Military, