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“IN A PERFECT WORLD WE DON’T NEED THEM  
OR WANT THEM – BUT THE WORLD ISN’T PERFECT”:  
THE UNITED NATIONS AND THE PRIVATE ARMS

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My interest toward the questions related to PMSCs arose during my studies on international security in Metropolitan University Prague in 2014. Many thanks belong to Ph.D. Oldřich Bureš for introducing me to this remarkably interesting and actual subject.

## I. Introduction

“*In a perfect world we don’t need them or want them – but the world isn’t perfect*” is a study interested in the increased emerge of the private military and security companies (hereafter PMSCs) in the sphere of international relations. That is, it is thematically interested in the privatized use of force, a phenomenon of which significance has remarkably increased since the beginning of the 21<sup>st</sup> century. Being more specific, it studies these particular companies in the context of the United Nations (UN), aiming to comprehend the way in which it approaches and conceptualizes the PMSCs. The title of the thesis, that to a significant extent defines the UN’s approach toward the PMSCs, is a citation of a former UN Under-Secretary Brian Urquhart – also known as one of the founding father of the UN peacekeeping – in an interview in *Ottawa Citizen* nearly two decades ago (Ottawa Citizen 1998 ; Singer 2003b).

The increased utilizing of the PMSCs as a part of modern warfare is rather well acknowledged in the academic world, and publications on the subject have appeared frequently.<sup>1</sup> Both the activities of the PMSCs and the interest toward them increased after the end of the Cold war and especially during the first decade of the 21<sup>st</sup> century, due to the U.S –led invasion in Iraq and Afghanistan. Here, the war came up with an unprecedented number of private contractors, which at times, even outreached the total number of the U.S troops on the ground.<sup>2</sup> Around that time, it was also at the latest realized, that the market value of the private military and security industry is colossal, and its worth is about to increase.<sup>3</sup> Even though the private companies had taken part in the African conflicts already in the 1990s, they were the unfortunate incidents of the *Blackwater USA* (nowadays *Academi*) and the *CACI* for instance, that very likely introduced these actors to the masses.<sup>4</sup>

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<sup>1</sup> For recent publications, see for example Dunigan (2011) and Pattison (2014). For an international law perspective, see Cameron and Chetail (2013).

<sup>2</sup> For instance, in 2006, it was evaluated that there were more than 100,000 government contractors on the Iraqi soil (Washington Post 2006). As for Afghanistan, the number of private contractors outnumbered the size of the U.S. governmental troops in 2013 (CRS 2013, 2).

<sup>3</sup> The worth of the industry is estimated to climb near 300 billion dollars by 2018 (Freedonia 2015).

<sup>4</sup> The then *Blackwater USA* attracted wide publicity in 2007 due to the “Baghdad shootings”. By opening fire – that the company itself claimed as defensive – the incident left dead 17 civilians. (see for example NY Times

The private military and security industry in the context of humanitarian organizations however, is not a subject much studied and thus, the purpose of this research is for its part to fill this lacuna. One the reasons for why the subject has not caught a lot of academic attention, might be that the UN has only recently openly discussed its outsourcing policies. That being so, it is possible that the academia and the public have not yet wholly reacted to the phenomenon. The few reports, journal articles and works that concern this issue are presented in the following chapter. Nonetheless, the prospects for studying the interconnectedness of the UN and the PMSCs are likely to increase. Due to the recent shifts in the UN's operating culture and security philosophy, the organization has become increasingly reliant on the utilization of private force.

The UN is in a challenging situation, pressurized on the other hand, by the calls to operate in an increasingly dangerous environments and on the other, by the lack of political will of its Member States to participate. Unable to fully operate in this environment, the UN has, by the force of circumstances, hold out to the market. Bearing in mind the fact that UN has traditionally – and hypothetically, still does – disapprove the use of private force, studying the subject is of a great interest. That is, there exists an interesting situation, in which the UN has let itself in for the private military and security industry, despite its overall disapproval of it. This dilemmatic situation offers a fruitful ground to study, how does the UN approach these companies and whether there has appeared development in this. The PMSCs and the UN both, are in a situation in which they are to define their future profile, goals and the relationship to one another.

Before continuing to the following chapter, a few remarks in terms of the research position need to be made. The first important remark is that the objective of this thesis is not to be normative, in the sense that it would attempt to conclude, whether the use of private force is morally justifiable or not or equally, desirable or not. Instead, it acknowledges the importance of the potential developments that might follow the increase of private force in the enforcement of international politics, including the potential erosion of some particular international relations paradigms. Indeed, as this work will further demonstrate, the whole argument in terms of

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2014.) *CACI* again, was accused of being part of the Abu Ghraib prison scandal in 2003 and 2004, torturing the detainees together with the U.S army (see for example Reuters 2014a).

PMSCs comes eventually back to the fundamental question of who has a right to use force, and for what reasons. Furthermore, this work also acknowledges, that the increased embracing of the market solutions has significance as for the UN, its future operations and its general profile.

## 1.1 The Private Military and Security Companies?

This research acknowledges the fact the defining of the PMSCs can be of a challenge. However, for the sake of clarity, some type of characterization is need to be made. This thesis defines a PMSC as a corporate actor, that provides a variety of military –or security -related services, often only in a smaller scale in comparison with governmental forces. The services that these actors offer have to do with military consultation and strategic advice, training, intelligence gathering, arms procurement, logistical support or securing the work of humanitarian and private organizations to name a few. What is noteworthy, is that some companies – *Executive Outcomes (EO)*, *Sandline International*, *SCI* and *NFD* for instance – have also taken part in direct combat or operational support.

Perhaps the core problem in terms of defining and conceptualizing the PMSCs is, that there exists confusion and difference in opinion, on whether these actors represent some type of new, corporate-form player on the international arena or whether they simply are new modalities of mercenaries. The problem has been attempted to solve by differentiating these two actors from one another by legislation. However, the legislation – full of definitional loopholes – has not been successful in its task. As a political scientist, I am not however, interested in the defining of phenomena in their juridical context, because providing phenomena a legal definition, does not significantly further their understanding. Because of this, legal documents in terms of the subject are not largely discussed.

The departure idea of my work is that the PMSCs are – as actors – in a process of ongoing conceptualization. That is, the questions of what they are and more specifically, what they are for, are still being defined. The question that to what extent are the PMSCs related to mercenaries remains a focal debate, in spite of that many of these companies are willing to differentiate themselves from the soldiers of fortune. The fact that the PMSCs are increasingly working

for state governments, NGOs and IGOs such as the UN, signify that the studying of the companies and their developing *agency* is of an uttermost interest and importance. A look into the role of the PMSCs in the context of UN again, is particularly interesting. This is because the utilization of these companies by a humanitarian organization could potentially increase their legitimacy as an actors on the international stage.

How have the PMSCs been then, conceptualized? In his work regarding the strategic use of military contractors by United States, Marcus Mohlin illuminates the development of the academic research as for PMSCs (Mohlin 2012). His work help understand the process-like nature of the PMSC's conceptualization. Mohlin argues, that when the PMSCs first visibly emerged in the international politics, they were straightforwardly reflected to the 1970s African mercenary experiences (Ibid., 32).<sup>5</sup> Thus, the collective understanding of the new, contradictory phenomenon was then built in the framework of previous, poor experiences. The emerge of the PMSCs in the 1990s was sudden. Indeed, Mohlin argues that the academic research concerning the PMSCs in the 1990s aimed to “[...] create order out of chaos that was initially observed“ (Mohlin 2012, 34–35).

The characteristics that were associated with the 1970s mercenaries thus passed into the understanding of the 1990s PMSCs. These characteristics included the presumed Western imperialist aspirations and the immorality, illegitimacy and tyranny of these actors (Mohlin 2012, 23–31). As for Percy, the conceptualization of the PMSCs has followed the logic of the proscriptive norm. According to Percy, “[...] it is impossible to understand the 1990s without understanding the anti-mercenary norm” (Percy 2007, 242–243). The anti-mercenary norm – which is also the theoretical framework of my thesis – explains that the mercenaries have, throughout history, been held immoral due to their pecuniary motivation and the operating outside the legitimate control (Ibid., 1). PMSCs – according to Percy – have not escaped this approach (Ibid., 206–247).

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<sup>5</sup> In the so called “Luanda trials”, 13 – mainly British and American, but also one Argentinian – soldiers were prosecuted and some of them later sentenced to death because of taking part in the Angolan civil war and “committing criminal acts in exchange for adequate payment”. Also some of them were prosecuted of killing fellow mercenaries. (BBC News 1976a ; BBC News 1976b.) The incident came up with significant disapproval.

It is not straightforward to argue, that the PMSCs constitute some type of a new player on the international arena. Fighting for profit is an ancient livelihood and thus, one could argue that the PMSCs are not any different from their mercenary ancestors. After all, PMSCs – as well as their private contractors – make significant profit of their operations. However, attempting to juxtapose these two actors, one is unavoidably faced with a variety of complications. The fact that the PMSCs are increasingly working for legitimate state governments and furthermore, they are even suggested to be incorporated to the UN peacekeeping, makes the juxtaposition of PMSCs to mercenaries challenging. One of the key problems of this juxtaposition eventually comes back to the difficulties of the mercenary definition. According to Percy, the conventional definition, that defines a mercenary as an actor that is both foreign to the conflict and predominantly motivated by financial aspects is not only historically inaccurate, but also insufficient (Percy 2007, 52–53).

Represent the PMSCs new modalities of mercenaries or not, it can be however justifiably attested, that they first emerged – in their modern, corporate outfit – on the international stage soon after the end of the Cold War (Percy 2007, 206 ; Singer 2003b, 40). The end of Cold War again, came up with a massive swing in the supply and demand of the capable military personnel which in turn, had an effect on the market of the privatized force (Singer 2003a). That is, there existed an immense number of retired military personnel willing to work for the growing PMSC industry. Since then, the PMSCs have taken part in various military entanglements. These include their involvement in the 1990s African conflicts. In 1993, EO successfully contributed to the ending of the Angolan civil war. EO also performed activities in Sierra Leone, together with the long gone PMSC *Sandline International*, which in turn, gained wretched reputation in the Papua New Guinea (Percy 2007, 209–212). As already indicated, the U.S. war on Iraq proved a significant increase on the utilization of private force.

In my thesis, I am referring to an abbreviation of a PMSC. That is, this thesis does not make a difference between companies that provide either security– or military services. Despite this work acknowledges the fact that the provision of the direct combat services by these companies has decreased, it regards that such differentiation is artificial. There exists various rationales for this. Foremost, despite the private contractors decreasingly offer offensive services, it does how however mean, that they could not do so. That is, the PMSCs have the potentiality take an active combat role, in so far as there exists market for such. This is supported by the fact that



the PMSCs are increasingly big multinational companies and their services are sector-cutting (Singer 2003a, 92). Furthermore, the line between an offensive and defensive action is supremely subtle. When being dragged into an armed conflict, differentiating a defensive action from an active combat can be of a great difficulty. This obscurity was attested – for instance – in the “Baghdad shootings” of 2007, in which the then *Blackwater USA* insisted that its firing of the 17 civilians was defensive action (Reuters 2014b).

## 1.2 Who has a Right to Kill, and for What Reasons?

The debate in terms of the private military and security industry comes eventually back to the question of *who* has the right to use lethal force and foremost, *for what reasons*. These questions are fundamental, and in the very core of political science and my thesis. The privatization of war does not only potentially derogate the Weberian idea of state’s monopoly over violence but also challenges to contemplate that, what is a legitimate motive to kill. Already in the 16<sup>th</sup> century, Luther explained that fighting barely for profit eventually turns the good action into a bad one. For him, a soldier that was not motivated by duty and loyalty for the authority and the God, but only reached for his own benefit, belonged to the devil. However for Luther, fighting for several lords was not problematic. In his essay *Whether Soldiers can be in a State of Grace* (Luther 1527), Luther stated that:

“Just as a good artisan may sell his skill to anyone who will have it, and thus serve the one he sells to, so long as this is not against his ruler and his community; so a soldier has his skill in fighting from God and can serve with it whoever desires his service, exactly as though it were an art or trade, and he can take pay for it as though for his work (Luther 1527).

As for Luther, *greed* was condemnable in terms of any action, including that of a soldier. His views in terms of professional soldiers were not exceptional. That is, mercenaries were a common element of the European armies in the Middle Ages (France 2008, 4). The question of for

what reasons is it legitimate to kill touches the deontological idea, that one should not be interested in the consequences of actions – as the teleological philosophy is – but in the actions themselves. According to the deontological ethics, for an action to have moral worth, it needs to be done for the right reasons. For example, as for Kant, an action to have moral worth needs to be done from duty and for the respect of the universal, moral law (see for example Kant 2002). Hence, a self-interest motivation is straightforwardly, an immoral one.

The Kantian philosophy is ever-echoing in the modern discourse in terms of mercenaries as well as the modern private force in its corporate outfit. That is, the argument that PMSCs are morally problematic because of their profit-driven intention is a very common one. What makes the presumed financial motivation problematic, is that the self-interest is being pursued in the context of inflicting harm. If one is to use force, one ought to use it for an appropriate reason only. The question then, of for what reason is it legitimate to use force, has been answered in various manners. Whereas fighting for self-interest – notably for profit – has been most often understood as morally problematic, fighting for patriotism, nationalism and duty for the sovereign or the God has played a significant role in the long run of history. According to Percy:

“The American revolutionaries, the French revolutionaries, Prussian reformers, and Victorian Britons all argued that fighting for a financial, selfish motive rather than out of patriotism or devotion to the national cause would not only make mercenaries poorer soldiers, but make the society itself poorer by ignoring the duty the citizen has to serve the state.” (Percy 2007, 245).

A cause that one fights for, could be defined as a principle or an ideal one is committed to. This cause, can be the “[...] ideological or political goals of a group which fights, be it a state, the Church, or a national liberation movement” (Percy 2007, 54). According to Percy, mercenaries are problematic, because “[...] they cannot point to a cause in the service of which they fight, aside from financial gain” (Ibid.). Percy’s proposition, in which a mercenary is defined by its attachment to a cause, is a very useful one. That is, the definition moves forward from the

circumlocution of identifying mercenary predominantly by its pecuniary interests and foreign component, of which the both come up with significant difficulties. Percy's approach acknowledges the fact that any actor – be it a peacekeeper or a private contractor – can possess self-interested motivation, but what makes them different from a mercenary, is their level of attachment to a cause. Following, a legitimate reason to use force is defined by the attachment to a cause held legitimate.

The PMSCs are especially problematic in the context of a humanitarian organization, if they are presumed to be predominantly motivated by financial gain. The cause that the UN advocates is a humanitarian one and thus, for PMSCs to legitimately participate, they ought to be attached to it. The problem is undoubtedly, that because of their corporate nature, PMSCs are perceived to be more ran by financial, rather than humanitarian interests. Indeed, it has been argued, that PMSCs cannot be “described as imbued with a culture of peacekeeping” (Singer 2003b). Verily, the reluctance to incorporate the PMSCs to the UN operations is because the presumed, predominant financial motivation and thus, the lack of an appropriate cause of the former. However, it is not excluded for an actor that is financially motivated, to be also attached to a cause. It is desirable, that his observation will contribute to the classification of PMSCs in the upcoming future.

The PMSCs are not problematic only because they are believed to lack an appropriate cause for their actions, but also because they potentially challenge one of the most central paradigms of the modern political world; namely, the institutionalized and internalized belief of a state and in particular, its monopoly over the exercise of force (see for example Krahmman 2010). PMSCs constitute a challenge for this paradigm, because their actions – which at least potentially include the exercise of force – are those that are traditionally believed to belong to the public sphere. In addition, the lack of functioning international and national legislation ensures, that having these companies accountable for this actions is especially problematic. That is, the PMSCs operate largely *outside* the state control and thus, erode the state's monopoly over the exercise of force.

