBD in humanitarian settings.¹⁰ The purpose of this paper is to describe the findings from a process evaluation of a pilot project on CBD of family planning services in a crisis-affected setting in South Sudan to offer insights for future programming and provide evidence on the promises of this approach in this context.

Background

South Sudan saw the displacement of roughly 4.5 million people and the death of approximately two million through its twenty-two year con-

flict with North Sudan.¹¹ Located on the eastern bank of the White Nile, Malakal town is the capital of Upper Nile State. The predominant residents are Shiluk, with other ethnic groups such as Nuer and Dinka comprising substantial numbers.¹² The town has been historically prone to conflict: while Northern forces left with the signing of the Comprehensive Peace Agreement in 2005, intertribal conflict and the Sudan People's Liberation Army splinter groups continued to threaten the peace.¹³ Roughly 20,000 IDPs and refugees were repatriated to Upper Nile State between 2006 and June 2009.¹⁴ Following South Sudan's declaration of independence on 9 July 2011, after a referendum in January 2011, Malakal and Upper Nile State saw an influx of an additional 40,000 returnees.¹⁵

The American Refugee Committee (ARC) is an international non-profit organization that provides life-saving and local capacity-building services to refugees and IDPs in emergency and post-conflict settings around the world. ARC has been working in Malakal since 2006, strengthening reproductive health (RH) services in Malakal Teaching Hospital (MTH)—the public referral hospital for Upper Nile State—and Bam Primary Health Care Centre (PHCC). In 2009, ARC trained health staff in the provision of modern contraceptives (condoms, oral contraceptive pills (OCPs), emergency contraception (EC), injectable contraceptives, implants, intrauterine devices, tubal ligation, and vasectomy) and established family planning units in the two facilities. In 2007, contraceptive prevalence among all women in Malakal for any method stood at 3.2 per cent, and for modern methods at 1.9 per cent.¹⁶ Data from the two facilities show the most commonly chosen contraceptive method was the OCP.¹⁷

Recognizing the gap in documented evidence for CBD of family planning services in humanitarian settings, the Women's Refugee Commission (WRC), a non-profit research and advocacy organization, approached ARC to pilot a CBD approach in Malakal to examine its applicability and feasibility, as well as whether it could enhance people's access to and use of contraceptives. Malakal seemed an appropriate site for the implementation and monitoring of a pilot CBD project, given the existence of necessary family planning infrastructure, the crisis-affected nature of the town, availability of baseline data, and possibilities for referrals to MTH and Bam PHCC. Little published data on family planning was available for Malakal at pilot initiation; related literature on knowledge, attitudes, behaviours, and service statistics were limited to Darfur and other locations in North Sudan.¹⁸ The pilot project received approval from the Malakal State Ministry of Health (MOH).

The CBD approach chosen was Typology II in Phillips et al.'s classification of CBD programmes,¹⁹ given low awareness and demand, and limited reach of the facility-based services. In Type II CBD, programmes employ CBD workers who are trained to become efficient, effective, and active doorstep outreach workers, bringing services to women in their own homes.²⁰

ARC implemented the pilot from May 2010–August 2011 in three of six *payams* (administrative units), targeting a catchment population of 79,700 (see Table 1).

Table 1: Malakal County Population Figures ²¹	
Payam (administrative unit)	Population (2009)
Central Payam*	11,633
Eastern Payam*	24,037
Lelo Payam	5,743
Northern Payam	34,900
Ogot Payam	6,212
Southern Payam*	43,958
Total	126,483
*Pilot project implementation sites	

Central, Eastern and Southern *payams* were selected on the basis that no RH-related community-based activities were being offered, and the distance to the two standing facilities was relatively far. At the pilot start-up in May 2010, ARC was the sole provider of contraceptives in the three *payams*, distributing them through MTH and Bam PHCC. ARC began to distribute contraceptives through CBD in August 2010. Each *payam* was staffed with two CBD agents, who conducted household visits, provided short-term contraceptive methods—male and female condoms, combined OCPs, and EC—and referred clients for injectable contraceptives, implants, intrauterine devices (IUDs), and permanent contraceptive methods. CBD agents were selected based on their literacy level, knowledge of RH, and previous health-related experience. They participated in seven trainings and follow-up trainings on family planning, data collection, and male involvement, and were provided a monthly stipend along with non-monetary incentives, such as rain boots and bicycles. CBD agents obtained supplies from the ARC office in Central *payam*, and their work was supervised by ARC staff. ARC constructed outreach sites

(*tukuls*) mid-project to serve as fixed delivery points for the CBD agents and to reduce the travel time for them to replenish supplies. In concordance with the Government of South Sudan's family planning policy,²² all user fees were waived.

To increase demand for contraceptives, ARC also trained 18 members of a community-based organization (CBO) to become RH promoters and peer educators at pilot start-up. Criteria for selection were primarily based on literacy levels and interest. CBO staff conducted 1,892 household visits; held 61 meetings and 269 health education sessions; organised weekly shows on Radio Malakal; and referred clients to CBD agents and health facilities.

Evaluation Methodology

In August–September 2011, a process evaluation was conducted using quantitative and qualitative methods that included a household survey among women of reproductive age; focus group discussions with community men, women, and students, as well as in-depth interviews with CBD agents; and a review of routinely collected data. The US Centers for Disease Control and Prevention (CDC) provided technical advice on the methodology. CDC determined that this evaluation was public health practice; therefore, it was exempt from CDC institutional review board approval. This article focuses on the qualitative and routine data to assess implementation of the project and attitudes towards CBD of family planning services.

Focus Group Discussions

ARC and the WRC conducted focus group discussions in August 2011 to obtain perspectives on the CBD effort. A WRC staff person served to coordinate the focus group discussions. Two women and two men who spoke English, Arabic, and a local language (Dinka, Nuer, or Shiluk) were recruited from the community to be facilitators and note-takers. They participated in a 1.5-day training that reviewed roles, ethical processes, and the topic guide developed by the ARC, CDC, and the WRC. The facilitators piloted the tools among groups of women and men to ensure understanding of the questions. The team conducted twelve focus group discussions—three each with each segment— totalling thirty-five women aged 16–50, sixteen men aged 21–58, sixty-three female students aged 15–21, and twenty-nine male students aged 14–23. Adults were residents of their respective *payams*. Students were often older than usual for

their school year, as many had missed schooling during the conflict. The same guide was used for adult and student groups. Each focus group discussion lasted roughly one hour. They were held in private, quiet spaces in the community, near the clinic, or in classrooms.

Informed verbal consent was obtained from all participants, and the focus group discussions were recorded with an audio recorder. No identifying markers, including names of participants, were recorded or noted in transcription. Debriefing sessions were conducted daily, during which the facilitator and note-taker translated the discussion notes for onsite transcription by the coordinator. The recordings were played for segments where the facilitator, note-taker, or coordinator sought clarification. The audio files were deleted from the recorders after finishing the field work and transcription.

Participants for the focus group discussions were selected through convenience sampling, with the help of school teachers and CBD agents. Since no schools were located in the Eastern *payam* and the selected school in South *payam* had closed for the holidays, school teachers recruited students from three schools in Central *payam*. The teachers selected students from the last year of basic (elementary) school and all three years of secondary school based on their willingness to participate. CBD agents identified women and men from the community that lived in their respective catchment areas who they thought would be willing to participate in the focus group discussions. Two groups of participants in Central *payam* were selected from a health clinic waiting area; all other participants were selected directly from the community. Participants who were direct beneficiaries of CBD, as well as those who had not encountered a CBD agent, were selected. No payments were provided for participation.

CBD Agent Interviews

The interviews for CBD agents followed a standard format and topic guide with similar questions to those in the focus group discussion guide and a comparable consent process. Half of the CBD agents were interviewed for this evaluation. Each interview lasted roughly thirty minutes, and was conducted under trees that allowed the interviewees to be undisturbed. The focus group discussion coordinator conducted the interviews in English and took handwritten notes. The interviews were not audio recorded. No interviews or focus group discussions were implemented among the peer educators and RH promoters, given their lack of accessibility at the time of the evaluation.

The focus group discussion data and in-depth interview notes were analysed separately, by grouping findings under common themes and performing keyword searches to determine trends and to identify aberrant cases. Daily debriefings and discussions among the facilitators, note-takers, and coordinator fed into the data interpretation, especially as the facilitators and note-takers were highly knowledgeable about the local context. The focus group discussion coordinator analysed the findings and reviewed the group discussion and interview data to ensure they complemented each other.

Routine data was collected by ARC throughout the pilot to ensure effective monitoring at all levels. At the field level, RH staff kept a record of activities and weekly/monthly clinic data. Excel 2007 was used to calculate the average percentage change in the number of contraceptives distributed from month to month. The average monthly increase was calculated by summing the monthly increases and dividing by the total number of months. Links were made with the facilities to track whether an incoming client had been referred for a long-term contraceptive method by a CBD agent. Repeat users were tracked through CBD agent household visits, and weekly supervisory visits were initiated to track discontinuing users (i.e. women who stopped using RH services). CBD agents kept a small logbook of the outcomes of each household visit, which were hand-copied by ARC staff into a consolidated logbook. A second ARC staff member reviewed the information to avoid copying errors. A mid-project assessment took place in November 2011 to ensure systems were smoothly functioning and to garner feedback from the CBD agents, peer educators, and RH promoters that included their concerns about their limited salary and lack of appropriate rain gear.

Findings

The pilot project period lasted for eleven months, from August 2010 to July 2011. During that time, CBD agents conducted 2,602 household visits and distributed 8,032 condoms, 4,607 cycles of OCPs, and twenty-nine EC pills.

Focus group discussions

Overall, the focus group discussions showed that the CBD of the family planning project had less reach within the community than was intend-

ed, especially as only a handful of community members reported having encountered a CBD agent. Moreover, none of the students recalled a visit from peer educators.

Despite this, communities expressed openness to CBD and even suggested training male CBD agents and increasing peer outreach through hands-on demonstrations. Those who reported that the standing health facilities were beyond walking distance noted that CBD agents were the community's only source of health information in their remote communities. Often, their *bomas* (smaller administrative units) lacked even a dispensary. Community outreach was widely seen as necessary in informing communities about the benefits and availability of family planning methods. A female adult participant commented, "If CBD agents reach the community, they [community members] would not need to come all the way to MTH. It is easier to access contraceptives that way." A female adult participant who had encountered a CBD agent further noted, "CBD agents should continue working and assisting the community. CBD work was perfect." The value of CBD appears to have been recognised and there was general openness to this community-based approach.

Current demand for family planning services appeared to be driven by changing circumstances. Among focus group discussion participants who were aware of the concept of family planning or methods, women mentioned their changing circumstances as contributing to need. One woman said: "Long ago, the husband is not near. Now we are using a double bed. This has caused problems to women. Once you are next to him, he will not refuse, even if there is a baby sleeping with them. If the pills are available, women can prevent pregnancy." The implications of the lack of family planning options were also understood by male participants, particularly as the discussions unfolded. One man commented, "I know how to prevent myself because it is difficult to feed the children." Boys on the whole demonstrated their ability to think in the longer term. Some acknowledged the challenges of raising a family without adequate financial resources. One older male student remarked: "Family planning is something that is related to the economy. You cannot plan to marry if you are still hungry." Another noted: "You may have a girlfriend, and you are both in school. You should have a plan to use contraceptives, so that you can both study. If the girl becomes pregnant, the boy may need to pay the dowry and may not be able to go to school."

Overall, young people were the group keenest to learn about contraceptives. Girls especially seemed to understand the consequences of unwanted pregnancy and were eager to continue their education. While some were shy than others, they demonstrated interest in learning

about options, especially non-invasive methods. The most popular contraceptive method was the calendar method, as there were recurring concerns about condoms becoming stuck during intercourse. Both girls and boys eagerly requested that family planning be formally integrated into their education, especially with HIV education. The girls agreed that, “If family planning information becomes a service in the school, it will help convince the teachers and the parents [that it is important].” The focus group discussions reflected a clear interest among students to learn about and access methods.

Participants did not usually link conflict to challenges in obtaining family planning services, although insecurity was mentioned by men and male students as one factor impeding access to health services. One male student additionally noted, “Instability can prevent people from continuing to use family planning from place to place. They may think there is a programme along the way or in the place of refuge.”

Persistent barriers remained in terms of widespread acceptability of contraceptives, in particular a lack of awareness about them; fear of methods of use; and fear of stigma from husbands, peers, and leaders. One woman, reflecting a common sentiment, noted: “Husbands prevent wives from using the pill. If I want to use it, I use it in a secret way.” Other comments pertained to the benefits of larger families, including considerations for the possibility of death among children. Men typically attributed reluctance to culture, different tribal thinking, and peer disapproval. While male students were more open-minded than adult men, faithfulness to one partner was observed as a reason for not preferring to use condoms. Female students reported that parents, teachers, and in some instances the church, served as obstacles. One girl noted: “The parents can stop us from using a method [of contraception]. The teachers can also stop us from coming to school if they see a condom in our bag.” Another agreed: “The parents are a challenge. When they find out, they will consider the girl as a prostitute. She will say the girl is committing a crime.”

In-depth Interviews with CBD Agents

The CBD agents reported OCPs, implants and male condoms as the contraceptive methods most requested by clients. One CBD agent noted: “People are happy because we provide OCPs for free. Before, they had to pay ten SSPs [South Sudanese Pounds; roughly \$3.30 USD] for one cycle.” For the most part, CBD agents appeared content with their work, especially with the recognition they received from the community. One CBD agent said, “If people see me walking on the streets, they call me to come give them

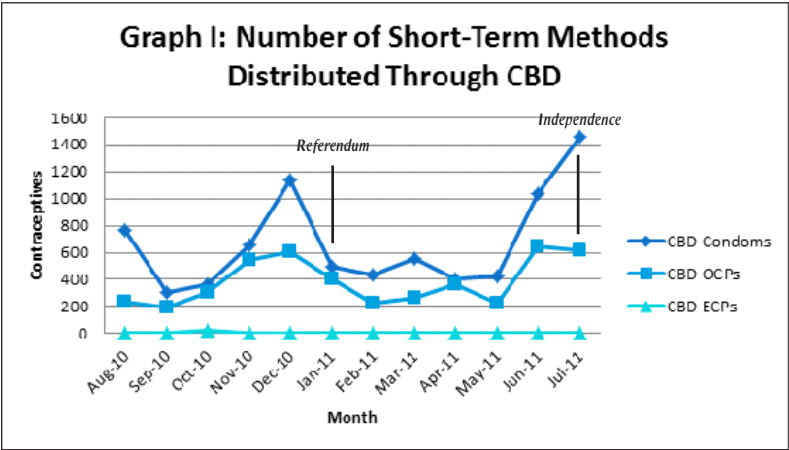
family planning supplies.” Another said: “There is a lady in the community that mobilizes women. She helps me work by gathering women over tea and encourages them to learn about family planning.”

All interviewed CBD agents lamented the limited salary and lack of latrines and water in the *tukuls*. Since the *tukuls* need to be staffed at all times, CBD agents reported the work hours were more challenging, with client walk-ins being unpredictable. Despite the challenges, one CBD agent voiced her enthusiasm for the project, “We want to learn how to do injections in the *tukuls* because right now, we refer to MTH or Bam for injections, implants, and IUDs.”

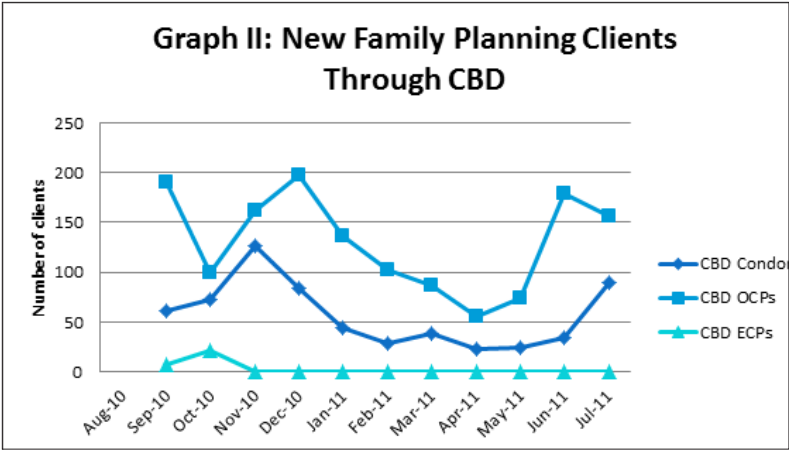
Routinely collected data

In addition to community members demonstrating need and acceptance of CBDs, routinely collected data on new clients and commodities distributed show an increase in communities’ uptake of contraceptives during the project period. Throughout the course of the pilot program, the average monthly increase in contraceptives distributed by CBD agents was 19.9 per cent. This amounted to an average increase of 21.5 per cent for condoms and 22.9 per cent for OCPs (cycles) per month. Distributions decreased in January–March 2011 (between the referendum and independence) due to insecurity in Malakal County that resulted in the suspension of household visits at its peak.

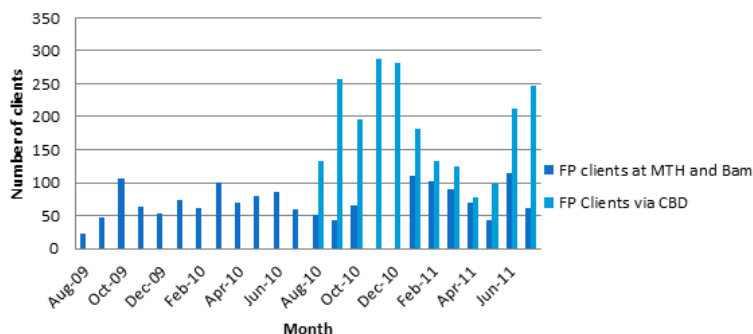
The contraceptive method most requested by new clients through CBD was OCPs. Despite EC being available through the course of the project, demand was very low. On average, a 17.8 per cent monthly increase in new acceptors of condoms and a 9.3 per cent increase for OCPs were observed. Rates of family planning uptake at MTH and Bam PHCC remained relatively constant, with an average monthly increase in client numbers of 6.3 per cent. The dips in uptake can be attributed to stock-outs of OCPs in May 2011, and the family planning units being closed for Independence Day. Thirteen clients were referred to MTH or Bam PHCC by CBD agents, according to facility record books. A spike in the number of condoms requested through CBD was observed in the month leading to the referendum and the month leading to Independence Day (Graph 1)



For users of OCPs, the number of new clients peaked one month before the referendum and before Independence Day (Graph II). Examining the mode of service delivery for short-term contraceptive methods (Graph III), the number of clients also peaked in November and December 2010 before the referendum, and in June and July 2011 for Independence Day.



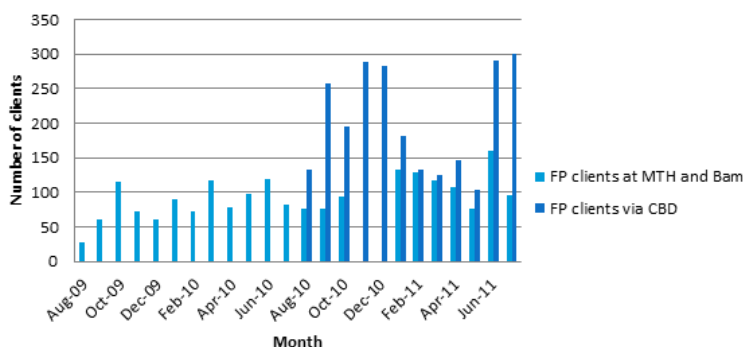
Graph III: Family Planning Clients by Mode of Service Delivery (Short-Term Methods)



**All contraceptive methods include male condoms, female condoms, OPCS (cycles), EC pills, IUDs, injectable contraceptives, implants/jadelle, and tubal ligation.

Similar patterns can be observed in the uptake at facilities and through CBD for all contraceptive methods (Graph IV). No marked difference was visible in uptake levels via the CBD effort or through the health facilities, except in July 2011 when the health facilities closed for Independence Day.

Graph IV: Family Planning Clients by Mode of Service Delivery (All Methods)**



**All contraceptive methods include male condoms, female condoms, OPCS (cycles), EC pills, IUDs, injectable contraceptives, implants/jadelle, and tubal ligation.

Feedback from participants in focus group discussions and routinely collected data suggest both a demand for and the feasibility of CBD in humanitarian settings, despite extended outreach being necessary. The community very much accepted the need for more awareness raising. Community members suggested training additional CBD agents, including males, to inform and educate men and women in a non-forceful way. They further recommended hands-on demonstrations, through peer groups and discussions at churches, health centres, markets, and other public places. Their feedback attested to the importance of community-based approaches in reaching those with compromised access, and gave voice to youth—including girls—reflecting their desire for information and services in the wake of their country's hard-won independence.

Systematic data collection on discontinuing users was a challenge, given the hurdles associated with instituting a comprehensive tracking system. CBD agents did not maintain specific records of home locations or regularly follow up with previous acceptors to know if a client discontinued contraceptive use. A client was instead considered as having discontinued contraceptive use if a CBD agent met with her at least twice and the client declined to continue using the method during the second visit. The tracking of defaulters was especially difficult as a result of the limited number of CBD agents, and the periodic suspension of services during bouts of insecurity. The effort is critical, however, and the knowledge base to address this in crisis settings should be further developed.

Uptake of family planning at MTH and Bam PHCC is still low. Data show new demand for both injectables and long-term and permanent contraceptive methods that could have further contributed to the multiplier effects of introducing a CBD component. However, the number of referrals was very small. With possible inconsistencies in noting referrals at MTH and Bam PHCC, it is challenging to distinguish direct CBD referrals from clients who sought a facility-based contraceptive method after having heard about it through a mass campaign or from a neighbour who encountered an outreach worker (i.e. indirect encounters). Data will continue to be collected over time.

Similar reasoning applies regarding observed changes to uptake of short-term contraceptive methods at the facilities. Given small fluctuations in the uptake of condoms and OCPs at MTH and Bam PHCC, it is not possible to speculate whether any continuing users switched supply delivery points from the standing facilities to the CBD agents with the introduction of CBD. Possible scenarios that could have occurred include

a decrease in facility-based uptake of short-term methods due to accessibility via the CBD agents, no change, or an increase in uptake as a result of an overall emphasis on raising community awareness.

Some lessons learned are similar to those documented in the literature. Potts et al., note several lessons learned from CBD programmes across Africa. Motivation is one critical component, where they recommend enabling CBD workers who sell contraceptives to keep all or part of the profits.²³ Given the humanitarian context of Malakal and South Sudan's family planning policy, CBD agents did not retain profits but were offered a small stipend and basic supplies for inclement weather. Since CBO staff were not interviewed, it was not possible to assess the RH promoter and peer educator perspectives on motivation and morale issues, which were initially characterised by frustrations regarding the lack of durable wear and low incentives. The CBD agents, however, appeared to be fulfilling their duties, and their morale had improved from when they were consulted during the mid-project assessment. Initially, they were also concerned with the challenges of working in Malakal's harsh climate, and more durable supplies and mentoring were provided to meet their needs. Recognition in the community seemed to have a positive impact on their motivation.

Another related lesson recognised by Potts et al., is the benefits of bringing outreach workers together to exchange ideas.²⁴ While monthly meetings were convened between CBD agents, peer educators, and RH promoters, closer coordination could have offered a medium to widen reach and coverage. Organizational capacity of the CBO posed a key challenge to the execution of the pilot project; ongoing institutional and technical support could have improved CBD agents' overall capacity.

In terms of the complexity of implementing CBD in a humanitarian setting, the heavy rainy season, with precipitation approximating 732 mm between April and October 2011,²⁵ was compounded by the volatility of the town, insecurity, supply gaps, and risks of gender-based violence, as in other humanitarian settings.²⁶ Such challenges impacted pilot implementation on a day-to-day basis. While the qualitative data did not demonstrate negative impacts of insecurity per se on the community's perceptions of family planning needs or access, this may have been because the community is accustomed to conflict and subsequent service interruptions. Routinely collected data reflect that contraceptive uptake at the facilities was curtailed by related supply shortages; OCPs were out of stock for at least three months; and injectable contraceptives had expired. The CBD effort was therefore forced to rely on a private supply chain, which increased costs overall.

Task-shifting²⁷ or task-sharing²⁸ has increasingly been discussed in the global policy arena to address the health workforce shortage, including in crisis-affected settings.²⁹ In recognition of the compounded challenges that arise during crises, the Global Health Workforce Alliance and the World Health Organization (WHO), among other agencies, issued a *Joint Statement on Scaling Up the Community-based Health Workforce in Emergencies* in 2010.³⁰ A study by Viswanathan et al., published in 2011 found that the presence of female CWHs in surveyed communities in Afghanistan was associated with a higher use of modern contraception.³¹ Hence, other crisis settings are demonstrating the feasibility of CBD. In development contexts such as Uganda,³² Madagascar,³³ and Ethiopia,³⁴ and even in post-conflict Maniema province in the Democratic Republic of the Congo,³⁵ CBD of injectable contraceptives has been demonstrated. The WHO has approved CBD of injectable contraceptives as safe, effective, and acceptable to users,³⁶ and while much more needs to be in place in Malakal before CBD of injectables can be realised, donors have lauded ARC's work and are supporting its replication in other counties throughout South Sudan. From the qualitative and routinely collected data, continued need and existing evidence from development contexts, CBD of family planning appears feasible and appropriate in this humanitarian setting to enhance access to family planning services for women, men, and young people.

Limitations

While outreach worker information was limited to CBD agents, mid-project data are available that have captured peer educator and RH promoter perspectives. However, the information is not comprehensive enough to determine the effectiveness of the peer educators or RH promoters. Study design and implementation may have also led to specific biases. Focus group discussion participation could be biased towards those with health-seeking behaviour since some participants were recruited from a health facility waiting area or were selected because they had encountered a CBD agent. However, given the limited reach and low knowledge levels of the community regarding family planning in general,³⁷ this did not appear to especially influence the qualitative data. Due to time and resource constraints, translations of the focus group discussions took place immediately following the session, with the recordings played only when questions emerged. Some possibility remains regarding missed remarks and translation error. However, every effort was made to ensure accuracy through in-depth debriefings. Due to the large size of the female student focus group discussions, it is possible that not everyone

Conclusion

From the gathered data and existing evidence from development settings, CBD approaches may be promising in humanitarian settings such as Malakal, where conducive factors for the approach exist and the need for more information and services is apparent. While extended outreach is required to further assess the value added by CBD in Malakal, the pilot project showed that CBD is feasible in a volatile setting that contemporaneously experienced conflict, a referendum, and independence. The community's openness to, and recognition of the approach, including from women and girls, is a testament to its promise, especially in a setting characterised by high maternal death. The majority of the ten countries with the highest maternal mortality ratios are experiencing or emerging from conflict. Given that fertility reduction can play an important role in reducing unintended and high-risk pregnancies, alternative models are needed to achieve Millennium Development Goal Five to improve maternal health. The United Nations Population Fund and other donors have since funded ARC to continue CBD of contraceptives in Malakal and to replicate the model in other counties in South Sudan.

At the time of manuscript editing, South Sudan experienced an eruption of conflict, with Malakal town as one of the hardest hit areas. Our collective experience has shown that family planning needs do not disappear in times of conflict; the authors hope that peace is urgently restored and that access to much needed RH services, including family planning, is enhanced for Malakal's women, men, and young people. ■

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Notes

¹ Article 16(1) of the "Convention on the Elimination of All Forms of Discrimination against Women" (CEDAW) notes that all individuals and couples have the

“right to decide on the number, spacing and timing of children.” The “Programme of Action” from the 1994 International Conference on Population and Development also notes the right of couples and individuals “to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so” (Article 7.3). General Comment No. 14, para. 12 of the Committee on Economic, Social, and Cultural Rights states that the right to the highest attainable standard of health includes the “right to be informed and to have access to safe, effective, affordable, and acceptable methods of family planning.”

² Oona Campbell and Wendy Graham, “Strategies for reducing maternal mortality: getting on with what works,” *Lancet* 368 (2006): 1284-99; Guttmacher Institute, “Facts on Investing in Family Planning and Maternal and Newborn Health: Updated November 2010 using new maternal and neonatal mortality data,” 2010, www.womencareglobal.org, <http://www.womancareglobal.org/wp-content/uploads/2012/08/Guttmacher-Facts-on-Investing-in-Family-Planning-and-Maternal-and-Newborn-Health-Nov-2010.pdf>, (accessed January 30, 2014).

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Molly Dunigan. *Victory for Hire: Private Security Companies' Impact on Military Effectiveness.*

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GUSTAV M. MEIBAUER (London School of Economics)

Molly Dunigan's seminal piece on the role of private security companies (PSCs) is already considered a classic in the field since its appearance in 2011. Her work filled a gap in the perspective on "mercenaries" on past and future battlefields, dealing in large part with the implications for sovereignty on the one hand, and international law on the other. Why review it again? Because this succinct but comprehensive analysis has important implications in a time of austerity and a future of economization that will inevitably reach modern militaries around the world. When militaries are on a tighter budget and still have to uphold military readiness in the ambitious way prescribed by national strategy,¹ they might look to outsourcing as an easy solution. As the author, a political scientist at the RAND Corporation, points out: "[E]xtensive contracting practices occur [because] it is argued to be less expensive and more efficient over a long period of time to hire a contractor to perform a soldier's job: contractors require very little to no training (and so can be deployed immediately) and require no retirement plan, pension, health care, or related long-term benefits."² Necessary budget cuts will only strengthen an existing phenomenon: "despite ever-increasing calls for increased regulation of and transparency within the industry, the historical pervasiveness of mercenarism and the modern industry's strong position vis-à-vis contracting states both indicate that the private military and security industry is here to stay for the foreseeable future."³

Thus, Dunigan's focus in this book is on the ways in which this industry influences force provision of democratic states. Her research

focuses on the United States as the primary contracting party of PSCs, which is understandable given the author's background, as well as the intensity with which the United States has made use of PSCs in the past. However, such a focus leaves out not only other Western democracies that might have had very different experiences with PSCs, but also myriad different uses that, for instance, authoritarian regimes make of both Western and non-Western PSCs.

The Western PSCs that Dunigan analyses operate in a very specific environment, namely to support humanitarian interventions, nation-building, and counter-insurgency. Dunigan sets out to study the effect PSCs have, firstly, on military effectiveness in these missions, and, secondly, on the "democratic advantage": democratic peace theory predicts democracies are more likely to win their wars because they select them more carefully due to democratic accountability. The author introduces different theoretical conceptions relevant to her research agenda, such as the literature on state theory, sovereignty, and civil-military relations, before comparing three different cases of PSC deployment: namely, as a parallel to state militaries (such as in Iraq and Afghanistan); as a stand-alone force to support foreign militaries (as in Croatia and Sierra Leone); and as in two fascinating historical cases that underline the pervasiveness of the phenomenon. These case studies are well-researched and presented inspiringly, but their heterogeneity may make one question their explanatory power in view of the fairly general lessons Dunigan draws from them.

Faced with the self-imposed task of deriving insights both for academic critics of PSCs as well as for policy pragmatists, Dunigan identifies several key concerns and a number of important lessons from her cases. Particularly, building on a fairly complex definition of military effectiveness from Risa Brooks,⁴ Dunigan finds that co-deployment of PSCs with regular military forces, due to the structural and identity problems it brings, leads to lower military effectiveness. Despite the force multiplier effect of additional well-equipped soldiers-for-hire, unclear command structures or friendly fire incidents lead to a reduction of overall responsiveness and quality of the force. However, in cases where PSCs are deployed as a stand-alone force, foreign forces benefit from their expertise. But such a situation may have other deleterious effects. Foreign nations might be hindered in the process of building their own functioning security institutions. Democratic governments can use stand-alone deployment to evade democratic accountability, because PSCs are more easily deployed than regular armed forces. Dunigan ends on a conciliatory note when she argues that, despite the fact that corporations now act as middlemen between the state and individual soldiers-for-hire, "the

state remains a prominent actor in force provision.”⁵ Rather than retreating from security provision, the state is called upon to better regulate its interaction with the PSCs it employs, whether through international and domestic law, or (to some extent) through industry self-regulation.

Dunigan goes on to translate her lessons into policy recommendations and ideas for regulatory reform. She manages the transition from theory-informed analysis to highly-policy relevant propositions in an admirable fashion: while some of her propositions remain to be spelled out more clearly and comprehensively, others have since been picked up by the responsible institutions and regulatory bodies. A number of relevant states, including the United States, have since acknowledged the Montreux Document, which deals with humanitarian law obligations vis-à-vis outsourcing, and the Human Rights Council, which has voted to establish a Working Group to recommend further regulation.⁶ One of the most interesting arguments with regards to regulation is only touched upon briefly: it may be that additional regulation proves so costly for states that, at a certain tipping point, the increased use of PSCs is rendered uneconomical. This is particularly the case if political costs are included. Already, the equation of PSCs with mercenarism in the public eye, the connotation of PSCs with breaches of humanitarian law in Iraq, and the industry’s resistance to effective self-regulation have raised the political costs of increased deployment. The use of PSCs in sensitive areas of national security has also backfired from a security standpoint. After all, the whistleblower Edward Snowden was employed by the NSA through a private contractor. Might we even see a resurgence of “outsourcing” in certain areas?

Through her focused and policy-oriented research, Dunigan hints at the shortcomings of PSCs when it comes to military effectiveness, but also at the potential for improving their contribution. As such, the author’s analysis is helpful because it may serve as a corrective to arguments that outsourcing to private contractors provides an easy answer to maintaining national security in a time of budget cuts and austerity. Her attempt to speak to two audiences, academics and practitioners, is particularly engaging when trying to supplement conceptual and theory-building research with practical implications for militaries and regulators. Security studies as an academic field can only benefit from such overarching endeavors. ■

Notes

¹ For example, the US National Strategy has for more than a decade upheld the

idea that the US Armed Forces should be able to deploy in two “major conventional regional contingencies”, in addition to counter-insurgency, anti-terrorism, and peace support missions.

² Molly Dunigan, *Victory for Hire: Private Security Companies' Impact on Military Effectiveness* (Stanford: Stanford University Press, 2011), 152.

³ Ibid.

⁴ Risa A. Brooks and Elizabeth A. Stanley, eds., *Creating Military Power: The Sources of Military Effectiveness*, (Stanford: Stanford University Press, 2007), 264.

⁵ Dunigan, *Victory for Hire*, 158.

⁶ Rain Liivoja (2012), “Regulating the Private Military and Security Industry: A Quest to Maintain State Control and Preserve Public Values,” *Leiden Journal of International Law*, 25 no. 4 (2012): 1019-1028.

James Pattison. *The Morality of Private War: The Challenge of Private Military and Security Companies*.

Oxford: Oxford University Press, Forthcoming August 2014. £55 (hbk)
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ETHAN WILLIAMS (University of the Western Cape)

In *The Morality of Private War: The Challenge of Private Military and Security Companies*, James Pattison provides an analysis of the ethical arguments for and against the use of private military and security companies (PMSCs). Crucially, he avoids the tendency in much of the work in this area to limit considerations to absolute a priori differences between public and private force.¹ Instead of focusing on problems that necessarily and uniquely apply to PMSCs and which deem the use of PMSCs as categorically impermissible, Pattison examines “presumptive” problems that can reasonably be expected to apply, as well as contingent problems that could theoretically be tackled by improved regulation of the industry. As a result, the book gives an exceptionally thorough and practically relevant account of the moral questions surrounding the privatization of military force. Ultimately, Pattison argues that the use of PMSCs can, on rare occasions, be morally permissible, but that there exist both con-

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tingent and more fundamental reasons to favour the use of public force in general. The book further argues that the rise of PMSCs indicates a need to reconsider the ethics of war and its relationship with theories of international politics and civil-military relations.

The book is divided into four parts. Part One examines the ethical issues concerning the individuals employed as private contractors. Pattison argues that a contractor can permissibly be employed to use force as long as what he calls the individual *jus ad bellum* conditions are met, which include the need for the combatant to have the right intention in fighting and for the just cause of the specific operation in which the individual takes part. In Chapter Two, Pattison repudiates arguments intended to establish the outright impermissibility of contractors using force. Chapter Three outlines the requirements that must be met in order for the use of force by contractors to be acceptable, incorporated within a reformulated Just War Theory. The book proposes several modifications to Just War Theory that reflect an individual-centric approach in place of the traditional statist, collectivist approach espoused by writers such as Michael Walzer.² The merits of an individual's specific contribution to a conflict are held to determine the permissibility of their participation. The author argues that since contractors have greater freedom than regular soldiers to decide which conflicts they take part in, a greater level of certainty is required on their part that a particular operation is just in order for their participation to be acceptable. Revisionists may contest the moral significance of the role-based duties of the public military that Pattison uses to ground this distinction. Nevertheless, the suggested approach to Just War Theory itself will appeal to those who favour a more nuanced account of the moral liability of combatants, particularly relevant in contemporary warfare where authority structures are becoming increasingly fragmented in the context of the increasing prominence not only of PMSCs, but also of loosely united rebel forces and drone warfare.

Part Two addresses the ethical issues surrounding the employment of PMSCs: first, whether the use of PMSCs is morally permissible (Chapter Four), and second, whether other forms of organizing military force are preferable (Chapter Five). The framework used in this assessment is termed the "Cumulative Legitimacy Approach" to the legitimacy of the military. It holds that the primary factor determining the moral value of a particular form of military organization is its likely effectiveness at fighting just wars. According to this approach, the legitimacy of the military is not necessarily threatened by the employment of PMSCs, since conceivably a PMSC may contribute effectively to a just war. Here, however, Pattison introduces the fundamental problem with PMSCs that grounds the majority of the book's central objections: the "Problem of Private

Choice.” As private actors, PMSCs can choose not to provide their services on a particular occasion or fail to deliver on contractual promises. This is contrasted with public forces, which are subject to the authority structures of the military and directly share the overarching goals of political decision-makers rather than picking and choosing which missions to undertake. The likely effectiveness and resulting legitimacy of PMSCs is therefore lower than that of a public army. Readers may question Pattison’s reliance on the efficacy of public military authority structures, and therefore the differentiation drawn between the likelihood of public and private soldiers failing to carry out orders, particularly in the context of weak states in the developing world. However, the fundamental differences between private markets and public institutions, in terms of their likelihood of fulfilling the wishes of the governing political body, certainly raise concerns over the ongoing legitimacy of a privatized military.

Perhaps the book’s foremost contribution to the normative discourse surrounding private military force is the framing of the analysis of the market for force itself in terms of positive and negative externalities. This provides a broader perspective on the diffuse, collective effects of the privatization of military force than preceding discussions, in which focus has largely been limited to the impact of PMSC use for actors directly involved with them. Part Three outlines the consequences of a global market for force for the international system. Chapter Six details the channels through which the use of PMSCs weakens the laws and norms that limit the frequency and awfulness of war. In Chapter Seven, Pattison argues that the treatment of security as a private good will lead to increased international instability and significant underprovision of security for the poor and vulnerable.

Throughout these considerations, what chiefly concerns Pattison are the consequences of particular arrangements for individuals’ enjoyment of basic human rights. In Chapter Eight, these concerns provide the foundation for an overall assessment of the permissibility of specific uses of PMSCs in practice. Pattison argues that although private military force raises significant moral concerns and should generally be eschewed, on particular instances PMSCs can justifiably be employed in a range of roles as long as this has “very beneficial consequences” for the enjoyment of basic human rights.³ Chapter Nine presents a number of recommendations concerning reforms to the regulatory framework governing PMSCs and broader changes to the way military force is organized globally.

Alongside the burgeoning debates about the regulation and effectiveness of PMSCs, it is imperative that questions are addressed regarding

the morality of the market for military force itself. *The Morality of Private War* represents an important step in the development of these questions, and provides a valuable set of frameworks through which they can be understood. ■

Notes

¹ See, for example, Deane-Peter Baker, *Just Warriors, Inc. Armed Contractors and the Ethics of War* (London: Continuum, 2011); Tony Lynch and A.J. Walsh, "The Good Mercenary?," *The Journal of Political Philosophy* 8, no. 2 (2000): 133-153; Uwe Steinhoff, "Ethics and Mercenaries," in Paolo Tripodi and Jessica Wolfendale, eds., *New Wars and New Soldiers: Military Ethics in the Contemporary World* (Surrey: Ashgate Publishing, 2012).

² Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977).

³ James Pattison, *The Morality of Private War: The Challenge of Private Military and Security Companies* (Oxford: Oxford University Press, 2014).

Christopher Kinsey and Malcolm Patterson. *Contractors and War: The Transformation of United States' Expeditionary Operations.*

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PAVAN KRISHNAMURTHY (The London School of Economics and Political Science)

In *Contractors and War*, editors Christopher Kinsey and Malcolm Patterson present and critique a dynamic collection of essays regarding the reliance on private military security companies (PMSCs) in United States contingency operations. As they move beyond the literature's predominant assessment of US PMSCs' failures in Iraq and Afghanistan, Kinsey and Patterson's military, legal, sociopolitical, and economic analysis further consolidates the debate around the current controversy. They

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frame the discussion around three key insights. First, in the post-Cold War environment there is nearly a one-to-one ratio between PMSCs and military employees globally. Second, due to budget constraints, this reliance will only grow in the coming years. And, third, the inadequacies of bureaucratic and legal frameworks regarding PMSCs undermine the integrity of the United States' operations. The collection is clustered around four parts as described below.

Part One, "The Nature and Future of Contractor Support in us Military Operations," gives the reader an overview of PMSCs and the us Military. Mandel discusses the political and legal challenges of contractor operations and calls for a clear delineation between PMSCs and military/governmental tasks. Kelty and Schnack's cultural analysis follows. Through original studies and surveys, they articulate cultural differences between military and governmental employees amidst the "civilianization" of the military's core competencies. Next, De Nevers not only focuses on Iraq and Afghanistan, where she points out that only a minority of PMSCs are hired, but also investigates the issue at the global level, extending her analysis to Africa and South America. Exploring global implications typically obscured by the literature's Middle Eastern focus, De Nevers argues that without comprehensive global management structures and command and control processes the actions of PMSCs may undermine mission objectives.

Part Two, "Stabilization and Reconstruction Operations (SROs)," begins with Colonel Flavin's call to nest PMSCs in the Middle East within the strategic and operational frameworks of SROs. Drawing from cases in Iraq and Afghanistan, Colonel Flavin builds his argument for integration around the commonly-used paradigm of civil-military relations. This call for integration is echoed by Worthington in his essay regarding the blurred triangulation of PMSCs, the military, and non-governmental organizations (NGOs) operating within SROs. He argues that PMSCs' reputation failures have placed NGOs in danger. Moreover, he is concerned with US foreign policymakers appropriating the purview of various NGOs in a manner that hinders the latter's philanthropic missions. His advocacy for a set of policies that politically defines this triangulation is an interesting take on a topic that is often dominated by military analysis. Carmola concludes Part Two with a cogent critique of PMSCs in terms of cultural misalignment within SROs. She cites operational, legal, and reputational risks of the use of PMSCs, and provides potential management and legal remedies to strengthen US counterinsurgency strategies. However, she fails to present the underlying cause of misalignment, such as inherent cultural differences as described by Kelty

and Schnack in Part One. This may suggest that Carmola's prescriptions are Band-Aids.

Part Three, "The Law and PMSCs," consists of a group of legal perspectives that begins with an interrogation by Corn, who argues that the legal status of contractors needs to be better articulated within the law of armed conflict (LOAC). Moreover, by using case studies of intelligence policies and unmanned aerial vehicles (UAVs), he provides recommendations for criminal justice and LOAC procedures that could be developed by the US legislature or executive branch. While his analysis of intelligence is not ground-breaking—something the author himself admits—the study of PMSCs in terms of UAVs is a unique contribution as the LOAC is usually the focal point of current debates. The next chapter by Stranger discusses the legal history of PMSCs; while she believes that contracting is now a necessary component of military operations, she argues for policies that minimize the legal and moral hazard of their utilization, particularly in roles that could be considered strictly governmental. She concludes by providing juridically-informed critiques of current legislative solutions, as well as a defence of in-sourcing PMSCs, a position that is critiqued by the editors in the conclusion as being an overly simplistic solution to a complex problem.¹ The final chapter in this section is written by US Representative David Price, who echoes the need to develop a clearer legal framework. He cites cases of legal loop-holes, specifically the controversies connected to the killings in Abu-Ghraib and Nisour Square, as they undermined the convictions process. He then traces the political history of contractor management, starting from the Uniform Code of Military Justice and the Military Extraterritorial Jurisdiction Act. He concludes by advocating for the Civilian Extraterritorial Jurisdiction Act that he and Senator Patrick Leahy drafted and are currently promoting, thus highlighting the pertinence of this policy analysis while also ensuring transparency regarding the political interests of the author.

In the final section, US bureaucratic military structures are analysed. Part Four, "Bureaucratic Concerns and Reforms," begins with Camm's methodology for determining what military/governmental functions can and should be outsourced. Hoping to set clear priorities and guiding principles within the Department of Defence, Camm advocates for robust bureaucratic investments and restructuring. However, the analysis falls quite short when considering the pragmatic difficulties of implementing such a radical change. In the next chapter, Bowen analyses the administrative structures of the recent SROs in Iraq and Afghanistan and their policy inadequacies. He expresses a concern for "ad hococracy," or case-by-case policy making, which fails to create predictability and standardization. This analysis, however, feels repetitive as it restates con-

cerns that have already been articulated by most of the other authors. Finally, Gansler and Lucyshyn examine contractor dishonesty and waste, by presenting a rubric for reform justified through their original quantitative case analysis.

Ultimately, this edited volume offers a variety of concerns and approaches towards PMSCs, while maintaining a sense of pragmatism regarding the inevitably necessary increased reliance upon the private sector. However, the broad applications of these perspectives come at the cost of in-depth analysis as the authors all review similar historical and political contexts—which, considering the limited space, can be redundant. Additionally, the socio-psychological analysis is quite underdeveloped, and it is often taken for granted that PMSCs lack agency due to the structure of their work; a deeper analysis of the characteristics of an individual or group of PMSCs is necessary when considering the existing controversies in the literature. Finally, one gets the sense that the assumption of the inevitable growth of PMSCs might be self-fulfilling since the discourse could be internalized by policymakers. Having said that, Kinsey and Patterson constructively close the book by teasing out commonalities between the approaches presented, systematically problematizing claims they find not to be grounded in the empirics, and, finally, advocating for pluralism. ■

Notes

¹ Christopher Kinsey and Malcolm Patterson, eds., *Contractors and War: The Transformation of United States' Expeditionary Operations*. (Stanford: Stanford University Studies, 2012), 311–312.

Francesco Francioni and Natalino Ronzitti, eds. *War by Contract: Human Rights, Humanitarian Law, and Private Contractors*.

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Nullum crimen sine lege.¹ This moral principle, designed to protect individuals from prosecution for acts that have not been criminalized, is on the domestic level axiomatic; however, international law has historically found it considerably more problematic. It seems that international legis-

cerns that have already been articulated by most of the other authors. Finally, Gansler and Lucyshyn examine contractor dishonesty and waste, by presenting a rubric for reform justified through their original quantitative case analysis.

Ultimately, this edited volume offers a variety of concerns and approaches towards PMSCs, while maintaining a sense of pragmatism regarding the inevitably necessary increased reliance upon the private sector. However, the broad applications of these perspectives come at the cost of in-depth analysis as the authors all review similar historical and political contexts—which, considering the limited space, can be redundant. Additionally, the socio-psychological analysis is quite underdeveloped, and it is often taken for granted that PMSCs lack agency due to the structure of their work; a deeper analysis of the characteristics of an individual or group of PMSCs is necessary when considering the existing controversies in the literature. Finally, one gets the sense that the assumption of the inevitable growth of PMSCs might be self-fulfilling since the discourse could be internalized by policymakers. Having said that, Kinsey and Patterson constructively close the book by teasing out commonalities between the approaches presented, systematically problematizing claims they find not to be grounded in the empirics, and, finally, advocating for pluralism. ■

Notes

¹ Christopher Kinsey and Malcolm Patterson, eds., *Contractors and War: The Transformation of United States' Expeditionary Operations*. (Stanford: Stanford University Studies, 2012), 311–312.

