

Everything in (dis)order? Private Military and Security Contractors and International Order

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For almost two centuries the market for force did not play a significant role in waging war. In the nineteenth and the twentieth century, armed commercial actors disappeared as a significant force in warfare. However, at the end of the Cold War, they made a comeback. Professional corporate entities formed, so-called Private Military and Security Companies (PMSCs), providing force and force related services on the market (Singer, 2003). The resurgence of the 'mercenary' sparked a broad debate about the ethics of their employment (Pattison, 2008), control and regulation (Avant, 2005; Percy, 2006), and their impact on military operations (Petersohn, 2011, 2015). While PMSCs offered a large portfolio of services, ranging from logistics and consultancy to armed service, most concerns were raised about the latter. A crucial concern in the debate was the control over the use of force. International order seeks to constrain the use of force and is organized around the state's monopoly of force (Malanczuk, 1997). PMSCs, however, are considered to be independent of any constraints and hence undermining the current order (Burmester, 1978, 38; Zarate, 1998, 122). Some even feared the emergence of a 'new medieval order' (McFate, 2014). Others, in contrast, deemed PMSCs not irreconcilable with the current order as they were under tight state control and thus constrained in their use of force (Percy, 2007a, 63-64).

In the early 2000s, the different positions in the debate settled for the integration of PMSCs in the current order. The provision of armed services was limited to a certain type of service: defensive tasks. They were considered to be less destabilizing than offensive combat (Petersohn, 2014). Moreover, rules and regulation were developed, bringing PMSCs under some degree of state control and to reign in any destabilizing effects. Ever since then, the presence of armed Private Military and Security Companies (PMSCs) in conflict zones is not news anymore. However, this delicate compromise was upset recently by an increased number of

PMSCs engaging in direct combat outside the regulatory frameworks. News sources have reported on such activities, for instance, in Libya, Yemen, Ukraine, and Syria (Delalande, 2017; Nossiter, 2015; The Interpreter, 2013).

The perspective put forward here is that it may be normatively undesirable to extend the number of those who can wield force, empirically, however, there is no single positive or negative repercussion of armed PMSCs on the international order. Indeed, historical examples suggest negative repercussions when mercenaries took matters in their own hands and attacked other states dragging their home state into the conflict or even used force against their own home state (Thomson, 1994, 61-67, 68, 77). However, in contrast, PMSCs are also able to shore up fragile states, facilitate defence against challengers and thereby maintain the international order (Coker, 1999, 111; Shearer, 1998). In short, instead of a single deterministic repercussion, PMSCs have the potential to stabilize as well as to destabilize the current order. The variance in impact cannot exclusively be explained by the type of services they provide or the level of state control, but by the *variance in the association of the PMSC and the client with the international order*. A PMSC, closely associated with the order, will contribute to its maintenance. In contrast, PMSCs disassociated with the order or even opposed to it will undermine it. Likewise, if a state is dissatisfied with the current order, it will seek to revise or circumvent existing rules and employ PMSCs accordingly (Pattison, 2014, 148-149), while a satisfied state will work to strengthen and maintain the international order.

The remainder of this article will, first, conceptualize international order. More specifically, it will discuss the current organization of the use of force and the changing role of violent non-state actors. This section includes a brief theoretical discussion about how the association of market participants with the international order can contribute to the understanding of the variance of impact of combat PMSCs. Finally, a plausibility probe will be undertaken, testing the argument in four cases – Nigeria, Afghanistan, the hypothetical case of PMSCs in UN peace enforcement and the Russian use of PMSCs in foreign interventions.

Considerations about the current International Order

International relations scholars use the term 'order' in various ways. It may be used in a more material understanding, simply describing the non-random arrangement of units based on the distribution of material power (Waltz, 1979). However, often scholars employ the term to refer to a normative arrangement. Accordingly, order is an arrangement of units based on principles sustaining specific societal goals (Bull, 2002, 3). While the first-order forms rather spontaneously and does not involve conscious coordination among participants, the latter is the outcome of a single or multiple rounds of deliberate and conscious negotiation (Hayek, 1973; Keohane, 2005). This investigation follows the latter position, considering international order to be a regularized pattern of behaviour among units – namely states - based on deliberately designed rules and principles (Finnemore, 2003, 85, 95). Stability of this order crucially depends on rule compliance and capable units. Thus, in turn, order gets destabilized if significant actors or a majority of the states repeatedly violate rules the rule degenerates (Panke & Petersohn, 2011, 2015). In the extreme, restricted rule-bound interaction gets replaced by unrestricted freedom of action (Glennon, 2005, 940). Moreover, if states lack the capacity to govern over their territory, interact on the international level with their peers and ward off non-state challengers order is destabilizing.