Referring to *a belief*, one suggests that there in actual fact, exists no “physical state”, an entity that can be pointed at. Additionally, it also refers to the observation that there exists no undisputable point in time in which the sovereign state came into existence. The common argument

that the sovereign state with its various roles was born due to the peace of Westphalia in the 17<sup>th</sup> century for example, has been contested. Osiander argues that the founding narrative of a state is a myth and the careful reading of the Westphalian treaties indicates, that they do not as a matter of fact, speak of a state as how we generally understand it (Osiander 2011). Equally, the idea that the monopoly over violence belongs particularly to the state, is not a fixed state of affairs. Instead, a state – despite being the corner stone of our political imagination – is nothing more than an abstract that has taken the form of an institutionalized and internalized norm. The origins of this norm also date back to the “social contract” theories, in which the individuals hand over their right to exercise force to the state in return for their protection. This deal, as for Hobbes, is made in order to avoid the chaos of the state of nature, in which there exists “[...] warre, as is of every man, against every man” (Hobbes 1651, ch. XIII).

Later on, this this paradigm has been perhaps most famously reproduced by Weber, remarking that the state is a community that successfully “[...] claims the monopoly of the legitimate use of physical force within a given territory” (Weber 1919, 1). Jhering made a similar statement already before Weber by arguing that “the State is the only competent as well as the sole owner of social coercive force – the right to coerce forms the absolute monopoly of the State (Jhering 1913, 238). The question how such social contract gains its legitimacy has been answered by for instance, Luoma-aho. According to him, the justification of the state and its territorial sovereignty is based on the approval of a set of propositions in terms of the world political; an ontopolitical set. The obedience of the authorities rests on beliefs, that there exists *a state, a citizen* and *evil*, and the responsibility of the state is to protect its citizens from the latter. (Luoma-aho 2015.) That being so, it is the *raison d'être* of the state to hold the legitimate use of force, in order to protect its subjects.

When a norm is institutionalized and internalized, it is not only coded into the international law but also, taken for granted. Finnemore and Sikkink argue, that even political scientists tend to disregard the contentiousness of paradigms, because internalized norms are not particularly controversial (Finnemore & Sikkink 1998, 904). Thus, when a norm has in its life cycle, reached the phase of internalization, it has become somewhat “an absolute truth”. Even though one might not experience an internalized norm especially controversial – that is, it is taken for granted – it does not however mean, that the paradigms of our political imagination would not make a difference. Instead, any norm – and especially the one that we perceive as an absolute

truth – ought to be perceived as potentially controversial. The institutionalized belief of a state for instance, defines much of how we comprehend the political world and it is thus, remarkably powerful. The question then follows: why do we conform with the norm of a state, even though we might acknowledge that a state is nothing but an institutionalized norm and in addition, its founding narrative is a myth?

The question is substantial, and it is beyond the scope of this work to answer it in its entirety. One explanation for this is the tendency of a human being to reach for social order and meaning in their every-day existence. The opposite or order, meaning and predictability again, is a complete anomy; a chaos. Berger uses the concept of a *nomos*, which he defines as a meaningful order, or the “[...] bright dayside of life, tenuously held onto against the sinister shadows of the night.” As for Berger, the main objective of a society is the nomination and the “[...] socially established nomos may thus be understood [...] as a shield against terror”. (Berger 22–23.) It is in the interest of a human to avoid the terror and chaos the anomy comes up with. Equally, Berger argues, the society itself develops ways in which an individual remains “within the reality as officially defined” (Ibid., 24). Thus, we imagine a world of states for it grants us meaning and order; the basic human needs.

The purpose of the philosophical contemplation above is to indicate, that the idea that there exists a state and it – and it only – possesses the monopoly over the exercise of force is not an absolute truth, but a deeply internalized and institutionalized norm. Norms again, can be either challenged and replaced, or supported by others norms (Percy 2007, 28–31). The challenging of an internalized norm can be however difficult, because the internalized norm has reached the phase of wide approval and adoption. However, such challenging can also be especially frightening, because what is then challenged is the established social order. This is, to a great extent, the case with the privatized warfare.

## 2. The Existing Literature in terms of the United Nations and the Private Force

This chapter presents some of the discussion in terms of PMSCs in the context of the UN. For the sake of the scope of this study, not all debate can be throughout presented. However, the chapter aims to bring forth a few selected points of views in order to display, that the relationship between PMSCs and the UN has been acknowledged in the academic discourse. It is worth emphasizing that, whether the use of PMSCs in humanitarian operations is likely or not – or desirable or not – the contemplation of the private force does have a basis in the UN context. The potential usefulness of PMSCs for the UN peacekeeping operations has already been recognized by both the officials of the UN and its exterior commentators (Percy 2007, 223). Thus, chapter attempts to indicate that the studying of the PMSCs in the context of UN is of a high relevance. Before turning to the actual discussion it has to be remarked that, legal documents – for instance, the UN conventions – in terms of the subject are being excluded and thus, not covered. The purpose of this work is not to study the juridical relationship of the PMSCs and the UN, but the *politics* that the organization produces.

The use of PMSCs in the context of the UN or other humanitarian entities has been – to some extent – discussed in the academic literature.<sup>6</sup> However, extensive study of the subject has not been made except for the ones of Patterson (2009), Perrin (2012) and Østensen (2011). Most of the literature in terms of the private force concentrates on the state as the main customer of the private military and security industry and thus, the interrelationship between PMSCs and humanitarian organizations remains relatively undiscovered. Not many recognize that such interrelationship exists and equally, the UN itself does not downright publicly parade it.

Curiously enough, a multitude of academic statements appear to circumspectly favor the potential utilization of PMSCs as a part of operations for human rights purposes. The statements vary, and whereas some authors propose that the PMSCs could be addressed some

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<sup>6</sup> Overall, the outsourcing of different UN operations to PMSCs have been discussed by Baker and Pattison (2012), Bureš (2005), Cilliers (2002) Cockayne (2006), Ghebali (2006), Gumedze (2011), Lilly (2000), Reid (2011), Pattison (2010a), Pattison (2010b), Patterson (2009), Pingeot (2012), Singer (2003b), Østensen (2011) and (2013) to name a few.

carefully selected roles in the UN operations (see for example Østensen 2011), some go as far as advocating their role in *per se* peacekeeping and humanitarian intervention (Baker & Pattison 2012; Pattison 2010b). Even though many of these statements do recognize the shortcomings and concerns that the private military and security industry comes up with, they argue that the PMSCs could – at least in some circumstances – contribute to the performing of humanitarian operations. For instance, Baker and Pattison argue that the concerns related to the industry are most often practical and thus, possible to be tackled. They argue, that no *fundamental* barriers, that are not possible to be overcome with efficient regulation for instance, exist in terms of privatized peacekeeping. (Baker & Pattison 2012.)

Within the UN itself, the matter has remained as more or less a taboo, even though the few previous years have proved progress in terms of discussing the question in public. That is, the question on how the organization relates itself to the private force has not been extensively ventilated. The use of the private contractors has been an extremely sensitive political subject as for the UN (Østensen 2011, 5–6), and the first serious discussions the organization held of the subject were not until the 2013. The reluctance to discuss the matter in public might also be explained with the fact, that the process in which the UN is defining its position in terms of the PMSCs, is incomplete. As Bearpark puts it:

“There remains little awareness among NGOs and other humanitarian entities of how to properly procure risk management and security services [...] it is also due to great uncertainty within the humanitarian community regarding their position on the progress of a relationship with the private security industry” (Bearpark 2012, 164).

## 2.1 An Appealing Alternative: the Outsourcing of Humanitarian Operations

The literature that concerns the coordination between the UN and the PMSCs is diverse, and consists of descriptive reports, journal articles and a few extensive works in terms of the subject. Literature that discusses the legal dimensions on the matter – for example the regulation of the PMSCs, or the position of the private contractors in terms of the humanitarian law – is not due

to the nature of this thesis, presented.<sup>7</sup> The interrelationship between the UN and the PMSCs has been most extensively studied by Åse Østensen. According to her, the UN ought to replace its *ad hoc* outsourcing policies with a joint, consistent policy approach and overall, actively clarify its position in terms of PMSCs (Østensen 2011, 66–67). She argues, that:

“In an ideal world, the United Nations would probably not buy PMSC services in the first place. However, in the current situation a more proficient and proactive approach to PMSCs should be beneficial not only to the United Nations but also to affected populations”. (Østensen 2011, 67.)

Østensen does not either distinctively oppose or advocate the UN’s outsourcing policies, but argues that the politically sensitive subject ought to be actively placed on the agenda. According to her, the PMSCs already play a significant role in providing security for the UN personnel, but also greatly influence on how the UN peacekeeping is performed (Østensen 2013). The issue ought to be set on the agenda in order to avoid the potential problems caused by the private force. These problems do not only include the legal liability problems, but also the damage that the PMSCs can cause to the impartiality of the UN and the safety of its personnel. (Østensen 2011, 6.) A similar statement is made by Andrew Bearpark. According to him, the UN should more actively interact with the PMSCs in order to reach a consensus on the services the UN could outsource. By doing this, the UN could let go of the inconsistent *ad hoc* policies that again, do not contribute to the improving of the PMSCs standards and following, the safety of the UN personnel. (Bearpark 2012, 164.)

Studying the literature on the subject, one of the key issues that the use of PMSCs is feared to come up with, is the problem of decreased impartiality of the UN. Impartiality stands for not taking a side in a conflict but instead, representing a neutral, humanitarian space. The concern is relevant, because the impartiality is one of the basic, guiding principles of the UN peacekeeping and is, a precondition of its operations at large. Bearing in mind that the environments

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<sup>7</sup> For this discussion, see for example Perrin (2012).



in which the UN operates often lack the governmental structures, appearing impartial is supremely important. As Bearpark reminds, the power vacuum in such environments is filled by diverse of other actors, including those of NGOs, corporate players and warlords. Here, the "[...] distinctions between peace, war, crime and human rights violations are difficult to discern [...]". (Bearpark 2012, 158.) For example, Lou Pingeot has argued that whereas the early UN operations were largely based on impartiality, the new robust security philosophy that the UN has adopted makes it appear as a "[...] partisan and militarized organization, unworthy of public confidence". (Pingeot 2012, 38).<sup>8</sup>

Pingeot is herself perhaps the only, loud opponent of the UN's outsourcing policies. Whereas Østensen and Bearpark somewhat accept the finality of the private force within the UN and thus, advocate the UN to adopt a more proactive role in terms of the issue, Pingeot argues the opposite. Her report, the *Dangerous Partnership: Private Military & Security Companies and the UN* (2012) is on the whole, a critique to the hardening of the UN's security posture; an outcome of deliberate policy reforms the organization has pushed through. She further argues, that the PMSCs are not only untrustworthy, but forward a cavalier, arrogant and violent operative behavior (Ibid., 41) and thus, one can question whether they are appropriate partners for the UN to operate with in the first place.

In addition to these descriptive and investigative reports, some journal articles have gone as far as proposing the outsourcing of the UN peacekeeping. Many of these articles are by their very nature, provocative, and thus envision the future role of the private contractors participating in the UN operations. What they share is that they all perceive the PMSCs more or less advantageous. In addition, some of them envisage them to constitute a salvation to the failure of the UN peacekeeping at large. The enthusiasm of these articles might be explained with their timing; many of them have been written in the midst of the biggest "boom" of the private military and security industry; the beginning of the 21<sup>st</sup> century.

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<sup>8</sup> The UN's adopting of the new security philosophy and the operating culture is explained in the following chapter.

Indeed, at the advent of the US war in Iraq – and just before the extensive boom in the PMSC industry – Peter Singer contemplated the potentiality of the PMSCs to take over the UN peacekeeping. His article, *the Peacekeepers Inc.* (Singer 2003b) discusses both the possibilities and the perils of the industry, but is overall enthusiastic of the promises of it. According to Singer, the outsourcing of the peacekeeping operations, is a real prospect (Ibid). Similar enthusiasm is also shared by Reid, who provocatively states that “it’s time to privatize the peace” (Reid 2011). One of the key arguments that some of these articles provide is that the PMSCs are, as Reid puts it, “effective, compared to nothing” (Reid 2011). Bureš agrees by arguing, that the international peacekeeping ought to be outsourced to the private market, in such cases in which no other option exists (Bureš 2005). In such emergency, the moral or ideological judgments toward the industry should not play a role. (Ibid., 533–534). That is, if faced with a humanitarian disaster, with no other alternative ways to respond it, the use of PMSCs as a last resort would be legitimate. This point of view is rather common and is also shared elsewhere (see for example Pattison 2010, 199, 207–209).

Even though Reid contents himself to replicate some of the debatable ideas most often embraced by the PMCS themselves, that the private military and security is able to carry out the peacekeeping missions „more quickly and effectively“ (Reid 2011), he takes into consideration some important structural issues often left unnoticed. Indeed, the best offering of his article is the observation that the opposing the outsourcing of the peacekeeping is in a one sense invalid, because peacekeeping is *already* outsourced. Instead of outsourcing these operations to the private military and security industry, the peacekeeping operations and their political, strategic and personnel costs are displaced by the rich Permanent Five to the poor and weak states in South Asia and west Africa (Ibid.; UN 2015). Outsourcing the peacekeeping operations – of which‘ political burden the Western states are not willing to carry – and financing the militaries of the developing countries can itself come up with several drawbacks that has consequences in terms of the peacekeeping and its operational reliability and efficiency. That being so, what PMSCs offer is only an alternative to avoid this political baggage.

Of course, one does not necessarily oppose the outsourcing itself, but the outsourcing of peacekeeping to the private market. However, one can contemplate that if the international peacekeeping is at any rate outsourced, why not outsource it to an actor that is able to perform it the best? It can be argued, that if the object of an action is to promote peace – and this object is

successfully fulfilled – it should not play a role whether the peace is enforced by a regular force or a PMSC (see for example Percy 2007, 220; Baker & Pattison 2012, 5). In a slightly different context, criticizing the condemnation of the West toward the private force hired by the developing countries, Percy inquires: “If other nations, individually or collectively, are not going to contribute to multilateral peacekeeping or peacemaking forces, shouldn’t a state have a right to hire a force able to keep order?” (Percy 2007, 219–220).

In both cases – as presented by Reid and Percy – the opposing of the PMSCs seems to come up with a some sort of unconditional, unjustified normative judgment. That is, even though the use of private force would in some cases be beneficial – or moreover, the only remaining option – the alternative of private force is, for some reason excluded. Baker and Pattison argue, that there exist no *fundamental* problems in outsourcing peacekeeping and humanitarian intervention to the market (Baker & Pattison 2012). That is, the issues recognized so far have been practical and thus, contingent (Ibid., 2). Indeed, the PMSCs are not often considered legitimate because of the lack of regulation, accountability and oversight over the industry. These are issues that are at least, theoretically speaking able to be resolved.

One could easily argue, that the statements above are overly enthusiastic or naïve. Indeed, some of them clearly reflect some sort of imprudence in which the market is straightforwardly perceived as a salvation to the numerous issues of the UN peacekeeping. This is evident, for example in the manner in which they attempt to adjust these companies solely to the needs of the UN peacekeeping, instead of contemplating their role in the UN already. Nevertheless, it has to be underlined that some of the envisioning of these journal articles already have a basis in the UN framework and thus, this envisioning is not completely irrelevant. For instance, ten years after the publishing of the Singer’s article, the UN held a panel event on its interrelationship to the PMSCs and here, for the first time publicly discussed the amalgamation of PMSCs to its peacekeeping operations<sup>9</sup> Equally, even though it is highly unlikely for the private contractors to ever replace the “blue helmets”, some of the proposals Reid comes up with have already been taken into consideration in the UN. For example, the proposal of a pool of legitimate contractors (Reid 2011) is relevant, for that the screening, evaluating and selecting

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<sup>9</sup> The UN (2013)

as well as an establishment of a database of respectable contractors have been strongly proposed within the UN (see for example UN General Assembly 2014, 19, 22).

The observations above lead to several intriguing questions. If the benefit the private force could potentially come up with has been acknowledged within the UN and outside it, why the industry appears to be from the beginning, opposed? In addition, if the UN has already welcomed the PMSCs to supplement some of its functions, why does it approach toward these actors appear nevertheless, adversarial? Indeed, the PMSCs have subtly found themselves to the different programmes, departments, funds and agencies of the UN and the organization as a whole is a significant customer of the private military and security industry.

To understand how this position is possible – I argue – necessitates the comprehending of the presence of an anti-mercenary norm. The anti-mercenary norm – and the different elements the norm includes – constitutes the theoretical point of departure in my work. I argue that the presence of this norm – which is specified in detail further in my study – contributes well to the understanding of why have the PMSCs been objected in such strong manner, even though they have sometimes acknowledged to be necessary or entail a variety of possible benefits. I argue, that the presence of this proscriptive norm explains why there exists unwillingness or lack of political will to turn to the private force, why there exists disagreement on the legitimacy of it and most of all, why the question of utilizing PMSCs in humanitarian operations – as Bureš puts it – “remains unresolved” (Bureš 2005, 543).

### 3. Private Force within the United Nations

Let us begin by emphasizing the fact that there exists no uniform judgment of private military and security industry in the context of UN. Instead, the UN's manner of approach toward PMSCs has not only been multidimensional and inconsistent, but also contradictory. Whereas certain bodies of the organization have attempted to lobby member states to prohibit the recruitment, training, use and financing of mercenaries and in addition, attempted to come up with new solutions to deal with the phenomenon of modern private force, some of the departments, funds, programmes and agencies of the organization itself are major customers of the PMSCs.<sup>10</sup> There has also existed significant uncertainty on how the PMSCs ought to be approached to, which in turn, has come up with inconsistency in the discourse the UN has produced.

One could argue, that this disharmony could be explained with the scope and the complex structure of the organization. That is, in such extensive organization it might be difficult to come up with a joint policy approach. However, I argue that the disharmony of the UN approach has been a result of the increasing demand of the organization for the private force on the other hand, and the normative dislike toward it on the other. This in turn, has been supported with the culture of silence; the fact that the UN's own use of PMSCs has not been a subject largely discussed in the organization itself. The culture of silence has also further contributed to its *ad hoc* outsourcing policies.

The services that the PMSCs offer to UN are very similar to those that are provided by these companies in other affiliations. These services include armed and unarmed securing of the UN staff, premises, vehicles and convoys along with providing military equipment and immaterial services such as training, risk assessment and other consultancy (see for example Pingeot 2012, 24–26). The PMSCs also significantly influence the UN peacekeeping both in political and operational terms by providing training and consultancy in terms of these activities (Østensen 2013). In actual fact, the budget for these activities is rather extensive: in the fiscal year of 2013/2014 of 42 million dollars, of which slightly over 14 million dollars was addressed to the

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<sup>10</sup> These include for example, the UN Children's Fund (UNICEF), the World Food Programme (WFP) and the UN Development Programme (UNDP) (Østensen 2011, 12).

armed security services. At the time, PMSCs operated in the total of fifteen countries and took part in fourteen peacekeeping operations, of which two of them included the use of armed PMSCs. (The UN General Assembly 2014, 5.)

In this chapter I shall present how the UN has related itself to the question of mercenaries and the private military and security industry from the 1980 onwards. My purpose is to present, that the manner in which the UN has related itself to these phenomena has not been always uniform and consistent. Furthermore, I shall illustrate that despite the chiefly unfavorable approach toward the private military and security industry, the changes in the UN's operating environment and -culture since the beginning of the 21<sup>st</sup> century have contributed to its increasing interest toward the private force.

### 3.1 The Different Phases of the UN Approach toward the Private Force

The UN has been actively following the phenomenon of mercenary activities since 1987, when it established a mandate of a Special Rapporteur on the use of mercenaries. The mandate was first held by Enrique Ballesteros until 2004, after it was presented to Shaista Shameen for a year of service. Ballesteros' views in his years of service have been thereafter described to hold a strongly puritanical and normative position against the use of private force (Percy 2007, 220–221). Indeed, approaching the end of 1990s Ballesteros straightforwardly assimilated the PMSCs emerged in the 1990s to mercenaries (ECOSOC, 1998, 22–29). His approach was then consistent with the more general welcome of PMSCs in the 1990s. Mohlin argues that in addition to the little academic research on the topic, the attempts to comprehend and conceptualize the PMSCs in the 1990s were largely affected by the poor mercenary experiences in the 1970s (Mohlin 2012, 29).

After the service of Ballesteros, an especially interesting change in the manner of approach toward PMSCs took place. Østensen argues that a more pragmatic manner of approach was assumed and PMSCs begun to be perceived as a time-to-time necessity for the UN (Østensen 2011, 59). In the absence of a practical definition for mercenarism and a functional regulative framework Shameen began an interaction with the private military and security industry in

order to sketch a code of conduct for the industry in the conflicted areas (Gheballi 2006, 218). Hence, instead of a complete condemnation, the Special Rapporteur's approach begun to appear co-operative. What is worth remark is that Shameen actively contributed to the conceptualization of PMSCs. In 2005, Shameen pointed out that it is important "[...] not to confuse mercenaries with other actors in the field – such as [...] private security companies supplying security services to individuals and organizations in trouble spots throughout the world." (ECOSOC 2004, 15). Thus, Shameen attempted to make a difference between mercenaries and the modern private military and security industry; a move somewhat daring the context of the UN so far.

Shameen's service as a Special Rapporteur remained brief, as it was in 2005 replaced overnight by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (hereafter the Working Group) consisting of five independent regional experts. Gheballi estimates that Shameen's views were not congenial to the governments in the developing countries, even though no official data of this exists (Gheballi 2006, 219). The task that was given to the Working Group was to continue to work of the previous Special Rapporteurs – but what is noteworthy – bearing in mind the attempt to constitute a new legal definition for mercenarism; the work begun already by Ballesteros (Ibid). Hence, it appears that the approach toward PMSCs Shameen attempted to advocate was too radical by its nature. Because of this, the UN changed the course Shameen had chosen and continued to lobby states to support the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries (hereafter International Convention), that had since its very beginning succeeded only poorly. The radical nature of Shameen's might explain why no official data on the arguments why Shameen's position was abolished can be found neither from the databases of the Working Group nor of the Special Rapporteur.

Given this background, it is obvious that the approach UN has embraced toward mercenaries and the private military and security industry has not been consistent, even though the Working Group established after the abolishment of Shameen's mandate set its task to continue the legacy left by Ballesteros. The short term of Shameen indicated that there exists no uniform manner of approach toward PMSCs in the context of UN and the question on how to relate to the intensifying presence of private contractors and the phenomenon of mercenarism at large has

been highly debated. What is particularly interesting – especially from the perspective of my research – is that the carefully approving and co-operating approaches of Shameen’s toward PMSCs were systematically silenced and replaced.

### 3.2 The Post 9/11 – Security Environment and the UN’s Turn to PMSCs

In August 14th 2003, the UNSC passed a resolution to establish *The United Nations Assistance Mission in Iraq* (UNAMI). The mission was established only soon after the coalition led by the United States invaded Iraq. In hindsight, the establishment of this mission concurrently with the US– led war might have appeared highly risky. Indeed, five days after the UNSC resolution, a bomb attack – claiming the lives of 22 plus the suicide bomber – was targeted at the UN headquarters in Baghdad. The devastating attack – that followed another deadly strike a few weeks after – has thereafter been referred as a “policy watershed“ for the UN (see for example Pingeot 2012, 23). After the bombings, the UN was pushed to reconsider its security policies and its security philosophy as a whole. Indeed, soon after the incident, the Secretary-General Kofi Annan remarked that:

“We, who had assumed that our mission to help others served as its own and ultimate form of protection, now find ourselves threatened and exposed. We, who have tried from the beginning to serve those targeted by violence and destruction, have become a target ourselves“.  
(The United Nations 2003.)

Hence, Annan pointed out that UN was no longer “innocent“; its own reputation as a humanitarian organization was no longer sufficient to protect its premises and personnel from harm. Following this observation, Annan submitted that there was a need to “[...] adapt the way we work to our new environment and [...] learn to balance our mission on behalf of other people with the need to protect our own“ (The United UN 2003). The “new environment“ Annan described was also recognized by the *The Independent Panel on the Safety and Security of UN*



*Personnell in Iraq*, led by former Finnish president Martti Ahtisaari. According to the panel – that released its report soon after the Baghdad attacks – the UN staff was then more than ever before, liable to security threats (The Independent Panel on the Safety and Security of UN Personnel in Iraq 2003, 18–19). The security approach of the UN was then held failed, dysfunctional and in a need of a reform (Ibid., summary).

What was the “new environment” the UN had to comply with and why was the environment UN operated in considered to be riskier than before? The answers lie in the changes of the both, the UN’s operating culture and -environment. The environment in which UN performed its missions had become increasingly unsafe. Already at the time of the Baghdad attacks in 2003, the number of personnel deployed to hazardous operating environments had quadrupled from the end of the Cold War (The Independent Panel on the Safety and Security of UN Personnel in Iraq 2003, 19).<sup>11</sup> A report to the General Assembly in 2010 stated that the UN personnel were to a significant extent affected by security incidents, including those of lethal ones. These incidents included terrorism, abduction, kidnapping, intimidating and violent crime, to name a few. The strengthening, contemporary terrorism; the anti-American political violence was also targeted against the UN headquarters in Baghdad.<sup>12</sup> That being so, the UN’s work begun to be affected by the post 9/11 –security environment and the confrontation that the U.S. war had contributed to. Many of the UN personnel remained in danger, because of the inability of the either weak, disrupted or failed host states of the UN missions to provide them safety.<sup>13</sup> Despite the developments described above, the report to the GA in 2010 radically suggested that the UN had gone through a fundamental change in its mindset: instead of contemplating “when to leave”, the central question the UN is faced was now, “how to stay” (The UN General

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<sup>11</sup> According to the UN, a mission is declared hazardous, when the prevalent security conditions need to be supplemented (The Independent Panel on the Safety and Security of UN Personnell in Iraq 2003, 19).

<sup>12</sup> An Al-Qaeda affiliate Abu-Hafs al-Masri Brigades claimed responsibility for the attack. The violence in the area – including the Baghdad bombings – in 2003 were performed against targets that were perceived to be supporters of the US- led Coalition. (The Independent Panel on the Safety and Security of UN Personnel in Iraq 2003, 13–15.)

<sup>13</sup> The primary responsibility to provide security for an UN operation – be it humanitarian, developmental or political – belongs to the host country of the given mission (The UN 1994; the UN 2005). Nonetheless, this does not take place in practice, because only a handful of member states have signed the aforementioned conventions. In addition, even if a state had signed these conventions, it might lack the resources to act according to.

Assembly 2010a, 12–14). That is, the change in mindset appeared to imply a whole new security philosophy as for the UN. Deliberating how to stay is, discussing how should the UN develop its own policies to adapt to its new environment. That being so, the heavily changed operating environment and the drastic shift in its operating culture in the beginning of the 21<sup>st</sup> century have both contributed to the approach the UN has taken toward the private military and security industry. Østensen confirms this, by pointing out that the changes in the operational environment have come up with an “enormous stress in terms of human, financial and organizational capacities” for the UN and thus, contributed to the interest of the organization toward the PMSCs (Østensen 2011, 19).

The developments illustrated above have resulted in a problematic situation, in which there exists both, a distinct demand for PMSCs on the other hand and a normative dislike toward it on the other. Of course, one could argue that the new policy approach that the UN has adopted could be covered with other alternative players and thus, the UN would not need to turn to the market solutions. For example, the UN itself argues that the PMSCs should be contracted only when there exists no other alternatives, “[...] including protection by the host country, other support from Member States or internal United Nations system resources [...]” (UNGA 2014, 11). However, bearing in mind the lack of UN’s organizational capabilities, the reluctance of the Member States to contribute and the inability of the host states to provide for protection, such alternatives remain untenable.

This dilemmatic situation makes it especially fruitful to study, how has the UN approached the PMSCs from the 2005 onwards. The research material is further reflected to the theoretical setting of my work which in turn, is introduced to in the following chapter. The hypothesis of my study is, that despite the multitude of developments described above, the UN’s approach to PMSCs remains to some extent, affected by the presence of an anti-mercenary norm as presented by Percy (2007). This is likely, for that this proscriptive norm was also distinctive in the UN’s discourse during the service of Ballesteros. However, due to the abovementioned development it is also interesting to study, whether these developments have contributed to the UN’s approach and thus, whether they have decreased the influence of the proscriptive norm or came up with alternative discourses.

## 4. Theoretical Standpoint: the Anti-mercenary Norm

The theoretical setting that I turn to in my thesis is the one provided by Sarah Percy in *Mercenaries: the History of a Norm in International Relations* (2007). In her work, Percy argues that the states' policies in terms of mercenaries and the opportunities of the mercenaries themselves have been – from the High Middle Ages to the modern day – affected by the existence of an anti-mercenary norm (Percy 2007, 1; 11–13). In my work, the anti-mercenary norm is the very component that I reflect to my research material.

Percy explains that the anti-mercenary norm has two different elements, which render mercenaries immoral. According to the norm, mercenaries are morally condemnable because they operate – in specific, use force – outside legitimate control and in addition, fight for selfish reasons. (Percy 2007, 1.) The source of the legitimate control has varied throughout history from popes to princes, whereas in the today's international system the one that ordains the legitimate control is either a sovereign state. The mercenary morality; the lack of legitimate motive again, is well present in an academic and more general anti-mercenary discourse. The argument that Percy provides is that the collectively held anti-mercenary norm has existed and exists in the international relations. Its existence has had an effect to state policies over centuries, leading states to abandon independent mercenary troops and develop state-run armies.

The UN's use of private contractors is an area not much studied. Percy confirms that the UN has been actively steered to disapprove mercenaries (Percy 2007, 27), an observation also made earlier in my work. That is, the disapproving of mercenaries was very evident in the discourse produced by Ballesteros, whose career as the UN's Special Rapporteur lasted until 2004. His view reflected what Percy would call a *puritanical norm*; a norm with “unreflective condemnation without attention to the facts” (Ibid., 218). In my thesis I will study whether the UN still approaches the PMSCs from the perspective of the anti-mercenary norm, or whether there has been any change in this discourse. In other words, I will study whether the agency that the UN produces is still consistent with the norm. This is particularly interesting today, taking into

consideration the multitude of developments of the UN in the 21<sup>st</sup> century, concerning the shift in its security philosophy, operating culture and outsourcing policies.

#### 4.1 What is a Norm and what Influence do Norms Have?

Arguing that an anti-mercenary norm has had an influence on mercenaries, one has to elaborate what is a *norm* and how does it influence politics. Percy argues that the problem with the concept of a norm has been that while many of the academics have an idea what norms *are*, not many concentrate on what they *do* (Percy 2007, 15). Hence, one has to concentrate not only on the definition of the norm, but also how to norm influences behavior. For Mearshaimer, norms refer to institutions that “stipulate the ways in which states should cooperate and compete with each other” (Mearshaimer 1994–5, 8). Katzenstein again, defines norms as “collective expectations for the proper behavior of actors within a given identity” (Katzenstein 1996, 5). The latter definition is quite broadly, agreed on (Klotz 1995, 14; Finnemore & Skinnik 1998, 891). Both of these definitions agree that a norm is a part of a social context; that is, it presupposes a community and thus, is different from a single moral judgment. In addition, it determines how these actors *ought to* take action.

There exist various theories that disagree on the details of the concept. How the concept is perceived, depends on the theoretical canvas one departs from. The political realism is a broad tradition, but encloses overall the idea of state’s interest to gain power. The *interest*, in the realist thought, equals *power*, which is at the essence of understanding international politics (Morgenthau 1993, 5). That is, the states operate solely in accordance with their interests and their interest is either to preserve the balance of power in the international relations or alternatively, maximize the power of their own. The question of why states possess the will to gain power is explained variously by different realist scholars. For instance, according to the classical realists<sup>14</sup> the will to gain power – which designates the laws of the politics – is encoded in the very human nature (Morgenthau 1993). As for Waltz, the international relations is best

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<sup>14</sup> Also known as the “human nature realists”.

described with the state of anarchy. In the absence of a central authority and thus, in the anarchical environment, states are merely interested to survive and thus, attempt to maintain the balance of power. (Waltz 1979, 116–128.) Other structural realists, such as Mearsheimer, argue that states are not solely interested to survive; their interest is to maximize their power in order to achieve the hegemony (Mearsheimer 2001). This theoretical point of view is the one known as the offensive realism.

Thus, the realist tradition conceives the norms solely to reflect the interests of the states and thus, norms are not by their nature fundamentally influential. Here, the ultimate objective of the state is to gain power either in order to survive or maximize its influence. States choose the course of action that benefits them and is thus, rational. However, Percy argues that the structural realist point of view cannot construe why modern states have not to a greater extent turned to mercenaries (Percy 2007, 15). That is, if norms had zero influence on the state behavior, the mercenaries would be utilized– and would have been utilized in the history – far more extensively. Indeed, there exists various examples of situations in which the use of PMSCs has been highly beneficial. Recent examples of success come from 1990s PMSC interventions in the developing countries (Ibid., 209–210). In addition – as presented earlier by a multitude of scholars – the potential operative benefits of PMSCs have been acknowledged in the academic discourse, not to mention the IGOs such as the UN.

Unlike structural realism, the neoliberal thought argues that norms are influential, but only in an instrumental and thus, limited manner. Because states are presumed to act rationally, they abide by the norms as far as they provide them benefits. States are willing to participate in institutions – or after Keohane, “international regimes”<sup>15</sup> – because co-operation is more beneficial for states, than discord (on international regimes and co-operation, see Keohane 49–63). As Weber put it:

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<sup>15</sup> An international regime is an inclusive concepts that encloses "sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations" (Keohane 1984, 51).

“Not ideas, but material and ideal interests govern men’s conduct. Yet very frequently the ‘world images’ that have been created by ideas have, like switchmen, determined the tracks along which action has been pushed by the dynamic of interest” (Weber 1946, 280).

That is, norms do affect state policies, but they are ineradicably bound to state interests, that in the first place, define whether abiding by a particular norm is reasonable or not. The ideas influence state policies by providing “[...] road maps that increase actors’ clarity about goals or ends-means relationships [...]” (Goldstein & Keohane 1993, 3). Norms are thus instrumental and intermediate factors. Keohane describes them as “intervening variables”, between “characteristics of world politics such as the international distribution of power on the one hand and the behavior of states and non-state actors such as multinational corporations on the other” (Keohane 1984, 64). The view that the neoliberals hold is – alike the structural realist one – fundamentally rationalist; states calculate whether the advocacy of the norm is advantageous in regards to its interests. From this particular perspective, following the anti-mercenary norm has been beneficial for the states, because it has made it easier to gain control over unfavorable type of force, for instance. Abandoning the norm again, could lead to sanctions by other states or the international community and thus, to negative outcomes. Put together, norms do not barely *reflect* the state interests, but states might evaluate, whether abiding by a norm is of a strategic interest.

Percy departs from a constructivist point of view that holds that norms have an influence on action and thus, if one wishes to understand the actions a state pursues for instance, one has to comprehend the norms that shape its policies. The neoliberal point of view is insufficient, because it presumes that the state interests are exogenously given. The constructivist point of view again, holds that the norms do not merely reflect power and interests or represent statements of desired behavior. Instead, norms function in a more fundamental manner by shaping the state’s interest to begin with. (Thomas 2001, 3.) Moreover, they do not only have an effect on the interests, but also the identity of an actor. That is, playing in accordance with the norms defines “who we are– to be a certain kind of people means we just do not do certain things” (Prince 1997, 10). Put together; state interests are not exogenously given. Both the identity and

the interests of an actor are in the first place, shaped by the existence of internationally influential norms. Next I will present an illustrative example in order to better understand this position.

The proscriptive norm that prohibits the use of anti-personnel mines is a norm that has reached the phase of an *internalized norm* as presented by Finnemore and Skinnik (1998). An internalized norm is a norm that has become a prevailing standard, the one that is “adopted by a critical mass of relevant state actors” and competed against by other norms. It has thus, reached the tip of the life cycle of a norm. (Finnemore & Skinnik 1998, 895.) It is also an institutionalized norm for that it is codified in the international law.<sup>16</sup> One could argue that states abide by this norm because it is in line with their interests or calculations or that it has simply evolved to reflect their interests overall. However, this claim is hardly plausible. For sure, the use of personnel mines can be beneficial in a way it can be of a strategic importance. For example, the ban on these mines has been especially challenging for Finland, in which the use of personnel mines has been conceived to be cost-effective and operationally efficient custom of defense (Ministry of Defence of Finland 2003, 20).

However, most states – or the mass of the relevant state actors, after Finnemore and Skinnik – have decided to give up the use, stockpiling, production or transfer of the personnel mines. This practice cannot be explained by structural realists or neoliberalists, because the use of these mines in warfare could come up with operational benefit. They have decided to give up on the practice, because of the strength of the proscriptive norm that sets the basic rules; the expectations of how states ought not to perform their actions. Following the constructivist idea of the interconnectedness of norms and identity; a state that still holds on to the use of these particular mines is conceived to be uncivilized or wrongful. Equally, the state that has decided to abandon the practice is perceived as more civilized. As Thomas puts it: “States comply with norms for many reasons, among them being that norms define what and who they are, what they want, and how they view international politics” (Thomas 2001, 17). Naturally, the identity of an actor defines the scope of action it is able to take. Thus, it defines the interests that are

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<sup>16</sup> The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (1997). The treaty is also known as the “Ottawa Treaty”.

either attainable or appropriate (Risse & Skinnik 1999, 9). Defining oneself as a democratic, civilized state for instance, outlines the interests one can place for itself.

Percy explains that norms can be strengthened or diminished by other, influential norms (Percy 2007, 28–32). In addition, norms can be institutionalized, which can assist the influence of the given norm in politics by prolonging its existence (Ibid., 25–26). In terms of the land personnel mines, both developments have taken place. First, the proscription is coded to the formal international law. The norm does not either function alone, but is – and has been – strengthened by other norms, in particular the norms that govern the means and methods of warfare. Being more specific, the prohibitive norm against the personnel mines has been obviously affected by norms that decree acts of war to be performed solely against the armed forces, not against civilians. The strengthening of the human rights norms contribute to the development alike.

#### 4.2 Norms and Other Related Concepts: Law, Moral and Interest

The difference between a norm and a law is that the latter reflects the former. That is, the international law reflects an internationally influential norm. This concerns especially the formal, written international law whereas the relationship between the customary international law and an internationally influential norm is more complex. Percy argues that the international customary law differs from an internationally influential norm in a way that the former is constituted in a formal process whereas the latter does need to be. (Percy 2007, 18–19.) However, norms do not need to be codified into law to have an impact. The anti-mercenary norm is a practical example of this. Even though there exists no functional, formal international law in terms of the private military and security industry, their use is nonetheless most often opposed because their actions are associated to those of mercenaries, which in turn, are objectionable.

A moral again, differs from a norm because a norm presupposes a community. A single moral judgment can evolve into a norm, if it becomes a “collective expectation” in terms of behavior. Percy explains that a norm can be – but it does not necessarily need to be – fundamentally ethical. (Percy 2007, 19–20.) For example, the proscriptive norm against the anti-personnel mines has definitely an ethical component, because the use of these specific mines very often



cause unnecessary suffering to the civilians. The norm to represent oneself in another political community and practice diplomacy again, does not have an ethical, but a more pragmatic basis.

According to the constructivist point of view, the relationship between norms and interests is not as straightforward that the structural realists present. The two concepts are bound together and are intertwined. That is, they do not simply co-exist but affect one another in a profound manner. Norms can either shape the states' interests or define them in the first place (Percy 2007, 21–22). Norms and interests can also simply coincide. That is, one can justify its actions by both norms and interests. For example, not violating the state sovereignty of another political community is not only in consistency with the international norm of non-intervention but also with the national interest of a state. This is because the violation of this influential international norm would very likely endanger the integrity and security of the intervening party alike. Interests and norms are intertwined, and it might sometimes be difficult to interpret whether an action is motivated by a norm or an interest, or both. However, the constructivist thought places the norms first. Even though rationalist calculations on material factors do influence state behavior, “[...] social constructivists emphasize that ideas and communicative processes define in the first place which material factors are perceived relevant and how they influence understandings of interest, preferences and political decisions” (Risse & Skinnik 1999, 6–7).

#### 4.3 The Proscriptive Norm against Mercenaries and its Historical Context

This study is interested in norms, and proscriptive norms in particular. In this research, a proscriptive norm is defined as a norm that constrains or completely prohibits a specific type of action. In consistency with the definitions of the norm above, a proscriptive norm could be characterized as a norm that sets the basic rules; the collective expectations to how *not to* behave. The anti-mercenary norm is proscriptive, because it has, through centuries, produced a collective expectation not to turn to the private force. According to Percy, this has happened by presenting mercenaries as immoral and thus, the anti-mercenary norm has a distinctive ethical component. As presented in the beginning of this chapter, mercenaries have been held

immoral by appealing to two rationales, which include their presumed pecuniary motivation and the use of force outside legitimate control. This sub-chapter briefly presents the defense of the anti-mercenary norm in the European and American history according to Percy. However, it is way beyond the scope of this thesis to fully analyze the historical details of the anti-mercenary norm in depth. A throughout analysis of the history and the content of the norm has been creditably presented elsewhere (see for example Rökköläinen 2011).

In her work, Percy provides a normative explanation on why the use of citizen troops became a standard among states and thus, excluded the use of private force. Hence, by providing a normative explanation for the phenomenon Percy questions significance of the competitive theories that suggest the phenomenon to be explained with more of a pragmatic or theoretical factors, such as systemic pressure, path dependency or the development of international law. The argument is here that the abandoning of the private force in Europe and America was foremost affected by the influence of the anti-mercenary norm, which questioned the morality of its use (Percy 2007, 165).

Percy traces the earliest origins of the anti-mercenary norm as back in history as the 12<sup>th</sup> century France, England, Switzerland and Italy (Percy 2007 67–93). Already back between the 12<sup>th</sup> and the 16<sup>th</sup> century, mercenaries in Europe were disliked because they were not believed to be motivated by duty, loyalty or the common good for the republic. Because mercenaries were believed to fight for themselves – and thus, not for the needs of the sovereign – they were regarded to fragment the social order. This led to attempts to put the private force into a tighter control. (Ibid., 70 ; 77–78.)

The presence of the proscriptive norm and its influence on the birth of the citizen army can be later on after the 18<sup>th</sup> century observed in all, the American and French revolutions and in the Prussian and British history. In the American and French revolutions, the dislike for mercenaries had an explicit moral element and was linked to the ideas of the revolution at large; that is, the liberty of the state could not be fought with foreign soldiers (Percy 2007, 165). In Prussia, the anti-mercenary norm was strengthened because a new citizen-state ideology, in which the citizen owed a military duty to the state (Ibid., 136). Finally the Britain – which had long relied on mercenary troops due to the ideology of citizen liberty – had by the Crimean War developed

a strong anti-mercenary norm partly because the example set by other European states (Ibid., 166).

Percy rejects the competing material and realist explanations that present that the shift from the private force to the citizen armies was fundamentally a pragmatic move. According to this point of view, the shift from mercenary use to organized citizen armies was a consequence of systemic pressures created for example by the population growth in the 18<sup>th</sup> century, which followed that states had enough citizens to come up with substantial armies. Patriotism again, was a useful practice to maintain the army's cohesion. (Posen 1993, 83.) For Percy, these explanations are inaccurate as well as inadequate because both the material and realist approaches come up with several problems. For example, Percy argues that at that time, such patriotism that the new model presupposed did not exist to the extent that it would have contributed to the cohesion of the military (Percy 2007, 97). That is, in order to constitute a patriotic citizen army, the beliefs of the citizens would have needed to change first. Foremost, it was by no means obvious – hence, there was not a broad agreement on – that the citizen army was the best response to the systemic pressures the states were faced with (Ibid., 100–101).

The, path dependency theory, as presented by Deborah Avant (Avant 2000) is also incapable to fully explain the shift from mercenary use to citizen armies. The path dependency theory argues that after Prussia decided to adopt a citizen army after the Napoleonic Wars in the 19<sup>th</sup> century, other states followed the path, even though it was not the only available alternative. Thus, the citizen army became “an international model of a modern army”. (Ibid., 52.) In her theory, Avant does acknowledge the influence of norms and ideas, but only those of the Enlightenment (Ibid., 42). As for Percy, the ideas brought forth by the Enlightenment, such as rationality and foremost the new relationship between the state and the citizen, are not sufficient to explain the change in the culture of warfare. Avant herself suggests that mercenary armies were consistent with some of the Enlightenment ideas, especially with the idea of rationality (Ibid., 46). Percy again, argues that the systematic changes in the beliefs about the state, the citizen and the military only supported the pre-existing normative tradition; that is, the anti-mercenary norm (Percy 2007, 122). That is, it was the existence of a norm that de facto, explained the realization of the path dependency.

Thomson provides an alternative explanation by arguing that the supply for mercenary use diminished in the 19<sup>th</sup> century, due to the increasingly strong concept of neutrality in the international law. Because of this concept, states were more eager to control their citizens not fight in the armies of the belligerent. (Thomson 1994, 69–105.) For Percy, this explanation is also inadequate, for it was not only the supply of the mercenaries that had diminished, but also the demand (Percy 2007, 113). The disappearance of demand for mercenaries comes up with an interesting question, of whether there were also other factors that explain why the well-trying establishment of mercenary armies was abandoned. Percy points out that the careful study of the enlisting practices and the impacts of the neutrality laws in the 19<sup>th</sup> century Europe indicate that the influence of the international legislation in terms of neutrality was not as consistent as Thomson suggests. (Ibid., 113–117.)

Percy's argument overall is that the citizen army was adopted in Europe not because it was necessarily the top-rated alternative, but because it was simply considered to be a moral thing to do (Percy 2007, 120). No pragmatic explanations fully explain why the mercenary troops were replaced by citizen armies, whose reliability and effectiveness were at the time, far from certain. According to Percy, the shift from mercenary troops to citizen armies was as a matter of fact, a leap of faith (Ibid., 119). The only way to demystify such uncertain and irrational, but straightforward shift from a functional status-quo to a wholly dissimilar military arrangement is to understand the influence of an international proscriptive norm that had an effect on all, the Prussian, British, French and American histories.

#### 4.4 The Proscriptive Norm in the Context of International Law

As presented earlier in my study, the UN has in its work appeared to approach the PMSCs most often from an explicit, normative approach that has been consistent with the anti-mercenary norm as provided by Percy. However, the capability of the formal international law to regulate – or wholly eliminate – mercenaries or the modern PMSCs has been collectively held failed. The lack of the western states' commitment to the formal international law along with the loopholes in the mercenary definition found in both the *Article 47 in the Protocol I additional to the Geneva Conventions* and the International Convention could be interpreted to reflect the

weakening of the anti-mercenary norm in the 20<sup>th</sup> and the 21<sup>st</sup> centuries. That is, one could argue that if states do not appear to be eager to regulate the private force, it is likely that they do not possess a proscriptive normative stand toward it.

However, Percy sees the situation differently. According to her, norms have played a significant role in the establishment of the international law as for mercenaries. The incompleteness and the failure of the formal international law in terms of the regulating of private force can only be understood in reference to the still predominant proscriptive norm together with the influence of other norms. That is, the weakness of the law reflects the strength of the anti-mercenary norm. (Percy 2007, 168, 203.)

Percy explains this with the difficulty of codifying norms into laws. She points out that encapsulating a normative stand into a law can be challenging, because norms are not always logical. Because of this, translating a norm into a law can come up with philosophical and foremost, pragmatic headache (Percy 2007, 204) which of course, affects the functionality of the law. That is, because the international law in terms of the mercenaries has been written from the perspective of the proscriptive norm, it has not been successful. Percy's argument is plausible. For example, defining a mercenary as a person that takes "part in hostilities essentially by the desire for private gain"<sup>17</sup> does not only directly reflect the strength of the proscriptive norm but also comes up several problems, including those of the pragmatic ones in terms of verification.

According to Percy, specific norms can be either strengthened or impaired by other present norms (Percy 2007, 28). Here, the reluctance of the Western states to engage in the formal attempts to regulate the private force together with the heightened African interest to do so can be explained with the influence of other norms. From the Western perspective, the codifying of the anti-mercenary norm into formal law was problematic, because it would have been contradictory with pre-existing norms of state responsibility and freedom of movement (Ibid., 169).<sup>18</sup>

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<sup>17</sup> The definition of a mercenary can be found from both the Article 47 of Protocol Additional to the Geneva Conventions (1977) and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (1989)

<sup>18</sup> The implementation of the proposed international law would have extended the state responsibility over mercenaries to an "absolute" level. Here, any state is responsible for the mercenary actions performed by its citizens

Hence – even though there existed a shared understanding that mercenaries are problematic, and they *ought to* be controlled – the attempts to come up with a functioning, shared legal regime regulating mercenaries failed. This was because of the weakening effect of the other norms which in turn, led to the non-alignment to the formal international law. Along with the impairing norms, the anti-mercenary norm drew strength from other related norms in terms of national liberation and self-determination. This can explain why the UN convention has been instead of the West, especially supported in the African states. In this specific case, the norm of self-determination lead the mercenary definition heavily exaggerate the weight of the appropriate cause. This in turn – according to Percy – channeled the law into a direction that was impossible to function (Percy 2007, 203–204).

Percy's observations help explain why the calls – that are commonplace both in the academic and political discourse – to regulate the private force have fell on deaf ears. There exists an irrational situation in which on the other hand, there appears to exist enthusiasm to *do something* about the mercenary phenomenon but on the other hand, no commonly agreed legal regime is able to be come up with. In the UN context, states have been solely lobbied – and are still appealed to – sign the convention that is still both insufficient and unworkable, not to mention the definition of a mercenary that is overly ambiguous and narrow. As George Best famously put it: “any mercenary who cannot exclude himself from this definition deserves to be shot – and his lawyer with him!” (Best 1980, 328).

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even in situations in which it did was not aware of them. (Percy 2007, 199.) The establishment of the UN convention was experienced to offend the fundamental human right of freedom of movement (Ibid., 195).

## 5. Localizing the Research

Whereas the presence of private military and security industry in war and conflict in the service of state governments has been more or less recognized, the consumption of the services of this industry by non-governmental organizations (NGOs) and intergovernmental organizations (IGOs) is a subject less acknowledged and studied. This study has so far attempted to make visible the UN's policy in terms of mercenaries and the private military industry and the shift in the organization's overall philosophy and policies especially in terms of the latter. Thus far it is learned, that the outsourcing culture has diffused itself to the UN, despite the organization itself has been fundamentally intractable of this this development.

The UN's Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (hereafter Working Group) was established in July 2005 due to the Commission of Human Rights resolution 2005/2. Its mandate is to prepare a draft of internationally applicable principles that would encourage the private military and security industry to respect human rights in its activities. In detail – and as the name of the Working Group indicates – its mandate is to further the fulfillment and protection of human rights, especially the peoples' right to self-determination. The purpose of this is that this draft could serve as a basis for a possible new international convention regulating the activities of the private military and security industry, an objective very central to the Working Group.

At large, the Working Group aims to monitor the phenomena of mercenaries and the private military and security industry as a whole. Thus, it is following the trends, emerging issues and the root causes and sources of mercenary and mercenary-related activities and produces annual reports, statements and articles regarding the subjects. The Working Group's work is inclusive; in order to build a basis for international applicable standards it aims to gather experiences, views and proposals from member state governments, security industry and civil society, for instance the academia and the individuals. As learned in the previous chapter, the Working Group has been at large critical toward the private military and security industry.

This research is interested in the agency produced of the private military and security industry by the UN. One could argue, that attempting to come up with a uniform voice of UN is infeasible, due to the magnitude and complexity of the organization. Despite this study acknowledges this challenge, it localizes itself to the context of the Working Group. There exist several rationales. First, the studying and monitoring of the phenomena has been addressed to the Working Group in particular. The Working Group has been distinctly the most powerful voice of UN in terms of PMSCs whereas overall, the subject has not been much discussed. Indeed, Østensen remarks that the outsourcing culture of the UN itself has been only very rarely discussed apart from the Working Group (Østensen 2011, 40). Another argument, why the Working Group serves as an useful source to study the UN's approach is that the work of it has been by its nature inclusive, gathering information for example, from other UN agencies, member state governments and individuals.

The focus of my study is placed temporally from 2006 to the present. The rationales for this are threefold. First, so far it is learned that the approach toward PMSCs was strongly negative during the term of Ballesteros, which lasted until 2004. After his term, an especially interesting turn took place, in which the approach toward the private military and security industry appeared for a short period, completely controversial as for the former Special Rapporteur. Following, the inconsistency of the UN's approach toward the private force makes it especially intriguing to study it after the term of Shameen's. Second, not much study exists on how the UN has approached the private military and security industry during the past ten years. For instance, Percy's analysis of the history of the anti-mercenary norm ended at the time of her book's publishing, in 2007. A glance on the few previous years again, is of a great interest because the UN has not until now begun carefully discussing its connections to the PMSCs.

The research material consists of the annual reports of the Working Group to the UN General Assembly (UNGA) and the Human Rights Council (UNHRC) between this particular timescale. That being so, the total number of eighteen reports are included in the research. In terms of the reports to the UNHRC, only "general" reports are included and thus, reports on country visits and regional consultations for instance, are excluded. The annual reports constitute a fruitful source to study the subject, because they very often include the current feelings the Working Group has toward the private force. The research material also includes a panel event held in



July 2013, in which the UN discussed the outsourcing of its security guards and tasks of peace-keeping operations. The statements manifested in the panel event are included in the research, insofar as they are presented by the representatives of the UN.<sup>19</sup>

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<sup>19</sup> Another panel event regarding the issue was also held in Geneva in the summer 2014, but – despite its potential usefulness – this discussion is excluded from the research. This is because getting an access to any material – video material or a transcribed text – of the event proved impossible.

## 6. Approaching the Research

### 6.1 The Research Method(s)

The objective of this thesis is to study the agency that the UN produces of the PMSCs in the abovementioned research material. Because this study approaches the research material from a rather strong theoretical perspective – that is, the theoretical setting of an anti-mercenary norm and its particular components as presented by Percy (2007) and in addition, is also interested in the discourse that the UN produces, – the research method could be best described as a mixture of a theory-oriented content analysis and a discourse analysis. In a theory-oriented content analysis, the research material is analyzed theory-first, which means that the analysis is guided by certain theme or concepts (see for example Tuomi & Sarajärvi 2009, 113). This indeed, is the case in my research.

The discourse analysis again, is a loose theoretical framework based on the idea of the social constructivist nature of reality. As Berger and Luckmann, in their work *The Social Construction of Reality* (1966) put it:

“The world of everyday life is not only taken for granted as reality by the ordinary members of society in the subjectively meaningful conduct of their lives. It is a world that originates in their thoughts and actions, and is maintained as real by these”. (Berger & Luckmann 1966, 33.)

As for Berger and Luckmann, the reality – as how we comprehend it – has been moulded by different processes, including those of the socialization. Socialization refers to the idea that an individual is not *born* a member of the society but *becomes* one. (Berger & Luckmann, 147–148.) That is, in the process of socialization, the individual – being comprehensively and consistently initiated – internalizes the reality held meaningful. Reality is fundamentally socially

constructed and its symmetry needs also to be maintained by different forms of social interaction and routine (Ibid., 169). The idea of attempting to maintain the symmetry is very close to the socially established *nomos* presented already in the beginning of this work. In the social construction of reality, language has a significant role. Understanding the language is the prerequisite of comprehending the shared, every-day reality. It is also the very instrument and the essence of the socialization. (Ibid., 51–52, 153).

So far it is learned that the social reality is formed in social interaction, by language. The objective of the discourse analysis is to study, what type of significations does this social interaction produce and more importantly, what implications do these significations come up with. Indeed, briefly defined by Taylor, the discourse analysis is the “close study of language in use” (Taylor 2001, 5). Put differently, the aim of this research is to study, what is the reality that is socially produced of the PMSCs, and what does this follow?

The approach taken in the analysis reflects the twofold objective of this study. First, it is interested in the discourse that the UN produces of the PMSCs as actors overall. However, it is also interested whether this discourse is consistent with the anti-mercenary norm. It is worth remark that the extent to which the discourse is in consistency with the proscriptive norm is an outcome of independent interpretation. That is, the theoretical framework does not in itself – except for its components – provide any scale to measure this, and this study does not attempt to come up with such scale of measurement either. Instead, the interpretation on in which ways does the discourse reflect the anti-mercenary norm is presented and argued for in the different chapters of the analysis.

The discourse that the UN produces of the PMSCs has implications, because it defines them as actors. That is, how one speaks of PMSCs defines what they are and what is their role, place and significance in the world. It is important to bear in mind however, that the overall results of this analysis present nothing but the outcome of the researcher’s own interpretation. Furthermore, this research is interested in the discourses that are either in consistency with the anti-mercenary norm or otherwise dominant. That being so, some of the discourses – that do not appear significant – are inexorably left out of the analysis.

## 6.2 The Research Question(s)

The main research question is as follow:

- What type of discourse does the UN produce of the private military and security companies (PMSCs) in the given material?

The additional research questions, which are subordinate to the main research question, form the framework for the analysis. They are:

- How does the research material relate PMSCs to mercenaries?
- To which extent are the PMSCs presented as problematic because of their pecuniary motivation? (component 1)
- To which extent are the PMSCs presented as problematic because their operating outside a legitimate control? (component 2)
- Does the research material produce any other dominant, significant discourse?

The following chapter – the analysis – consists of five different sub-chapters, which in turn attempt to answer the subordinate questions presented above. The final sub-chapter again, concludes the both the way and the volume in which the anti-mercenary norm is present in the studied discourse and briefly discusses its consequences. The contemplation continues in the final, concluding chapter of my research, which also discusses both the successfulness of the analysis and the challenges it came up with.

## 7. The Analysis

### 7.1 The Interrelationship of Private Military and Security Companies and Mercenaries

The manner in which the research material approaches the PMSCs is of a specific interest. There appears to exist variability and inconsistency on whether the PMSCs fall into the category of mercenaries or not. For example, in the beginning of the panel event held in 2013, Faiza Patel had to remind to the panelists and the audience, that “[...] people sometimes get confused when they hear the name of our Working Group, because of the word mercenaries, but in fact we have a dual mandate. Part of the mandate looks at what I think of a traditional mercenary activities [...] and the other part of the mandate, looks at a more modern phenomenon, which is the use of private military and security companies [...]”. (UN 2013.) The Working Group also concedes, that contemplating whether the PMSCs and their private contractors are mercenaries or not, is one of the problems that the Working Group deals with (HRC 2007, 20). Falling into a category of a mercenary does not here however, refer to that PMSCs would be placed into the category of a mercenary *legally*. As highlighted before, this study is not interested in the legal discourse in terms of the subject. Instead, this study is interested in the *agency* produced of the PMSCs and thus, what is of a specific interest is that whether PMSCs are considered as mercenaries as actors in general; whether they *are* mercenaries.

Even though the reports of the Working Group appear most often to distinguish PMSCs from mercenaries, it is however noteworthy, that the Working Group does not in its appellation make a difference between mercenaries and the PMSCs as such. That is, in accordance with the name of the Working Group, its mandate is simply to study the “use of mercenaries”. That being so, the PMSCs are being to begin with, studied underneath the concept of a mercenary and thus, incorporated into the category of mercenaries. This observation is important and indicates, that PMSCs and mercenaries are connected to one another. Let this be starting point of the analysis.

Studying the time span from 2006 to 2014, the approach toward the PMSCs seems to evolve. Whereas in the reports from 2006 to 2009, PMSCs are not especially discussed apart from mercenaries, approaching the 2014, they are conceived as a somewhat separate phenomena. That is, mercenaries and PMSCs are later in the time span discussed in whole separate sections, in which the former covers the African mercenary dilemma, and the latter the Western interest in utilizing private force. Looking at the beginning of the time span, the Working Group appears to straightforwardly juxtapose the PMSCs to mercenaries. The 2007 report states that:

“Private companies that recruit, train, use or finance former military personnel and ex-policemen from all regions of the world to operate in zones of armed conflict [...] are new modalities of mercenary-related activities” (UNGA 2007, 20).

The statement above is very explicit and alleges that PMSCs present a new form of mercenary activity. Similar statements are made in the reports to the HRC, in which the PMSCs are presented to have evolved from the mercenary phenomenon (HRC 2007, 19; HRC 2008, 9). The citation above not however claim, that PMSCs and their private contractors are mercenaries as such; but indicates that they are *related* to one another. The difference between a mercenary-activity and a mercenary-related activity is certainly of a great interest. Even though the Working Group very often refers to the mercenary-related activity, it does not however, define it. It is presumable, that conceiving PMSCs as a straightforward mercenary-activity is difficult, because their corporate outfit does not match the picture of a mercenary as it is generally understood. That being so, the concept of a mercenary-related activity appears to be a useful tool, – a certain type of *bridge* between the phenomena – in order to help conceptualize the two. A similar type of statement is made a year later. In 2008, the Working Group concludes its report by noticing that:

“Despite the current international changes, the use of mercenaries in both traditional and non-traditional formats remain a serious problem in the world” (UNGA 2008, 16).

Even if oblique, it is evident that the “non-traditional format” of the mercenary use refers to the private military and security industry. Careful reading of the citation suggests, that the PMSCs and their employees are as a matter of fact, mercenaries. PMSCs are also being reflected to the concept of “classical mercenaries” (UNGA 2008, 10) and the concept is again used in the report of 2010 (UNGA 2010a, 5). That being so, the text suggests that the private military and security industry does have a link to the mercenary activity on some level. When one defines what is *classical*, one equally defines its counterpart. The report of the 2009 also suggests that the employees of the PMSCs are believed to have connections to illegal mercenary activities in other circumstances (UNGA 2009, 1).

In the report published in 2010 however, the private military and security industry appears to depart from mercenary activity as a phenomenon; the mercenary activities and the PMSCs are here for the first time, discussed in whole separate sections. Equally, the differentiation of these two phenomena continues in the following reports. Furthermore, the juxtaposing of PMSCs to mercenaries can no longer be found in the reports published after 2010. In the report of 2014, PMSCs are explicitly presented equal with any other enterprises and solely referred to as companies. The Working Group states that: “Like all private companies, private military and security companies have responsibility to operate with respect for human rights [...]” (UNGA 2014, 13).

What is especially interesting, is that the discourse that the Working Group produces appears in the course of time, diminish the offensive, military aspect of the PMSCs. In the 2006 report, the Working Group explicitly expresses its concern over the intensifying outsourcing of tasks, that had traditionally belonged to the State and its armed forces (see UNGA 2006). Equally, in the reports of 2007 and 2008, the Working Group identifies that even though there exists definitional challenges as for PMSCs, they are still identified to offer both, defensive and offensive services (UNGA 2007, 4; UNGA 2008, 4). However, the discourse had changed a few years later. In 2013, private contractors were described to be on a general level, “[...] involved less in military operations [...]” (UNGA 2013, 8).

The reason for this development is likely twofold, and can be explained with the impact of the anti-mercenary norm. Percy argues that the presence of the proscriptive norm has transformed

the private military and security industry to differentiate itself from the offering of the combat services and in the same time, the demand for private military services has plunged (Percy 2007, 230–231; 225). That is, the market of the private force has significantly transformed and favor private contractors that differentiate themselves from the offering of the active combat services. According to Percy, the background for this development lies in the *débâcles* of the 1990s military operations of the Sandline International and the EO on the African continent. The normative disapproval pushed these companies off the market, even if their activities would have been perceived in some particular cases, successful (Ibid., 209–210; 227).

Due to the normative dislike toward the private military companies (PMCs), the private security companies (PSCs) have been increasingly willing to draw a distinction to the former. The separating of these two actors is also evident in the research material. Whereas the reports from 2006 to 2013 do not appear to discuss the PMCs and the PSCs independently, the reports of 2014 make a difference. When discussing the UN's own utilizing of the private contractors, the private force is solely referred as PSCs (UNGA 2014; UN 2013). Additionally, the report of 2014 to the HRC unexplained speaks solely of PSCs (HRC 2014). This move is undoubtedly intentional, for it would be politically untenable for UN to admit having connections to companies offering offensive services. By doing this, the use of private contractors is in a way legitimized, because their potential offensive aspects are blotted out. Put together, the diverging of the PSCs from the PMCs on the discourse level is the result of both, the proscriptive norm that has transformed the market of the private force on the other hand, and the UN's own dependency on the PMSCs on the other.

However, it is important to bear in mind that, an absolute division between defensive private security companies and offensive private military companies is not possible to be made. Most of the private contractors today indeed appear to offer solely security services, but drawing a line between the two is artificial. It is important to remark that, the offering of the private military services has decreased chiefly because of the impact of the proscriptive norm. That is, the military aspect of the PMSCs merely suffocated. A footnote of the 2014 report affirms this: "While the United Nations contracts companies solely for security services, these same companies are also known to provide military services in other circumstances" (UNGA 2014, summary). It is also important to acknowledge, that the fine line between offensive and



defensive services can become obscure in the midst of an armed conflict, when a by definition private security company is drawn to a firefight.

Concluding, the manner in which the research material approaches the PMSCs in relation to mercenaries varies. In spite of the rather short time span studied, the research material appears to come up with a rather consistent development. Here, the juxtaposition of PMSCs to mercenaries is apparent from 2006 to 2008, after which the straightforward reflecting of the former to the latter mostly decreases. The report of 2013 first attests the development in which PSCs begin to depart from PMCs on the discourse level. In the reports of 2014, PMSCs are not only differentiated from the “classical mercenaries”, but their military aspect is greatly concealed.

At large, the research material indicates that the conceptualizing of the PMSCs is challenging. There exists apparent confusion and doubtfulness, whether the PMSCs actually represent “new modalities of mercenaries”, or whether there is any qualitative difference. This is evident in the manner in which the PMSCs and mercenaries are most often discussed in separate sections, but regardless of that, under the same hyperonym. The use of the concept “mercenary-related activities” – frequently mentioned in research material – is of a great interest. Never defined, the concept appears to have an alike function as discussing the PMSCs under the category of mercenaries at large. That is, by carrying along such concept the PMSCs are in the final, bound to mercenary activity.

## 7.2 The Financial Motivation of the PMSCs Remains Absolute

Percy argues that the mercenaries have been – from the Middle Ages to the modern day – considered immoral due to their pecuniary motive (Percy 2007, 1). That is, mercenaries are condemnable because they fight foremost for profit. The idea echoes the Kantian moral philosophy; an individual ought to be motivated by appropriate reasons for its actions to have moral worth. On a more fundamental basis – as discussed in the beginning of my work – the question touches upon the underlying question; the “Gordian knot” of who has a right to kill, and foremost, for what reasons.

The academic literature in terms of private force is largely concentrated on the question whether private contractors fight barely for private gain, whether this is problematic and finally, whether the motives of any actor can be ever ultimately verified. The answers to these questions vary. For instance, Lynch and Walsh argue, that the pecuniary incentives play only one role in the mercenary motivation, and an agent that is solely motivated by profit is uncommon (Lynch & Walsh 2000, 136). Contemplating such, one is inexorably faced with an epistemological complexity, for it is by no means feasible to ever verify the mindset of any actor and thus, the academic literature probably ought to move forward from this type of circumlocution. However, it is not the impossibility of verifying this that is neither interesting nor important. Instead, what is consequential is that accusations of wrongful causes are made to begin with. These accusations reflect the influence of the anti-mercenary norm that has according to Percy, affected the opportunities of the private force to prosper.

At large, the discourse in the research material is rather composed. Curiously enough, the research material does not concentrate immensely neither on the financial incentives of the PMSCs, nor their interests. This is surprising, taking into consideration the scope of disapproval the presumed pecuniary motives of the PMSCs come up with. However, a careful reading of the research material reveals the stance the Working Group has toward the PMSCs. In the research material, the pecuniary incentives of the PMSCs are not frequently mentioned, but when they are, they are presented as absolute. Equally, the consistency of the companies' interests together with the ones of the UN is for several times, questioned.

In a report published in 2008, the Working Group points out that PMSCs work for pecuniary gain, and their attempts to address a cause is nothing more but attempting to utilize the aims of the humanitarian organizations (HRC 2008, 10–11). A similar statement is made in 2010. While criticizing the manner in which PMSCs attempt to portray a favorable image of themselves by advertising their current or potential co-operation with humanitarian organizations, the Working Group unnoticed states that: “[...] the interests of private military and security companies remain purely financial” (UNGA 2010b, 10). By referring to the *purely* financial interests of these companies, the Working Group excludes the possibility of any other interests they might possess. That is, the pecuniary interests of the PMSCs are absolute, and no other interests – including those in consistency with the UN – exist. Allusions to the pecuniary incentives of the PMSCs can be especially found from the reports of 2008 and 2009. Here,

PMSCs argued to be governed by profit interests (HRC 2008, 16, 19) and the whole of the private military and security industry also described by its very character, lucrative (UNGA 2009, 5).

Another aspect, from which to study the UN's approach toward PMSCs is to look at the way the UN perceives their way of conduct. Percy argues, that mercenaries have been considered to behave in a bad manner, because they have not been attached to an appropriate cause (Percy 2007, 9, 69). That is, the immoral action of a mercenary is a consequence of his pecuniary interests and thus, the lack of cause. The idea has validity in the UN context, and this specific discourse was very evident in the one provided by the Ballesteros. For example, in 2003 Ballesteros argued that: "Whether acting individually, or in the employ of contemporary multi-purpose security companies, the mercenary is generally present as a violator of human rights" (ECOSOC 2003, 11). In other words, Ballesteros stated that the penuniary interests of an actor are connected to its immoral way of conduct.

Even though the human rights impact of the PMSCs is a cross-cutting theme in all of the research material, the discourse of the Working Group is far more circumspect than the one of Ballesteros'. All of the reports studied somehow take up the question of human rights, but none of them discuss the connection further. Very often, the threat that the PMSCs pose to human rights appears to be axiomatic. For instance, the Working Group speaks of the "emergent threats from [...] private military and security companies [...]" for human rights (UNGA 2006, 6). Equally, it states that the private military and security industry "[...] has the potential to have a serious negative impact on human rights [...]" (UNGA 2012, 4). A few times, the discourse is more straightforward, for it suggest that the use of private contractors inevitably leads to human rights violations. For instance, the Working Group stated multiple times that the human rights violations "surely will" occur by the private contractors and this was also repeated in the panel event by Gabor Rona (UN 2013 ; UNGA 2013, 9).

This tendency is also encoded to the appellation and the mandate of the Working Group which in turn, indicates that the private contractors have a negative effect on the enjoyment of human rights at large. Of course, one can argue that the concern is justified, taking into consideration the scope of the industry's activities, together with its lack of transparency and accountability. However, the idea that the private contractors have a tendency for human rights violations is

extremely dominating throughout the whole research material and thus, the lack of regulation cannot by itself explain the given discourse.

Even though the motives of the private contractors are not extensively discussed in the research material, it appears, that the anti-mercenary norm remains influential as for its first component. The discourse in the Working Group's reports is rather controlled and discreet, and studying the material requires careful reading. Nevertheless, when the Working Group addresses pecuniary interests of the PMSCs, they are presented as absolute. Presenting PMSCs as purely lucrative reflects the puritanical norm also produced earlier by Ballesteros. Put together, the research material does not offer any ground for other conclusion for the analysis. The heavily reiterated tendency of PMSCs to perform human rights violations again, reflects the fear of the connection between wrongful interests and criminal action.

### 7.3 The Operating Outside the Legitimate Control is Problematic

The second component of the Percy's outlined proscriptive norm argues, that mercenaries have been – through history – considered immoral because they operate outside a legitimate control; the entity, that is at the time, understood to hold the right to wage war (Percy 2007, 1, 57). The purpose of this sub-chapter is to present, to which extent this component of the norm is present in the research material. The ambition to bring mercenaries under the legitimate control has stemmed from the fear that mercenaries challenge the sovereign's monopoly over the exercise of violence. Furthermore, the components of the anti-mercenary norm are not detached from one another. That is, the belief that mercenaries fight without a proper cause and are thus, especially threatening, has not only been a moral, but also a practical problem (Ibid., 64). Whereas the denouncement of the PMSCs due to their financial interests is not particularly penetrating – but still present – in the research material, the disapproval of them due to their operating outside a legitimate control, definitely is. Thus, the interpretation of the research material from the perspective of the second component of the norm is rather straightforward. The presence of this particular norm in the research material is apparent in multiple ways.

In the research material, the concern over the diminishing of the state's monopoly over force is frequently present. In the reports of 2006 and 2007, the Working Group encourages the UN

member states to gather together in order discuss “fundamental questions”, including the “[...] role of the State as holder of the monopoly on the use of force” (UNGA 2006, 20; UNGA 2007, summary). Giving critic to the International Convention, the Working Group remarks that “[...] it is the only tool available at the global level that may allow control of the outsourcing of functions involving the use of violence which have been the monopoly of the State for centuries” (UNGA 2007, 27). At large, the outsourcing of “state functions” is feared to usurp this monopoly (HRC 2009, 8) and impede the state to retain it (UNGA 2010a, 18). The monopoly over the use of force is without a doubt understood to belong to the state only, and emerge of the PMSCs is perceived to constitute a threat to this paradigm. Indeed, ensuring the continuity of this paradigm is also one of the core tasks the Working Group is committed to. In a 2005 report to the UN Economic and Social Council (ECOSOC), the Working Group stated that it will in its work initially concentrate on the “[...] role of the State as the primary holder of the monopoly of the use of force [...]” (ECOSOC 2005, 5).

It is also the very essence of the function of the Working Group to bring the PMSCs under different forms of regulation. As for the content of the research material, definite majority of it is concerned of the lack of regulation, accountability and problematic transparency of the industry. As the 2013 report to the GA quite clearly puts it, the

“[...] regulation of private military and security companies requires a multilayered approach involving international standard-setting, robust national legislation and industry self-regulation [...]” (UNGA 2013, 17).

The need to control the PMSCs is of course, understandable and indispensable. However, what makes this need particularly interesting is that it stems from particular reasons. First, the fear that the PMSCs are increasingly taking over tasks that have “for centuries” belonged to the sovereign state and thus, pose a challenge to this paradigm. Second, the idea that PMSCs – just as mercenaries – are for some reason especially prone to human rights violations. As presented in the previous chapter of the analysis, the tendency of the PMSCs to perpetrate these violations is one of the most dominant discourses that the research material provides. The idea is also

somewhat taken for granted and this tendency is not in any circumstances opened up further. This presumption is an example of a puritanical norm, which is extremely difficult to be overturned. Indeed, Percy argues that the absence of the cause – that the mercenaries have been accused of – has been generally believed to lead to immoral conduct in war. Furthermore, this stance has persisted, regardless of contrary evidence. (Percy 2007, 64.)

Concluding, it is very evident that the overall ambition of the Working Group is to bring the freely roaming PMSCs under legitimate command and control. The provider of this legitimate control is here either the sovereign state or alternatively, the coalition of sovereign states, particularly the UN. This is done by encouraging the states to develop robust national legislation over these companies and in addition, urge the international community to commit to the already existing International Convention and to the developing of a the new international, legally binding instrument. Overall, the Working Group is concerned of the potential erosion of the paradigm, by which the monopoly over the exercise of force belongs to the sovereign state. PMSCs are perceived to pose a true challenge for continuity of this norm and thus, the international community is urged to discuss this potential development.

#### 7.4 The World Remains Imperfect: Private Force is to Stay

The research has so far indicated that the anti-mercenary norm remains – in spite of rather concealed – influential in the discourse of the UN. Here, the PMSCs are perceived purely lucrative and it is in the interest of the UN to place them under the control of the both national legislation and international law. The proscriptive norm appears also influential in the manner in which the UN is – especially in the latest reports studied – deliberately attempting to conceal the military aspect of the PMSCs. Indeed, the most dominant discourses found in the material directly reflected the components of the proscriptive norm. It is noteworthy, that the discourse provided is however remarkably more discreet and conciliatory in comparison with the one provided earlier in the service period of Ballesteros. That being so, in spite of that one cannot argue, that the influence of the anti-mercenary norm would have decreased, one can nevertheless demonstrate, that the language that the approach that the UN has taken toward to PMSCs has evolved.

This is also evident in the observation that even though the numerous problems the PMSCs come up with are being identified, the finality of their presence within the UN is somewhat accepted. Hence, the PMSCs are in the UN to stay. This specific discourse is seen in the latest reports published, and the contrast of these statements here to the ones made in the earliest reports studied is significant. In a report of 2013 for instance, the Working Group declares that the UN ought to “serve as a model [...] in its use of private military and security companies” (UNGA 2013, 9). Foremost, the report states that “[...] the United Nations now acknowledges that the use of (private) armed guards is a reality and is prepared to take responsibility for such practices” (Ibid., 18).

These statements attest that the UN has accepted the finality of the PMSCs’ presence and indeed, the Working Group gives its blessing to the UN use of private contractors, as a last resort (UNGA 2014, 5, 20). Furthermore, in a sense, the convening of the panel on the UN’s own use of PMSCs in 2013 attested this change in the organization’s mindset. Here, it was also stated that “the Working Group is of the opinion that the UN has the opportunity and indeed, the responsibility to positively influence the standards of the private military and security industry [...]” (UN 2013). The statements in these reports suggest that the UN is not about to resile from its outsourcing policies. Conversely, the UN is encouraged to influence the private military and security industry by setting an example for outsourcing policy.

## 7.5 The Anti-mercenary Norm Continues its Influence

If the PMSCs have come to the UN to stay, the question then follows, what will happen to the anti-mercenary norm, quite distinctly present also in the research material? The question is difficult to answer, because statements like these have not yet appeared for long. Will the UN increasingly welcome the PMSCs, it is likely that the anti-mercenary norm will continue to thrive by diminishing the military aspect of the PMSCs and thus, further decreasing the opportunities of those companies that offer offensive services, to prosper. Yet, as already demonstrated, one cannot artificially detach the offensive action of the PMSCs and thus, the offensive aspect of these companies will remain nothing but suffocated. Therefore, this potential policy approach would appear to be the UN’s “only way out”, but it is not however, without problems.

The proscriptive norm has an influence in the UN context just as it had an influence in the early modern, European states that abandoned mercenary armies against their better judgment. Equally, the norms affects in the UN in the same manner as it affected in the 1990s, outright disapproving the implication of the PMSCs in the African domestic conflicts. Even though the potential usefulness of the PMSCs to the UN has been acknowledged by both some of the UN officials and exterior commentators, the outsourcing remains problematic because it collides with the prevailing influential norm: there is something fundamentally greedy, dangerous and immoral in the privatized force.

In the research material, the Working Group does not outright argue that the PMSCs are useful for the UN. However, it does point out that the PMSCs are, due to the multitude of developments presented, *necessary* for the UN. Because of these developments, the Working Group argues, that “[...] the United Nations reliance on the use of private security companies has increased in recent years with a view to mitigating the high risks to its personnel“ (UNGA 2014, 5). Just as the European sovereigns, that adopted the citizen army despite it might not have been the most rational thing to do, so does the UN however attempt to escape the use of immoral PMSCs. The report of 2014 continues by arguing, that – in spite of the apparent need of these companies – the UN is obliged to try other alternatives first, including the help of the host government, Member States or the UN’s own internal capacities (Ibid.). Whether these alternatives are credible to provide for the safety of the UN personnel, is undoubtedly an essential question.

The strenght of the anti-mercenary norm is the one that gives birth to the UN’s grubby ad hoc policies, the culture of silence and its contradictory policy approaches. Concluding, it is not difficult to agree with Østensen, that it is time for UN to take a more proactive approach toward the PMSCs and thus, objectively review its position – and the fundamental factors that affect it – on the private military and security industry. This overall problem, the inconsistency of the UN approach, is much explained with the strength of the proscriptive norm that is by is very nature both illogical and irrational.



## 8. Conclusions

This study has been thematically interested in the phenomenon of private force and in particular, the private force in its modern modality of PMSCs. Specifically, it has attempted to illuminate the politically troublesome interrelationship of these companies and the UN; a collision of the humanitarian cause and the presumed mercenary morality. Very often – perhaps due to the incidents of Blackwater and Abu Ghraib – PMSCs are solely associated to the U.S. and its imperialist foreign policy by proxy. During the research process, as I all the while read the literature, news and other debate in terms of the PMSCs, I soon realized that not many of them appeared to acknowledge the extent to which these companies operate. Being more specific, it appeared that it was much unknown that PMSCs work not only in the service of notorious, imperialist ambitions of some particular states but also, for IGOs and humanitarian organizations such as the UN. Sometimes, the connection of PMSCs to the UN was barely mentioned and thus, left without closer analysis.

The unfamiliarity of the subject was also able to be seen in the literature that discusses it. That is, some of this is rather naïve and consists of articles written in the thrill of the largest uptrend of the private military and security industry. Again, the literature that contemplates the present situation is minor, because this situation is only recently woken up to. For instance, literature that thoroughly discusses pragmatically the future of the co-operation of the UN and the PMSCs, and the impact of this co-operation for the UN itself, is yet to be found. This study was partly written in order to fill this lacuna and at large, contribute to the acknowledging of the role that the PMSCs play in the UN and humanitarian organizations at large.

As illustrated in my work, the approach that the UN has publicly taken toward the PMSCs has been traditionally especially disapproval and normative. For almost twenty years, PMSCs were straightforwardly juxtaposed to mercenaries; an approach, that was consistent with the more general welcome of the private military and security industry from the 1990s onwards. However, during the past ten or fifteen years, the interrelationship of the PMSCs and the UN has become of a specific interest. During this time, the UN has become both the object, and the subject of some significant developments. One of these developments has been the endangering of the UN's working environment. This has been evident especially in Iraq, in which the UN

personnel has suffered from the anti-American political violence in the aftermath of the U.S. invasion. Also during the writing of this research, al-Shabaab continued its bombings against the UN personnel in Somalia, in which the UN has operated in order to rebuild the war-torn country (Guardian 2015).

The UN's deliberate shift in its operating strategy and security philosophy in 2010, by which the UN now focuses on "how to stay" in the most conflict-ridden areas of the world, further aggravates the insecurity of its personnel, and the shortage and inefficiency of the UN's organizational capabilities; an issue, that the UN has lived with for a sometime already. Perhaps the "Somalia syndrome" fresh in mind, the West remains reluctant to contribute to the UN operations and the UN's new strategy in particular. The question then follows: who is going to guarantee the security of the UN operations in such endangered environment, taking into consideration that even most of the host states are either incapable or indifferent to do so? The developments above have put the UN back against the wall and contributed to its increasing interest toward the market solutions. As for the UN, the world isn't perfect, and granted that it does not want them, it however without question, needs them.

The developments have also made it especially interesting to study, whether the approach that the UN produces of the PMSCs has altered, bearing in mind, that the discourse that it produced toward these companies was for long, supremely judgmental. In my research, I approached this question from the theoretical perspective as provided by Percy (2007). The departure idea of this constructivist theory is that politics is, instead of interests, principally shaped by internationally influential norms. That is, norms define both the interests and the identity of the actor and thus, if one is to comprehend its politics, one has to look at the norms that fundamentally shape it. Norms are by their nature dynamic, for that they can either support or challenge and even supersede one another. Some of them can evolve into a law, and therefore the institutionalizing of the norm likely contributes to its vitality. Again, some of the norms become internalized. Here, they evolve into something that becomes a prevailing standard, a paradigm or even "the truth". What is noteworthy is that the norms embraced are not always rational in the sense that they do not necessarily guarantee the most advantageous outcome. In addition, they might be illogical, which can become realized – as presented earlier- in the difficulty of codifying norms into laws.

According to Percy, the proscriptive norm that renders mercenaries immoral has had a remarkable influence in the long run of history, and the modern private military and security industry has not either escaped its impact. Therefore, the objective of my study was to test, whether the proscriptive norm remains influential in the UN discourse, given the various developments the organization has lived through. This was done by reflecting the norm to the reports of the Working Group, a group to which the studying and the monitoring of the phenomenon had particularly addressed to. A panel event, in which the members of the Working Group and other UN departments expressed their views was also included in the research material.

The analysis indicated that the anti-mercenary norm remains influential in the UN discourse, and this was evident in various ways. At large, even though the language that the Working Group produced was rather considerate, both of the components of the proscriptive norm were able to be found out. Most obviously, the anti-mercenary norm was visible in the UN discourse in the manner which the PMSCs were – especially in the first reports studied – juxtaposed to mercenaries. Perhaps the key observation of the analysis was that PMSCs were to begin with, related to mercenaries by presenting them as subordinate of the mercenary hyperonym. Another trend, which the analysis discovered was the occasional attempt to differentiate the PSCs from the PMCs. Nonetheless, in spite of these attempts the analysis indicated that the impossibility of artificially differentiating the PMSCs that offer either defensive or offensive services was acknowledged also by the UN representatives. These attempts reflect the influence of the anti-mercenary norm, because by doing such, the offensive aspect of these companies is attempted to conceal and thus, PMSCs are in a way attempted to be brought into the sphere of legitimate action.

The components of the norm, which render actors mercenaries and thus immoral, due to their pecuniary interests and their operating outside a legitimate control, are rather outwardly present in the research material. Even though the idea that PMSCs are exclusively motivated by profit was not as penetrating in the research material as one could expect, their financial interests were nevertheless, presented as absolute. The circumspect nature of this discourse could be explained in various ways, and one explanation might lie in the UN's own interests in terms of utilizing these companies. That is, while the UN has itself shown interest toward the outsourcing of its functions, the normative discourse toward the PMSCs has become naturally more considerate. However, careful reading of the research material indicated that this normative

judgement remains rather influential. Furthermore, presenting the self-interested motivation as absolute the norm appears to have preserved its puritanical nature.

As for the second component of the norm, PMSCs are generally understood to constitute a threat to the traditional idea of state's monopoly over the use of force and the thus, Working Group urges the international community to contemplate the potential erosion of this paradigm. The idea that the PMSCs need to be comprehensively controlled both on the domestic and international level is a cross-cutting theme in all of the research material studied and does not only stem from the idea, that PMSCs pose a threat to the state's monopoly over the exercise of force but also, that the PMSCs need to be controlled, because they lack a cause for their actions and are thus, especially dangerous. Roughly estimated, perhaps eighty percent of this material in a way or another, discusses the opportunities of bringing PMSCs under legitimate control. The legitimate control is here either the sovereign state or a coalition of them, to which the exercise of force is understood to belong to. The attempts to differentiate the PSCs from the ones of offensive service providers equally signals the wish to bring these companies to the sphere of the legitimate.

The analysis also revealed that the finality of the PMSCs' presence in the UN context is more or less accepted. Comparing these statements to the ones of Ballesteros' for instance, comes up with a massive contrast. Regardless of that, even though the private contractors would acquire legitimacy in the UN context, I however argue, that the anti-mercenary norm will continue to influence by concealing the "M" out of the PMSCs and thus, attempting to present these companies solely by security providers. The influence of the illogical anti-mercenary norm was also able to be seen in the manner in which there remained a large degree of confusion and doubtfulness on how to approach the PMSCs. Hence, the conceptualization of the PMSCs is still in a state of process, and how this process will evolve, remains an intriguing question for further research for the upcoming years.

Having done the research, it seems evident that – contrary to what Baker and Pattison argue – it appears that there does exist a *fundamental* barrier to the outsourcing of humanitarian operations. Indeed, this barrier is the unceasing presence of the anti-mercenary norm, which – even if irrational – hinders the outsourcing of any armed operation.

I would argue, that in spite of few challenges, the analysis of my research was rather successful. Challenge was posed by for example, the report-nature of most of the research material. Because of this, part of the text studied was simply descriptive and process-like explained the annual activities of the Working Group. In addition, the language of the reports had significantly altered from the one of Ballesteros' and become far more considerate and neutral. However, as already indicated, careful reading of these reports came up with significant observations. The statements made in the panel event by UN representatives mainly supported the ones already made in the Working Group's reports. I would say, that the research material that I chose to analyze for my research was sufficient and covered a large degree – if not all – of the official statements that the UN had produced of the PMSCs during the given time span. The only significant source of information that was left unanalyzed during the research was the Working Group's panel event of 2014, to which it turned up to be impossible to have access to.

I also argue, that the theoretical canvas of my work greatly explain the approach that has been taken toward the PMSCs especially from the 1990s onwards. Whether the theory has been correct from the “Middle Ages to the modern day” again, is a question beyond the scope of my study to authenticate and thus, this question was not here covered. For example, one could justifiably argue that it is unconvincing that the contents of the norm would have remained fixed in every circumstances throughout the history. Indeed, it is possible that for such extensive theory as the one of Percy's to function, the variables of the theory need to be to some extent, caricaturized. However, the anti-mercenary norm provides a plausible – and perhaps the only credible – answer to the question of why have the PMSCs been approached with such loathing, even if their potential utility would have been realized. The influence of the puritanical norm – a norm, which pays no attention to the facts – much accounts for this approach. Indeed, Percy argues that the approach toward the private force has even sometimes been perverse, refusing even the troubled states to hire private contractors even if no other alternatives existed (Percy 2007, 219–220).

Some authors have also straightforwardly proposed the PMSCs to supplement the UN peacekeeping.<sup>20</sup> These propositions are linked to another, large issue which was not however, in this thesis largely covered: the inefficiency of the UN peacekeeping and its numerous failures, especially those of the operations in Somalia, Rwanda and Bosnia. For instance, when the UN operation heavily failed to prevent the Rwandan genocide from happening in 1994, the EO had made statements according to which it could have – within fourteen days and almost six times cheaper – established safe havens for the Rwandan people (Singer 2003b). It is however – as some academics have proposed – highly unlikely for the peace to be outright privatized. That being so, one has needs to have a sense of proportion when contemplating the role of the PMSCs in the UN context. However equally, the future role of the private force in the UN is not unsubstantial. As Østensen has already indicated, the PMSCs already influence the UN peacekeeping in both political and operational sense (Østensen 2013). That being so, it is crucial to comprehend that this role nevertheless *exists*, and it is by no means without consequences.

Studying the interconnectedness of the PMSCs and the UN is actual and thus, the upcoming years will likely provide more material to study its development further. This largely depends on whether the UN will continue discussing the subject publicly. A lot of attention has been paid to the states as the main customers of the private military and security industry. By doing this, it is often left unrecognized that the PMSCs also work for a variety of NGOs and IGOs and in particular, for humanitarian organizations. Despite there exists no official statistics of the interrelationship of PMSCs and humanitarian organizations, its scope is more extensive than it is usually acknowledged. For example, a British PMSC, *ArmorGroup International* does not only work for the UN, but also for the US Agency for International Development (USAID), Department for International Development (DFID), International Committee of the Red Cross (ICRC), CARE and the Caritas. (Vaux et. al. 2002, 16.) Thus, unfolding the presence of the PMSCs in the humanitarian organizations remains an interesting subject for further research. So does the influence of norms – and in specific, the anti-mercenary norm – in international relations. Will the state preserve its exclusive *right to kill* or whether the extensive infiltration

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<sup>20</sup> For example Singer (2003b), Bureš, (2005), Reid (2011) and Patterson (2012).

of PMSCs to warfare, global security-provision and even peacekeeping will contribute to a norm change, remains yet to be seen.

# Bibliography

## Literature

Avant, Deborah (2000) From Mercenary to Citizen Armies: Explaining Change in the Practice of War. *International Organization* 54:1, 41–72.

Baker, Deane-Peter & Pattison, James (2012) The Principled Case for Employing Private Military and Security Companies in Interventions for Human Rights Purposes. *Journal of Applied Philosophy*, 29:1, 1–18.

BBC News (1976a) Mercenaries trial begins in Angola. [http://news.bbc.co.uk/onthisday/hi/dates/stories/june/11/newsid\\_2510000/2510947.stm](http://news.bbc.co.uk/onthisday/hi/dates/stories/june/11/newsid_2510000/2510947.stm) (last checked 26.11.2014).

BBC News (1976b) Death sentence for mercenaries. [http://news.bbc.co.uk/onthisday/hi/dates/stories/june/28/newsid\\_2520000/2520575.stm](http://news.bbc.co.uk/onthisday/hi/dates/stories/june/28/newsid_2520000/2520575.stm) (last checked 26.11.2014).

Bearpark, Andrew (2012) The Case for Humanitarian Organizations to use Private Security Contractors. In Perrin, Benjamin (ed.) *Modern Warfare: Armed Groups, Private Militaries, Humanitarian Organizations, and the Law*. Vancouver: UBC Press, 157–167.

Berger, Peter L. (1969) *The Sacred Canopy: Elements of a Sociological Theory of Religion*. New York: Anchor Books.

Berger, Peter L. & Luckmann, Thomas (1966) *The Social Construction of Reality. A Treatise in the Sociology of Knowledge*. London: Penguin Books.

Best, George (1980) *Humanity in Warfare: The Modern History of the International Law of Armed Conflict*. London: Weidenfeld and Nicolson.

Bureš, Oldrich (2005) Private Military Companies: A Second Best Peacekeeping Option? *International Peacekeeping*, 12:4, 533–546.

Cameron, Lindsey & Chetail, Vincent (2013) *Privatizing War: Private Military and Security Companies under Public International Law*. Cambridge: Cambridge University Press.

Cilliers, Jakkie (2002) A Role for Private Military Companies in Peacekeeping? *Conflict, Security & Development*, 2:3, 145–151.

Cockayne, James (2006) *Commercial Security in Humanitarian and Post-Conflict Settings: An Exploratory Study*. New York: International Peace Academy.

Cunliffe, Philipp (2009) The Politics of Global Governance in UN Peacekeeping. *International Peacekeeping*, 16:3, 323–336.



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

ECOSOC (1998) The Right of Peoples to Self-Determination and Its Application to Peoples under Colonial or Alien Domination or Foreign Occupation. UN Doc. E/CN.4/1998/31. Commission on Human Rights. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G98/102/97/PDF/G9810297.pdf?OpenElement> (last checked 14.01.2015).

ECOSOC (2003) The Right of Peoples to Self-Determination and Its Application to Peoples under Colonial or Alien Domination or Foreign Occupation. UN Doc E/C.N/2004/15. Commission on Human Rights. <http://daccess-ods.un.org/TMP/4195884.46617126.html> (last checked 23.03.2015).

ECOSOC (2004) The Right of Peoples to Self-Determination and Its Application to Peoples under Colonial or Alien Domination or Foreign Occupation. UN Doc. E/CN.4/2005/14. Commission on Human Rights. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G04/167/92/PDF/G0416792.pdf?OpenElement> (last checked 14.01.2015).

Finnemore, Martha and Skinnik, Kathryn (1998) International Norm Dynamics and Political Change. An article in *International Organization*. Autumn 1998. pp 887–917.

France, John (2008) Introduction in John France (ed.) *Mercenaries and Paid Men: Mercenary Identity in Middle Ages*. Leiden: Brill, 1–15.

Freedonia (2015) World Security Services – Industry Study with Forecasts for 2016 and 2021. <http://www.freedoniagroup.com/industry-study/2978/world-security-services.htm>. Last checked 27.04.2015.

Ghebali, Victor-Yves (2006) The United Nations and the Dilemma of Outsourcing Peacekeeping Operations<sup>7</sup>. In A. Bryden and M. Caparini (eds), *Private Actors and Security Governance*. Berlin: LIT Verlag, 213–230.

Goldstein, Judith & Keohane, Robert O. (1993) Ideas & Foreign Policy: An Analytical Framework. In Goldstein Judith & Keohane, Robert O. (eds) *Ideas & Foreign Policy: Beliefs, Institutions and Political Change*. New York: Cornell University Press, 3–31.

Gross, Leo (1948) The Peace of Westphalia, 1648–1948. *American Society of International Law*, 42:1, 20–41.

Guardian (2015) Al-Shabaab carries out bomb attack on UN workers in Somalia. 20.04.2015. <http://www.theguardian.com/world/2015/apr/20/al-shabaab-suspected-of-bomb-attack-on-un-workers-in-somalia> (last checked 20.04.2015).

Gumdeze, Sabelo (2011) *From Market for Force to Market for Peace: Private Military and Security Companies in Peacekeeping Operations*. Pretoria: Institute for Security Studies.

Hobbes, Thomas (1651) *Leviathan*. Available at: <http://www.gutenberg.org/files/3207/3207-h/3207-h.htm#link2HCH0013> (last checked 10.04.2015).

- Jhering, Rudolf von (1913) *Law as a Means to an End*. Boston: the Boston Book Company.
- Kant, Immanuel (2002) *Groundwork for the Metaphysics of Morals*. New Haven and London: Yale University Press.
- Katzenstein, Peter J. (1996) Introduction: Alternative Perspectives on National Security in Katzenstein, Peter J. (ed) *The Culture of National Security*. New York: Columbia University Press, 1–32.
- Keohane, Robert O. (1984) *After Hegemony: Cooperation and Discord in the World Political Economy*. New Jersey: Princeton University Press.
- Keohane, Robert, O. (1988) International Institutions: Two Approaches. *International Studies Quarterly*, 32:4, 379–396.
- Kinsey, Christopher (2006) *Corporate Soldiers and International Security. The Rise of Private Military Companies*. Oxon: Routledge.
- Klotz, Audie (1995) Norms Reconstituting Interests: Global Racial Equality and U.S Sanctions against South Africa. *International Organization*, 49:3, 451–478.
- Krahmann, Elke (2009) *Private Security Companies and the State Monopoly on Violence: A Case of Norm Change?* Frankfurt: Peace Research Institute Frankfurt.
- Lilly, Damian (2000) *The Privatization of Security and Peacebuilding: A Framework for Action*. London: International Alert.
- Luoma-aho, Mika (2015) Protection – Evil: An Examination into the Rationality of Civil Obedience. *Political Theology*, 16:2, 130–145.
- Lynch, Tony & Walsh, A.J. (2000) The Good Mercenary? *The Journal of Political Philosophy*, 8:2, 133–153.
- Mearsheimer, John J. (1994–5). The False Promise of International Institutions. *International Security*, 19:3, 5–49.
- Mearsheimer, John J. (2001) *The Tragedy of Great Power Politics*. New York: W. W. Norton Company, Inc.
- Ministry of Defence of Finland (2013) Puolustusministeriön Jalkaväkimiinaselvitystyöryhmän väliraportti. 19.12.2013. Found at: [http://www.defmin.fi/files/320/2525\\_1825\\_PuolustusministeriOn\\_JalkavAkimiinaselvitystyOryhman\\_vAliraportti\\_1\\_.pdf](http://www.defmin.fi/files/320/2525_1825_PuolustusministeriOn_JalkavAkimiinaselvitystyOryhman_vAliraportti_1_.pdf) (last checked 04.03.2015).
- Mohlin, Marcus (2012) *The Strategic Use of Military Contractors. American Commercial Military Service Providers in Bosnia and Liberia: 1995–2009*. National Defence University: Department of Strategic and Defense Studies.
- Morgenthau, Hans J. (1993) *Politics among Nations. The Struggle for Power and Peace*. Brief Edition. Boston et al: Mc Graw-Hill.

New York Times (2014) Blackwater Guards Found Guilty in 2007 Iraq Killings. 22.10.2014. [http://www.nytimes.com/2014/10/23/us/blackwater-verdict.html?\\_r=0](http://www.nytimes.com/2014/10/23/us/blackwater-verdict.html?_r=0). (last checked 02.04.2015).

Osiander, Andreas (2001) Sovereignty, International Relations, and the Westphalian Myth. *International Organization*. 55:2, 251–287.

Østensen, Åse Gilje (2011) *UN Use of Private Military and Security Companies: Practices and Policies*. The Geneva Centre for the Democratic Control of Armed Forces (DCAF).

Østensen, Åse Gilje (2013) In the Business of Peace: The Political Influence of Private Military and Security Companies on UN Peacekeeping. *International Peacekeeping*. Volume 20:1, 33–47.

Patterson, Hugh Malcolm (2009) *Privatising Peace: A Corporate Adjunct to United Nations Peacekeeping and Humanitarian Operations*. New York: Palgrave MacMillan.

Pattison, James (2010a) *Humanitarian Intervention and the Responsibility To Protect: Who Should Intervene?* Oxford: Oxford University Press.

Pattison, James (2010b) Outsourcing the Responsibility to Protect: Humanitarian Intervention and Private Military and Security Companies. *International Theory*. 2:1, 1–31.

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

Percy, Sarah (2007) *Mercenaries: The History of a Norm in International Relations*. Oxford: Oxford University Press.

Perrin, Benjamin (2012) Private Security Companies and Humanitarian Organizations: Implications for International Humanitarian Law. In Perrin, Benjamin (ed.) *Modern Warfare: Armed Groups, Private Militaries, Humanitarian Organizations, and the Law*. Vancouver: UBC Press, 123–156.

Pingeot, Lou (2012) *Dangerous Partnership. Private Military & Security Companies and the UN*. Global Policy Forum (GPF).

Posen, Barry R. (1993) Nationalism, the Mass Army, and Military Power. *International Security*, 18:2, 80–124.

Prince, Richard M. (1997) *The Chemical Weapons Taboo*. New York: The Cornell University Press.

Reid, Julian (2011) Privatizing the Peace: Contracting Peacekeeping Operations to the Private Sector. *The Montreal Review*. Available at: <http://www.themontrealreview.com/2009/Contracting-peacekeeping-operations-to-the-private-sector.php> (last checked 07.04.2015).

Reuters (2014a) Abu Ghraib torture lawsuit revived by U.S. appeals court. 30.06.2014. <http://www.reuters.com/article/2014/06/30/us-abughraib-caci-idUSKBN0F51BK20140630> (last checked 02.04.2015).

Reuters (2014b) U.S. lawyers for Blackwater guards say 2007 Baghdad shooting was self-defense. <http://www.reuters.com/article/2014/06/18/us-blackwater-trial-defendants-idUSKBN0ET2K020140618> (last checked 05.04.2015).

Risse, T. and Sikkink, K. (1999) The Socialization of International Human Rights Norms into Domestic Practices: Introduction in T. Risse, S. C. Ropp, and K. Sikkink (eds) *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press, 1–38.

Räkköläinen, Mikko (2011) *Greed and Control: the History and Content of the International Anti-Mercenary Norm*. Rovaniemi: The University of Lapland.

Schwartz, Moshe & Church, Jennifer (2013) *Department of Defense's Use of Contractors to Support Military Operations: Background, Analysis, and Issues for Congress*. Available at: <http://www.fas.org/sgp/crs/natsec/R43074.pdf> (last checked 27.03.2015).

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

Singer, Peter P.W (2003b) Peacekeepers Inc. *Policy Review*, 119, 59–70.

Taylor, Stephanie (2001) Locating and Conducting Discourse Analytic Research in M. Wetherell, S. Taylor and S.J. Yates (eds) *Discourse as Data: a Guide for Analysis*. London: Sage Publications, 5–49.

Thomas, Ward (2001) *The Ethics of Destruction. Norms and Force in International Relations*. New York: Cornell University Press.

Thomson, Janice E. (1994) *Mercenaries, Privates and Sovereigns: State-building and Extraterritorial Violence in Early Modern Europe*. New Jersey: Princeton University Press.

UN (1994) The Convention on the Safety of UN and Associated Personnel. <http://www.un.org/law/cod/safety.htm> (last checked 17.04.2015).

UN (2003) Colleagues Killed in Baghdad Example of UN Family 'at its Most Committed and Most Courageous', Says Secretary-General to Memorial Service. 19.11.2003. <http://www.un.org/press/en/2003/sgsm8883.doc.htm> (last checked 09.02.2015).

UN (2005) *Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel*. [https://treaties.un.org/doc/source/RecentTexts/XVIII-8a\\_english.pdf](https://treaties.un.org/doc/source/RecentTexts/XVIII-8a_english.pdf) (last checked 17.04.2015).

UN (2015) Contributors to the United Nations Peacekeeping Operations. [http://www.un.org/en/peacekeeping/contributors/2015/feb15\\_1.pdf](http://www.un.org/en/peacekeeping/contributors/2015/feb15_1.pdf) (last checked 16.04.2015).

UNGA (2010a) Safety and security of United Nations and associated personnel. Report of the Secretary-General. UN doc. A/65/344. [http://reliefweb.int/sites/reliefweb.int/files/resources/6088A8AB5629F25F492577FB0008AE8B-Full\\_Report.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/6088A8AB5629F25F492577FB0008AE8B-Full_Report.pdf) (last checked 10.02.2015).

Vaux, Tony; Seiple, Chris; Nakano, Greg & Van Brabant, Koenraad (2001) *Humanitarian Action and Private Security Companies: Opening the Debate*. London: International Alert.

Waltz, Kenneth (1979) *The Theory of International Politics*. Massachusetts: Addison-Wesley Publishing Company.

Washington Post (2006) Census Counts 100,000 Contractors in Iraq. 5.12.2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/04/AR2006120401311.html> (last checked 27.03.2015).

Weber, Max (1919) *Politics as a Vocation*. An essay by Max Weber. English translation available at <http://anthropos-lab.net/wp/wp-content/uploads/2011/12/Weber-Politics-as-a-Vocation.pdf> (last checked 17.04.2015).

Weber, Max (1946) *Essays of Sociology*. New York: Oxford University Press.

Wulf, Herbert (2005) *Internationalizing and Privatizing War and Peace*. Basingstoke: Palgrave MacMillan.

## The Research Material

HRC (2006) The rights of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation. Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination on the resumed first session (10 to 14 October 2005 and 13 to 17 February 2006). Commission on Human Rights. 03.03.2006. UN Doc. E/CN.4/2006/11/Add.1.

HRC (2007) Implementation of the General Assembly resolution 60/251 of 15 March 2006 entitled "Human Rights Council". Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 07.02.2007. UN Doc. A/HRC/4/42.

HRC (2008) Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 09.01.2008. UN Doc. A/HRC/7/7.

HRC (2009) Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 21.01.2009. UN Doc. A/HRC/10/14.

HRC (2010) Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 05.07.2010. UN Doc. A/HRC/15/25.

HRC (2011) Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 04.07.2011. UN Doc. A/HRC/18/32.

HRC (2012) Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 02.07.2012. UN Doc. A/HRC/21/43.

HRC (2013) Annual report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 01.07.2013. UN Doc. A/HRC/24/25.

HRC (2014) Annual report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 30.06.2014. UN Doc. A/HRC/27/50.

UN (2013) Working Group on the use of mercenaries - Panel Event: Use of private military and security companies by the United Nations. A video record at the UN Web TV. Available at: <http://webtv.un.org/search/working-group-on-the-use-of-mercenaries-panel-event-use-of-private-military-and-security-companies-by-the-united-nations/2579099513001?term=pmsc>.

UNGA (2006) Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 13.09.2006. UN Doc. A/61/341.

UNGA (2007) Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 24.08.2007. UN Doc. A/62/301.

UNGA (2008) Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 25.08.2008. UN Doc. A/63/325.

UNGA (2009) Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 20.08.2009. UN Doc. A/64/311.

UNGA (2010a) Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 25.08.2010. UN Doc. A/65/325.

UNGA (2011) Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 22.08.2011. UN Doc. A/66/317.

UNGA (2012) Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 30.08.2012. UN Doc. A/67/340.

UNGA (2013) Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 25.08.2013. UN Doc. A/68/339.

The UNGA (2014) Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. 21.08.2014. UN Doc. A/69/338.