Francesco Francioni and Natalino Ronzitti, eds. *War by Contract: Human Rights, Humanitarian Law, and Private Contractors*.

Oxford: Oxford University Press, 2011. 576 pp. £47.50 (hbk)
ISBN: 9780199604555

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Nullum crimen sine lege.¹ This moral principle, designed to protect individuals from prosecution for acts that have not been criminalized, is on the domestic level axiomatic; however, international law has historically found it considerably more problematic. It seems that international legis-

lation is always several steps behind the demands of the age, frequently unable to address pressing problems of genocide, natural disaster relief, mass migration, unregulated private warfare, et al. There is much literature that provides nuanced explanations as to the difficulty of application of law to particular resonant cases, toponyms that have since become synonymous with global inaction in the face of atrocity. Francioni and Ronzitti cite Chesterman and Lehnardt as an example of an academic response to the matter, which they distinguish from their more practical approach.² Yet, few books take it upon themselves to provide legal solutions in a systematic way. *War by Contract: Human Rights, Humanitarian Law, and Private Contractors* is one such book. In the Introduction, Francioni and Ronzitti announce their bold objective in compiling this volume: to fill accountability gaps caused by the inadequate regulation of the phenomenon of privatized warfare, wherein non-state actors have assumed traditionally governmental functions.

Over the past decade the outsourcing of military and security services to commercially organized entities, so-called private military and security companies (PMSCs), has led to discussions about the emergence of a new “mercenarism” replacing armed forces in a number of situations. The increasing involvement of private actors in state affairs concerns not just states, but also regional and global institutions, with the European Security Strategy awarded special attention in the volume. Its contributors, both academics and legal practitioners, are frequently concerned with the legal dimension of this process. Through the prism of international humanitarian law and international human rights law, they question the applicability of *de lege lata* principles and norms to states involved in the provision of private military and security services as well as to PMSCs and their employees. Moral, ethical, socio-political, and economic considerations come into the assessment of the new “mercenarism.” An interesting discussion of the validity of the term “mercenarism” is implicit in several articles. Does the phenomenon deserve such a negative connotation? Does the term endorse the state monopoly on violence, suggesting that states are more likely than private actors to conform to moral and legal codes in applying violent coercion, despite the systematic disregard thereof by certain states? The authors do not come to any consensus, and it seems that until there is a consensus on the acceptable limits to the delegation of traditional state functions, PMSCs will be working against a stream of suspicion and prejudice.

The book’s preoccupations are mirrored in its clear structure. Its five constituent parts address Security and Policy Perspectives (Part One); Human Rights (Part Two); International Humanitarian Law (Part Three); Accountability and Responsibility of Private Contractors (Part

Four); and Criminal and Civil Liability of Private Military and Security Companies and their Employees (Part Five). Piracy, arbitration for multinational companies, children's involvement in armed conflict, women's rights, and the rights of indigenous peoples are concrete examples of issues in regard to which legal grey areas may result in the abuse of vulnerable parties.

The book is historically informed and examines contractual warfare in its evolutionary context. Paolo Uccello's *The Battle of San Romano*, depicting the confrontation between the armies of the city-states of Florence and Siena in 1432, serves as an appropriate cover image. War by contract is nothing new, but legal thinking on the matter in the contemporary institutional and legislative context is, and here is a book that eats this elephant one bite at a time. Each chapter addresses a separate issue, and while they are all broadly interlinked, it is difficult to provide an overview of the different conclusions that every contributor comes to. The book addresses questions of state responsibility and of the civil and criminal liability of private contractors, examines issues of access to justice for victims of possible wrongful acts, and offers fresh policy perspectives, *de lege ferenda*, oriented towards improved regulation at the international level. It provides a proposal for a multilayered approach to future regulations, keeping in mind traditional academic thought on the matter, yet seeking to break through the current deadlock and operational apathy. Suffice it to say, War by Contract is here to stay, and has to be defined, understood and regulated, not swept under the carpet. War by Contract is a timely contribution, as it follows on from the policy initiatives launched by the Swiss initiative of 2008, the so-called Montreux Doctrine, as well as the draft of a possible Convention on Private Military and Security Companies by the United Nations Human Rights Council. A veritable tour de force, this work is set to become a true reference book for theoreticians and practitioners alike.■

Notes

¹ Latin for "No crime without law," a legal principle originating in Roman law, according to which no individual can be prosecuted for a deed, unless there is relevant legislation outlawing it.

² Simon Chesterman and Chia Lehnardt, eds., *From Mercenaries to Market The Rise and Regulation of Private Military Companies*, (Oxford: Oxford University Press, 2007).

³ Latin for "According to the law as it exists," as opposed to *de lege ferenda*, "according to future law."

Hannah Tonkin. *State Control over Private Military and Security Companies in Armed Conflict.*

Cambridge: Cambridge University Press, 2011. 338 pp. £66.00 (hbk)
ISBN: 9781107008014

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Hannah Tonkin is a lawyer and established scholar who looks at the legal obligations of states to control private military and security companies (PMSCs) in armed conflict. The extensive outsourcing of military and security services, she argues, “challenge[s] the normative frameworks and accountability structures of traditional international law, which largely assume that the use of force in their international arena falls within the mandate of state institutions.”¹ There is no proof that private contractors are more or less likely to misbehave, but the privatization of force gives rise to concerns that states often take limited or no measures of control for PMSCs’ personnel. Tonkin starts out with the rather surprising statement that “the state-centred frameworks of traditional international law are in fact sufficiently flexible to accommodate the modern private security industry.”² However, she does qualify the statement throughout the rest of her analysis. She derives this argumentation from the fact that three types of states can have a role in regulating companies and promoting accountability in cases of misconduct: the hiring state, the host state, and the home state. Tonkin evaluates the international obligations of these three types of states in regards to PMSCs’ misconduct. Additionally, she evaluates recent laws and practices of certain key states, mainly Great Britain and the United States, to analyse the relationship between states’ domestic frameworks and international legal obligations.

In Chapter One on the historical, normative, and factual background of the private security industry, she concludes that the social stigma attached to these companies relate mainly to three objections: first, that they fight for money rather than for a cause, secondly, that they challenge the democratic relationship between the citizen and the state, and lastly, that they do not operate under adequate state control. She points out that, “the trend towards the privatisation of security is unlikely to be

reversed in the near future, and states and their citizens need to determine for themselves the most effective and appropriate response to the industry.”³

Chapter Two lays down the theoretical groundwork for the book, shows the range of the state’s international obligations with regards to PMSCs, and paves the way for a detailed analysis in the following chapters. In Chapter Three, the author identifies a potential responsibility gap through the fact that in practice it is more difficult to prove the responsibility of the hiring state for violations committed by a PMSC employee than it would be for a national soldier. This might be the very reason to use private rather than public forces, since states may evade responsibility for violations of international law. Tonkin dismisses these concerns as “overstated, since a large proportion of PMSCs activities performed for a state in armed conflict will in fact be attributable to the state under international law.”⁴ A “flexible and fact-specific interpretation of the rules of attribution serves to minimise the accountability gap.”⁵ If it is too difficult to prove attributability, the hiring state might still incur responsibility. All in all, Tonkin stresses that the state that outsources its military and security activities cannot simply disclaim responsibility.

In Chapter Four, Tonkin focuses on the host state, which is presumed to possess some capacity to control companies’ activities in its territory. The present lack of capacity in states in whose territory an armed conflict occurs is taken into account by international law by reducing the relevant standards and expecting the state to take reasonable measures under the circumstances. Tonkin recommends licensing schemes for PMSCs. This “would not only help the host state to fulfil its obligations to ensure respect for IHL [International Humanitarian Law] and HRL [Human Rights Law]; it could also help the state to regain and retain its sovereignty during and after the armed conflict in the face of a large presence of foreign troops and contractors.”⁶ Given the capacity problems of some host states, and considering the long time and cross-cutting efforts it takes in some home countries to establish licensing schemes (e.g. Germany for PMSCs at sea), it remains unclear how this welcomed approach can be fulfilled from a host state in armed conflict.

In Chapter Five, on the obligations of the hiring state, Tonkin states that the contractual relationship between states and PMSCs, “places the state in an excellent position to influence the company’s behaviour in the field, particularly in the case of highly developed states such as the US and the UK, which have the necessary resources and institutional capacity to meet a high threshold of diligence.”⁷ Nonetheless, the norm of non-intervention and the law of neutrality impose due diligence obligations: “a number of key states—most notably the UK—continue to close their

eyes to PMSCs operating from their territory”⁸ states Tonkin in Chapter Six, on the obligations of the home state.

Tonkin concludes that “the widespread outsourcing of military and security services has not entirely undermined the capacity of states to control violence in the international arena, nor has it rendered the traditional state-centered frameworks of international law irrelevant in this context.”⁹ International law can “regulate PMSC activities indirectly using states as an intermediary.”¹⁰ Taking this into account, she then reflects on the negative side of outsourcing and raises further demands regarding enforcement mechanisms and new domestic and international frameworks. She recommends using the obligations discussed in the book to establish basic standards as starting points. Existing rules should be implemented and new regulatory regimes developed.

Overall, the restriction of scope to armed conflict spares the author from discussing other situations such as piracy, or the hiring of PMSCs in the context of peacebuilding, humanitarian aid, or other contexts, where PMSCs are also hired by actors aside from states, such as international organizations or multinational corporations. A clear articulation of states’ legal obligations and a critical analysis of states’ practices towards PMSCs in armed conflicts are the key strengths of this book. It can be doubted whether the incentives are powerful enough to create stronger frameworks or licensing schemes as proposed. The sheer number of publications on the issue proves that there is discontent and lack of clarity regarding the current legal, political, and factual situation. Publications are often oriented towards other disciplines and focus more on other—also important—political, sociological, economic, and ethical questions. These need to be complemented by a legal perspective, and Tonkin’s well-structured and informed approach towards US and UK state practices is especially helpful, setting her apart from other authors. Therefore, this book is a gain and an inspiration to every reader who seeks clarity on legal state obligations. State responsibility is in itself not sufficient, but could be a cornerstone for an improved control regime of private security providers. ■

Notes

¹ Hannah Tonkin, *State Control over Private Military and Security Companies in Armed Conflict* (Cambridge: Cambridge University Press, 2011), 2.

² Ibid.

³ Ibid., 52.

⁴ Ibid., 121.⁵ Ibid.⁶ Ibid., 171.⁷ Ibid., 227.⁸ Ibid., 259.⁹ Ibid., 260.¹⁰ Ibid.

Gero Birke. *Private Military Companies. Akteure in rechtlichen Grauzonen.*

Saarbrücken: AV Akademikerverlag, 2007. 175 pp. £55.98 (pbk)
ISBN: 9783639396133

JEAN-PAUL MULLER (Freie Universität Berlin)

The violations of human rights in the former Iraqi prison of Abu Ghraib sparked international outrage, especially when it came out that some of the perpetrators were not regular soldiers of the US Army but mere employees of (American) private military and security companies (PMSCs). Gero Birke's book departs from a position of acceptance of the status quo: if these companies exist, how can they be controlled, regulated, and subsequently legitimized? In considering this question, Birke analyses the regulatory grey area in which PMSCs and their employees operate.

Drawing upon existing theories in Chapter One, Birke attempts to define the specific nature of the "contract soldier." This less than colourful denomination is from then on used to mark the difference between the modern employee of a PMSC and the old-fashioned mercenary as apparent in the wake of Wallenstein, et al.¹ Unfortunately, the world of PMSCs presents a heterogeneity that greatly defies classification. All in all, the contract soldier is to be considered a relatively new phenomenon that appeared after the break-up of the Eastern Bloc. Birke identifies two elements that favoured the creation of these hierarchically organized companies dealing in warfare: first, the logic of corporatization/privatization that heavily dominated discourse since, but especially in, the early 1990s; second, the decline and erosion of the Westphalian nation-state

⁴ Ibid., 121.⁵ Ibid.⁶ Ibid., 171.⁷ Ibid., 227.⁸ Ibid., 259.⁹ Ibid., 260.¹⁰ Ibid.

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as a symbol and ideal of modernity, as the once distinct lines between “the public” and “the private” become increasingly blurred.² At the same time, states often fail to adequately respond to their population’s need for security because of political and/or economic constraints.

Especially in low-intensity conflicts, which currently constitute the norm, states use PMSCs and therefore violate the “widely recognized” exclusion of private actors from public affairs that lies at the core of Westphalian statehood. Yet, in internal conflicts, when governmental structures disintegrate, PMSCs offer the state the possibility to provide at least basic security, even though outsourcing amounts to the relinquishment of the state’s monopoly on the use of force.

In this sense, the privatization of security can be seen as a systemic answer to the societal fissures generated by the globalization process.³ The highly specialized PMSCs ensure the ability for quick response in cases of conflict, whereas states and international institutions require lengthy processes that have in the past led to catastrophe. As a result, PMSCs have played a positive role in a number of regions with strong security deficits. However, in Iraq, Bosnia, and Colombia, war crimes and human rights abuses have been committed by contract soldiers without being sanctioned. How can the gloomy reality of this new business model be reconciled with the need for sound legal protection? Birke advocates the creation of a checks and balances system, preferably instituted and managed at the international level. This would allow states to use PMSCs without further undermining their monopoly of force. Since companies work by the rules of free market, economic sanctions would effectively hurt them in case of unlawful acts committed by their employees.⁴ Chapter Five examines PMSCs from a legislative perspective: what could possibly be their status and their ensuing obligations and rights? The question of whether PMSCs are to be considered civilians or combatants proves an interesting read—especially considering that their current highly underprivileged status puts contract soldiers at personal risk. In the event of capture, they could be labelled unlawful combatants—as were, for example, the inmates of Guantanamo Bay.

Chapter Six outlines the research steps necessary to establish possible descriptive criteria for the variety of private military and security companies throughout the world. Chapter Seven presents the existing regulations in chronological order. Birke identifies deficits in all of the different legislations as they generally neglect civil wars, which are the main operational field for contract soldiers.⁵ Due to the converging interests of the participating countries and the altered nature of the conflicts in which PMSCs take part, existing work generally fails to develop an adequate legislative framework. Besides, the majority of these conventions

condemn the trade of mercenarism but ignore the individual agents.⁶ In Chapter Nine, Birke addresses the danger of all-too-close relationships between governments and PMSCs through an analysis of the respective national regulations in the United States, South Africa and the United Kingdom. While the failing attempts of international regulatory frameworks have led to uncontrolled growth of the industry⁷, national legislation also presents deficits as the use of PMSCs may, for example, undermine existing embargoes.

Summarizing the legal framework that is currently applied to varying degrees to PMSCs, Birke advocates a system based upon the US system of licensing although the latter seems to be largely insufficient at this stage. At the same time, he recommends a combination of national and international measures (e.g., the United Nations as a licensing authority) in order to reach the widest possible consensus.

Birke's well-written book gives a rewarding insight into a still insufficiently researched domain of contemporary security studies. In the end, however, the author neglects the question of recruitment, which is crucial in a business sector that in a relatively short time span has generated a considerable number of scandals. The criticism aimed at PMSCs may result not only from some old-fashioned "mercenary-stigma" but also from general difficulties in defining a sector that embraces individuals with a military background, broadly defined, but that ultimately lacks a clear job description.

Because access to the services of PMSCs is solely determined by financial means, regulation appears to be necessary. Birke is right to assert that responsibility and accountability should be assured, since this is in the interest of PMSCs as well: it would define their status and that of their employees, and at the same time afford them a much desired legitimacy. Finally, the author provides his opinion on the inherent tensions arising from PMSCs' acting as vicarious agents of certain governments, in spite of their market orientation. Eventually, Birke advocates, such alliances could prevent the medium term use of PMSCs by supranational bodies such as the United Nations. ■

Notes

¹ For an insight into the "the classic" mercenary trade see: Geoff S. Mortimer, *Wallenstein: The Enigma of the Thirty Years War* (Basingstoke: Palgrave Macmillan, 2010).

² Gero Birke, *Private Military Companies. Akteure in rechtlichen Grauzonen*. (Saarbrücken: AV Akademikerverlag, 2007), 18.

³ Ibid., 29.

⁴ Ibid., Chapter Four.

⁵ Ibid., 66.

⁶ Ibid., 73.

⁷ Ibid., 87.