Any international order requires rules on the organization for the use of force. Inevitably, the organizing of the use of force in a society is built on normative notions of how and when force is permissible, who legitimately can wield force, and for what purposes (Finnemore, 2003, 1). The answer to these questions may vary from order to order or across time (Reus-Smit, 1999). The current order follows a state-centric principle, i.e. the use of force is organized around the state. The state holds the legitimate monopoly of force domestically and internationally (Krasner, 1999; Thomson, 1994, 19).

This order is the result of a long centralization process. While for a long period in history multiple actors such as kings, feudal lords, or the church held the right to exercise force, the right was monopolized by the state at the end of the 18th century (Tilly, 1990, 174). The monopoly had beneficial effects on domestic stability: with the

absence of fighting and rivalries, interaction for merchants became more secure and predictable, the sovereign could focus on taxation and extraction, and build stronger state institutions. However, internationally, states were reluctant to phase out private violent actors. The main reason was that violent non-state actors were quite useful for the competition with external opponents. Non-state actors could be hired and fired at a moment's notice, and the success of these actors could be claimed while accountability for their actions could be avoided (Thomson, 1994, 43-44). However, this practice had unintended consequences for the stability of the order. First, it blurred the lines of accountability and war and peace. It was not always clear whether non-state actor violence was sanctioned by a state, or whether the nationals fighting in a mercenary army were representing their home state. This made it difficult for the parties involved to assign responsibility for acts of violence. Second, non-state actors were difficult to control. They often followed their own agenda independent of their home state's foreign policy. At times their actions would be directed at their own home states or dragged it into conflicts (Ibid. 62, 68).

Phasing out the international market for force

At the beginning of the 19th century, states took a number of uncoordinated but deliberate steps in order to increase the ability to manage violence on the international level, i.e. national laws against mercenaries and international agreements against privateering were developed (Thomson, 1994, 105). In essence, these laws and treaties introduced new rules on the use of force. The state's monopoly on violence was extended to the international level, commercial non-state actor violence was deemed illegitimate, and states were now held accountable for violence emanating from their territory (Thomson, 1994, 143). As a consequence, stability in the international system increased as, for instance, the frequency of violence was reduced (Avant, 2006, 519). Over time, the framework of rules governing violence on the international level grew further in density. Treaties on different issues relating to the conduct of warfare, the rights and obligation of prisoners of war and even about the right to wage war itself were signed. While different in scope and issue area, all of the treaties enforce the statist organization of force and the illegitimacy of non-state

actor violence. Most prominently the UN charter explicitly clarifies the exclusive rights and obligations of states in relation to the use of force in international affairs. In general, the use of force is not permitted; the exceptions are self-defence or under the authority of a UN Security Council resolution. Commercial non-state actors did not receive any rights or even a discussion, other non-state actors such as insurgents were illegitimate in general, yet could be recognized as belligerents (Malanczuk, 1997, 306-341). The illegitimacy of commercial violent non-state actor violence was further specified by other legally binding or voluntary agreements. For instance, in the 1980s and 90s, the International Convention against Recruitment, Use Financing and Training of Mercenaries came into force, and the African Union Convention on mercenaries came into force (Percy, 2007b). Both agreements reflect the essentials of the current organization of the use of force: state control and accountability. While foreign armed actors outside the armed forces are considered to be mercenaries, those who are integrated into the chain of command are not (Cameron & Chetail, 2013, 66-69).

The resurgence of private force

Irrespective of the increase in regulation, mercenaries have never entirely disappeared from conflict zones, yet they were considered to be illegitimate, the size of the market was small and they did not have a significant impact on conflict dynamics (Percy, 2008). However, this changed in the 1990s and 2000s, when the market for force increased substantially in size and professionalism. This triggered a renewed debate about commercial non-state actor violence and their repercussions on stability. Opponents of the new trend argued these actors should remain delegitimized due to the negative repercussions on international order (Ballesteros, 1999; Carmola, 2010), while others deemed that they could be integrated into the system if properly controlled (Percy, 2007b).

In this debate, the 'Swiss initiative', led by Switzerland and the International Committee of the Red Cross, was a watershed. In 2013 the initiative yielded the Montreux document. While it was ostensibly about clarifying how international law applies to PMSCs and not about their legitimacy, the document makes an

authoritative claim about the legitimate role of PMSCs in the international system. It considers PMSCs not to be illegitimate actors, but useful and even indispensable actors in security and military matters operating within international law (Federal Department of Foreign Affairs & International Committee of the Red Cross, 2008). This is not the only interpretation possible. PMSCs could have very well been understood as mercenary companies and thereby moved into the realm of illegitimate force (Sorensen, 2017, 101). This point is further highlighted by the fact that this benign interpretation only applied to a specific type of armed commercial non-state actor: defensive PMSCs (Petersohn, 2014). Although PMSCs provide the same services as individual mercenaries or ad-hoc mercenary groups, they are considered to be qualitatively different. PMSCs are deemed acceptable as their corporate structures allow for integration in the legal system, and they 'undertake tasks authorized by the government and so are almost a branch of the national armed services' (Percy, 2007b, 61). Hence, PMSCs are tightly controlled by the state and are therefore less destabilizing than mercenaries. However, not all PMSCs are considered to be legitimate. A further difference was made in regards to the type of service they provide, i.e. offensive & defensive tasks. Outsourcing of offensive tasks was considered to be illegitimate as combat was an inherent state competency and destabilizing for international order. The more actors have easy access to off-the-shelf combat services, the easier they can be deployed with strategic impact, the more frequent and more intense violence will be (Avant, 2006, 519; Carmola, 2010; Pattison, 2014, 167; Shearer, 1998). Defensive tasks, in contrast, were considered not to be destabilizing. Force is only applied passively, in reaction to an attack, and in order to protect an object or personnel (Brooks, 2000, 129-130). In state-building and peace operations such services can even be useful to stabilize the order (Federal Department of Foreign Affairs & International Committee of the Red Cross, 2008).¹

Argument: Association with the order

¹ Conceptually and normatively such a categorization may be useful, yet empirically the differentiation between offensive and defensive is problematic. See for an overview (Berndtsson, 2009, 47-49).

The argument here is there is no single repercussion associated with the type of service provided or with the level of state control. In other words, a high level of control or security service provision is not sufficient for assuring non-harmful or destabilizing effects. For instance, Executive Outcome (EO) stabilized Sierra Leone in the 1990s providing combat services, while some PMSCs providing security in Iraq had detrimental effects on stability (Petersohn, 2011). Likewise, state control is weak in some cases, while PMSCs still have positive and stabilizing effects, e.g. in the 1990s EO provided services to Angola, a state with limited ability to control the country. In other instances, a client exercises a much stricter control over PMSCs and nevertheless destabilizing effects occur, e.g. despite increased control of PMSCs in Iraq destabilizing effects still occurred (Rasor & Bauman, 2007; Singer, 2007). *The crucial condition in accounting for stabilizing and destabilizing effects is the actor's association with the order.* PMSCs are not a coherent group. They do not only differ in size, and professionalism, but also in the extent to which they are associated with the order. Some PMSCs are heavily invested in the current statist order (Aydinli, 2015, 6). Closely associated companies appreciate the stability, lower transaction costs and the secure, organized exchange within a certain set of rules. Indications of such a PMSC are, for instance, the adoption of legal business practices, the company is generally concerned with providing services for the public order (apart from profit interest), the company's leadership has been socialized in a professional military force, and it has permanent structures going beyond a single contract (Kinsey, 2006, 14-15). If such a PMSC is hired, it should not undermine and, at times, even strengthen the order. In contrast, some PMSCs are not associated with the current order. Such PMSCs may benefit more from circumventing the rules of the organized market or, in extreme cases, even pursue the establishment of an alternative order. Indication of such a PMSC is that the corporate structure is formed only for short term profit or even as a façade for illicit practices, unprofessional background of leadership, and little to no permanent business structures (Kinsey, 2006, 18-21). In more extreme cases, such PMSCs explicitly prefer an alternative order to the current order. If such a PMSC is hired, it destabilizes the order.

As much as PMSCs vary in their support for the current order, so do states. International relations scholars have often incorporated satisfaction and trust in the order to determine the risk of conflict escalation and stability (Tammen, Kugler, & Lemke, 2017). Satisfaction can be determined by the state's status in the system or the benefits it receives from the current order. Satisfied states are willing to adhere to the rules which shape and coordinate interaction in the international system. Less satisfied states are expected to undertake actions to circumvent or change rules. This general orientation has implications for their employment of PMSCs. A satisfied state may hire PMSCs to enforce the rules of the order and maintain the status quo, while a dissatisfied state may employ PMSCs to circumvent rules and thereby weaken the order.

The empirical picture: PMSCs in international order

In the following section, a plausibility probe is undertaken. Cases are selected based on an extreme score on the independent variable, strongly predicting the expected outcome (George & Bennett, 2005, 75, 121). To be specific, cases are selected where the client's and agent's association and disassociation with the system are high, predicting either stabilizing or destabilizing effects. Moreover, cases are selected taking into consideration the variance on the alternative arguments in the debate, i.e. the control- and type of service-argument. First, two cases are discussed focusing on the agent's association and disassociation. Nigeria, a weak state, i.e. with low ability to control the PMSCs, hired a combat PMSCs closely associated with the order. The control- and type of service-argument suggest destabilizing consequences for the order, while the association-argument suggests non-harmful or positive repercussions. In the case of Afghanistan control was moderate, and security services were provided, yet the agents were disassociated from the order. Hence, the control- and type of service-argument suggest non-harmful or positive repercussions, while the association-argument suggests negative consequences. Second, two cases are discussed where the client is either associated or disassociated with the order. The first case is a hypothetical deployment of a combat PMSC under UN authorization to

prevent gross human rights violations. The type of service- and control-argument suggests negative repercussions, while the association of the client suggests non-harmful or positive repercussions. Finally, Russia's deployment of PMSCs in conflicts is discussed. Russia is an actor disassociated with the order, with strong control capabilities employing combat PMSCs. The control-argument suggests non-harmful or positive consequences of the international order, while the type of service- and association-argument expect negative repercussions.

Closely associated PMSC: Nigeria

Boko Haram took up arms against the Nigerian government in 2003. Although the group continuously engaged in violent attacks over the next years, it remained weak and the initial challenge it posed to the state was marginal. However, this changed in 2009 after a Nigerian police operation triggered a large scale uprising in several Northern provinces (Onuoha, 2010). From then on the frequency and sophistication of the group's attacks escalated with the violence peaking in 2014-15 (Campbell & Harwood, 2018; Weeraratne, 2017). By 2015, 20,000 people had been killed and 1.6 million had been displaced (Varin, 2018, 4). Moreover, Boko Haram was able to establish control over parts of the Nigerian territory (Campbell & Harwood, 2018). In order to combat the threat more forcefully, the Nigerian government deployed its armed forces. However, a lack of investment and training of the force resulted in it being ineffective taking on Boko Haram.

Control and type of service: In 2015, Nigeria contracted a PMSC called 'STTEP' (Specialized Tasks, Training, Equipment, Protection). The company deployed on a three-month contract with around 100 contractors, providing training to the Nigerian military as well as direct combat and air support (Murphy, 2015; Nossiter, 2015). The ability of the Nigerian administration to control the foreign company was low. This is indicated by the fragile state index.² In the year Nigeria entered into the contract, the capability of state administration and security forces were rated low. Neither the

²<http://fundforpeace.org/fsi/myfsi/myfsi-country-analysis/>

control argument nor the type of service argument suggests a stabilizing effect by PMSCs.

Association of the agent: STTEP is a company closely associated with the current statist order. First, the company is an international registered company. Moreover, it seems to be set up for long term profit. Since 2006, it has engaged in several market transactions and held contracts across Africa and Latin America. Second, the chairman of STTEP, Eeben Barlow, has a history in military contracting which suggest a high association with the statist principle. Some market participants, such as Malhama Tactical, focus on countering perceived Muslim oppression, such as overthrowing the Syrian regime and replacing it with an Islamic government (Komar, Borys, & Woods, 2017). Barlow, in contrast, has no interest in overthrowing the current order. He rather emphasized his support for governments and that he has no intention of taking 'up arms against any legitimate government'³.

Consequences for stability of the order: As outlined, STTEP provided combat services and the Nigerian state's weakness made it very difficult to control STTEP's actions properly. Both the type of service- and the control-argument suggest the company's presence to be destabilizing. However, on the contrary, the intervention by STTEP enabled Nigeria to strengthen its capabilities and to oppose the challenge more successfully (Varin, 2018). At first it limited itself to training the Nigerian troops in counterinsurgency tactics, yet not long into the contract the company had formed a strike force to assist combat (Murphy, 2015; Varin, 2018). Eventually, the PMSC enhanced the government's capability to an extent that it was able to push back Boko Haram and reestablish territorial control. In overview, STTEP's provision of combat services contributed to the stabilization of the order.

Warlord-PMSC: Afghanistan

³ Eeben Barlow, 'Feeding the Narrative', 25 April 2015, www.eebenbarlowsmilitaryandsecurityblog.blogspot.co.uk (accessed: 23 Feb 2017).

The U.S. invaded Afghanistan in 2001 in response to the terrorist attacks on 9/11 and the Taliban's unwilling to cooperate in combatting the terrorist organization Al Qaeda. While in the beginning, Taliban resistance crumbled quickly, over the past (almost) two decades, opposition grew again. Even though military support by Western forces for the Afghan state was substantial, its capability remained too weak to defeat the Taliban insurgency (Laub, 2014). Due to the fragile security situation, PMSCs were an essential element of the Afghan, US and NATO operations in Afghanistan.

Control and type of service: The level of armed contractor support was on a high level since 2001. Although the reported size varies, in the first decade of the 2000s numbers between armed 19,000 to 30,000 PMSCs employees operating in Afghanistan were reported (Committee on Oversight and Government Reform, 2010; Sherman & DiDomenico, 2009, 4). However, they did not provide combat tasks, but security services, including convoy, compound and personal protection (Rimli & Schmeidel, 2007). In 2008, the Afghan state sought to establish control over these actors. At the time, it undertook a large scale regulation effort. However, from 2006 to 2018, its capacity was categorized as very fragile with low administrative capacity and weak security forces.⁴ Nevertheless, the regulation was moderately effective due to the supported of multiple international organizations with significant resources on the ground. For instance, the Afghan Ministry of Interior sought to implement a licencing procedure which was supported by the EU, UN, the German Police Program and NATO (Rimli & Schmeidel, 2007; Sherman & DiDomenico, 2009, 4). The moderate level of control and the lack of combat providers suggest, therefore, the absence destabilizing potentially even stabilizing effects.

Association of agent: In contrast to STTEP in Nigeria, many of the PMSCs in Afghanistan were not closely associated with the statist order. First, almost 44 percent of the firms in the Afghan market were local companies. Although describing

⁴ <http://fundforpeace.org/fsi/myfsi/myfsi-country-analysis/>

themselves as corporations, many of these entities were unregistered and not formally organized in a legal structure. In essence, many of these local companies were rebranded militias (Sherman, 2015; Sherman & DiDomenico, 2009, 14). Second, the personnel running the PMSCs were often former warlords turned businessmen (Committee on Oversight and Government Reform, 2010, 20). Warlord-PMSCs are not regular companies operating according to the common market principle of voluntary exchange. They rather operate as racketeers. Where PMSCs defend the client against an opponent, the warlord-PMSC extorts money from the client. As long as the customer pays, security is provided. However, if the client does not, insecurity is generated and attacks are mounted by the same actor offering the security service (Committee on Oversight and Government Reform, 2010, 22). Therefore, PMSCs have a rather destabilizing effect.

Consequences for stability of the order: Both the control and type of service argument suggest no detrimental or even stabilizing effects on the order. However, in 2019, large parts of the territory of Afghanistan remained contested or under the control of the Taliban (Haass, 2019), and some even consider the warlord-PMSCs to be the primary source of insecurity in Afghanistan (Sherman & DiDomenico, 2009, 7). Hence, the outcome is rather consistent with the destabilizing effects prediction by the association argument. However, one might object that, although the warlord-PMSCs are disassociated from the order, they are a part of state-building. After all, running successful protection rackets was essential for state-building in Europe (Tilly, 1990). However, modern-day warlords are qualitatively different. They arise and prosper inside states and represent an alternative governing system (K. Z. Marten, 2012, 3, 21). State weakness permits them to establish their fiefdoms without the costs and responsibilities of statehood (Ginty, 2010; Reno, 1997). At the same time they benefit from the efforts to strengthen state capacity by providing their racketeering security services. Accordingly, warlord-PMSCs have little interest in ending violence and strengthening state-building. The absence of a capable state is fundamental for their influence and profit. In general, hiring a warlord-PMSC rather facilitated instability of the order.

Closely associated client: UN and PMSCs in (humanitarian) Interventions

After the end of the Cold War, the UN often acted as an ordering agent, tasked with stabilizing violent conflicts in the international system, supporting weak states and protecting civilians. With the increased responsibility, the size and frequency of UN operations increased. For instance, in 1993, around 78,000 uniformed personnel were serving in UN missions. However, the ambitious goals were often not achieved, and missions failed (Pugh, 2008). As a result, states grew more and more reluctant to participate and to contribute to the increasingly expensive operations. Faced with reluctant member states, the UN sought to address personnel problems and tight budgets by turning to the market. Although PMSCs were often perceived quite critically within the UN, they were now increasingly deployed in support of humanitarian and peacekeeping operations (Percy, 2008). The market became so lucrative, that some firms even specialized in this market segment, providing entire packages including equipment, training and logistics tailored to UN peacekeeping (Ostensen, 2011, 12-13). Although there is an increased reliance on market actors, the UN has yet refrained from hiring PMSCs to conduct peace enforcement (Patterson, 2009). However, the option has been discussed frequently in and outside the UN. For instance, in 1998, the former UN General Secretary thought about a private intervention force, hired by and through the UN, to prevent the Genocide in Rwanda. However, he concluded at the time that the 'world may not be ready to privatize peace' (UN Secretary-General, 1998). More recently, Erik Prince, former CEO of the US company Blackwater, suggested the possibility of a private intervention force in Sudan (Patterson, 2009, 3; Prince, 2017).

For the purpose of this investigation, the implications of the stability of the order of this hypothetical scenario will be explored - a PMSC takes over the entire UN mission in the Democratic Republic of Congo (DRC). The UN was present in the DRC since 1999. It supports peacebuilding after a long and bloody civil war and protecting the civilian population against attacks from militia organizations (Neethling, 2014). It became one of the longest and largest peacekeeping operations worldwide, with approximately 25,000 peacekeepers in 2015 (Tull, 2018). The logistics were

supported by multiple PMSCs providing security, logistics and intelligence (Ostensen, 2011, 16). Since the security situation was unstable, new rebel groups were forming and the Congolese army was unable to prevent a major city from being occupied. The UN Security Council decided in 2013 to establish a 3000 strong Force Intervention Brigade to combat and target armed groups (Tull, 2018, 174). The hypothetical extension here is that this Brigade would be supplied by PMSCs.⁵

Control and type of service:

The current use of PMSCs by the UN provides some insights about the organization's ability to control them. In 2005, some of the security functions in UN missions were centralized in the Department of Safety and Security (DSS). However, security management and oversight remained challenging as other management structures remained operational in other UN agencies, at times policies are contradictory, and the lack of an effective sanctioning mechanism complicated the situations. Moreover, the UN cannot rely on the host government for regulation as they operate in areas of instability, and at times the UN mission is even forced to buy security from local factions or warlords (Ostensen, 2011, 23-24, 40). The UN's ability to effectively control contracted PMSCs is, therefore, rather low. If the UN were to replace the Force Intervention Brigade with PMSCs, they would conduct combat operations. According to the type of service argument, hiring combat providers would then further destabilize the situation. In sum, both the type of service and the control argument suggests, therefore, a destabilizing effect on the order.

Association of the client: The UN is highly associated with the current international order. Abstractly, the UN is 'a set of basic rules of conduct for governments and a formal organization ...' (Hurd, 2011, 43). However, more specifically, the UN is the fundamental treaty organizing interstate relations, and it is the codification of the

⁵ The implementation of such a scenario is however contested in the literature. Some argue that most contemporary PMSCs do not have the capacity to fulfill such a mandate, while others suggest that PMSCs can provide a fix, when UN members are unwilling to deploy (Fitzsimmons, 2005; Spearin, 2011).

current international order (Hurd, 2011, 43, 70). As an organization its primary responsibility is to protect this order and to maintain international peace and security. Given these characteristics, the UN is considered to be closely associated with the current order. If the UN participates as a client on the market hiring PMSCs, it can be expected that it will not deploy them in a manner weakening international order, yet enforcing it.

Consequences for stability of the order:

The success of the UN intervention brigade in the DRC was mixed. While it was able to gain some battlefield success and stabilize the situation temporarily, eventually it was not able to eliminate the various rebel groups. The reason for this was a shift as national and international interest crumbled which had allowed for the Brigade to be created in the first place (Tull, 2018). The violence and conflict in Congo remain, therefore, unresolved. The argument here is that a PMSC, despite the type of service and control argument, could have achieved similar –short term - stabilizing success. The prime example for this is Executive Outcomes, a now-defunct South African firm, which intervened in the 1990s in the Civil War in Sierra Leone. At the time a ruthless rebel group was exploiting the diamond resources of the country and committing atrocities on the civil population. The government, unable to stop the violence, called in EO. The company was able to deploy quickly, and thereby enhance the strength of the state to exert control. Within a few months the rebels had been pushed back, order had been restored to some degree, and a peace agreement negotiated (Shearer, 1998). However, as part of the peace agreement EO had to withdraw which led to a resurgence in violence. Nevertheless, this suggests that a PMSC deployment by the UN, a client closely associated with the system, can provide similar stabilizing effects to the order as a conventional peace enforcement brigade.

Circumventing the rules: Russia's employment of PMSCs in Ukraine & Syria

Russia is actively employing combat PMSCs in international conflicts. Most prominently, in February 2014, Russian troops occupied the Crimea in Ukraine, and

immediately afterwards Russia increased its military support for the Russian speaking separatists in Eastern Ukraine (Harding, 2014). In Crimea, the Russian government employed PMSCs alongside regular forces to disarm Ukrainian forces, seizing military installations and preventing reinforcements from entering the peninsula. Crucial in this regard was a Russian PMSC, the so-called 'Group Wagner', mainly composed of former Russian special-forces (Vaux, 2016). Although used in an offensive posture in an interstate conflict, the Crimean annexation was achieved without large-scale violence. This was different in Eastern Ukraine, the very same PMSCs –and potentially others - were deployed in support of pro-Russian forces (Informnapalm, 2018; Trevithick, 2017). This time, PMSCs engaged Ukrainian forces in combat (Rujevic, 2014). The Ukrainian campaign was, however, only the overture to Russia's deployment of combat PMSCs. Russia also deployed Group Wagner in Syria on a large scale alongside regular Russian and Syrian forces and participated in several battles taking on President Assad's opposition and radical Islamist groups (Vasilyeva, 2017). While the Russian PMSCs were used against domestic opponents of the Assad regime, the dynamic changed on February 2018, when they attacked military at Deir ez-Zor. This time the PMSCs targeted US-American military personnel which escalated into a full-scale battle.⁶

Control and type of services: Group Wagner provided combat services and was tasked 'to engage in the fighting in Syria and the Ukraine' (The Interpreter, 2013). The deployment was of substantial size ranging between 200 and 900 operators, including heavy weapons (Sparks, 2016; Vaux, 2016). In terms of control, the company is part of a larger corporation Moran Security Group which is registered in Russia. Moreover, the company is closely linked to the Russian government. This is indicated by the close relationship between Dmitri Utkin, the commander of the Wagner contingent in Syria, and officials in the Russian military of defence (Grove, 2015; Sparks, 2016).

⁶ Another account is that Russian mercenaries were in the vicinity of a Syrian attack, yet did not participate (Reuter, 2018). However, a detailed account of the battle contradicts this (Gibbons-Neff, 2018)

Furthermore, the Russian military provided training facilities for 'Group Wagner', the private soldiers were flown in on Russian military cargo planes, the unit was visited by a Russian intelligence General, and some of the fighters were awarded Russian medals (Sparks, 2016; Vaux, 2016). In other words, the company was a tightly controlled Russian foreign policy proxy (Miller, 2013). While the 'type of service argument' suggests destabilizing effects on the international order, the 'control argument' suggests no such repercussions.

Association of the client: Russia is an actor dissatisfied with its position in the international system and is deeply dissatisfied with the status quo (Sciubba, 2014; Tammen et al., 2017). The reasons for the dissatisfaction are manifold. The current elite in the Kremlin grieves over the loss of its former superpower status and holds resentments against the liberal world order. Moreover, the EU and NATO explanations and the exclusions of Russian concerns in the war in the Balkans have contributed to the dissatisfaction (K. Marten, 2017). In combination with unfavourable power shifts, i.e. the fear of the Russian leadership that a reduction in the population results in a reduction in gross domestic product and a shrinking recruitment pool for the military, let Russia challenge the status quo in the international order. Russia became more aggressive in its foreign policy and toward the dominant state - the US (Sciubba, 2014, 210-211)

Consequences for stability of the order: In this case, the client exerted tight control over the agent, yet this did not result in stabilizing effects. Russia employs PMSCs in a way that challenges the rules of the current order. To be more specific, combat PMSCs are deployed to gain plausible deniability, i.e. to conceal Russia's involvement and to circumvent responsibility for the use of force. For instance, in the Ukraine, the Russian involvement and deployment of Wagner are not confirmed by the Russian government, and likewise the deployment of PMSCs under Russian control is denied in Syria (Grove, 2015; Roth, 2017). However, in all of these cases the PMSCs have received their orders from the Russian government (Galeotti, 2015; Hauer, 2018). The use of combat PMSCs against international rivals is an instrument to realize

national interests without direct participation of government force and an attempt to minimize accountability (Ostensen & Bukkvoll, 2018, 29). Thus, a disassociated actor with the order, employing combat PMSCs to circumvent the rules destabilizes the order.

Conclusion

The article seeks to contribute to the debate on the effects of armed PMSCs on the stability of international order. Two arguments have been frequently raised to express concerns about potential negative impacts of armed PMSCs: the type of services and the level of state control argument. Accordingly, PMSCs are most harmful when delivering offensive combat services and are not controlled by the state, while defensive services are acceptable when tightly controlled. The argument here is not that these arguments are misguided, yet that the suggested relationship is not sufficient to explain stabilization or destabilization of the order. The argument presented in this article is that it is the association of the PMSC and the client with the international order that determines whether the effects are stabilizing or destabilizing. Table 1 shows the result of the plausibility probe in the four cases: Nigeria, Afghanistan, UN in Congo and Russia.

Table 1: Results

Case	Level of control	Type of service	Association	Consequence
Nigeria	Low	Combat	High (PMSC)	Stabilizing
Afghanistan	Moderate	Security	Low (PMSC)	Destabilizing
UN (DRC)	Low	Combat	High (Client)	Stabilizing
Russia	High	Combat	Low (Client)	Destabilizing

Grey shaded cells indicate that destabilizing effects are predicted or the consequence.

The Nigerian case contradicts the expectations of the type of service and control argument. Although the client was weak and contracted a combat PMSC, the outcome

was a stabilization of the order. Likewise, the Afghan case did not corroborate the expectations of the two arguments. The client had a moderate ability to control and the contracted security services suggested a rather stabilizing effect. In contrast, the expectations of the association argument were corroborated. In Nigeria, the association of STEPP was high and yielded stabilizing results, while in Afghanistan, the PMSCs association was low with destabilizing results. A focus on the client reveals a similar finding. In the hypothetical UN-Congo case, the UN had low control over a combat provider. The argument demonstrated plausibly that this constellation leads to a stabilization of the order. In the Russia case, the client is disassociated with the order and exercises a high level of control over a combat provider. The control argument does therefore not predict the outcome correctly, while the type of service and association arguments render correct predictions.

The findings allow for several interesting conclusions. First, PMSCs have agency. Although this is not entirely new, the focus in explaining PMSCs agency was so far rather focused on company culture or professionalism {Petersohn, 2011 #1192}{Fitzsimmons, 2013 #1746}. The association with order is another crucial and potentially more fundamental factor.

Second, it turns out that a high level of control and defensive service are neither necessary nor sufficient for non-harmful effects or stabilizing effects. Surprisingly, contradictory to the common logic that control of such actors leads to less destabilizing effects, strict control in combination with a disassociated client can have severely destabilizing effects. Association with the order, in contrast, appears to be sufficient to yield non-harmful and stabilizing effects. However, the results need to be treated cautiously and cannot immediately be generalized. On the one hand, the number of cases in the plausibility probe is very low. Other causes may be found weakening the sufficiency claim. For instance, in Iraq, both the major client – the US – and many of the PMSCs employed were associated with the order, yet still destabilizing effects occurred. However, while association may not be sufficient, it seems a plausible candidate for a necessary factor. On the other hand, the outcome is categorized dichotomously. It might very well be that control and types of services

have a more fine-grained influence which is only revealed if degrees of stability and instability are taken into consideration.

In sum, while the status of the individual factors needs further elaboration, the findings certainly demonstrate that the repercussions of the heavily armed PMSCs seem to be more complex than just destabilizing the order and a re-emergence of the medieval order. Depending on the association of the PMSCs with the order, they are more or less stabilizing.

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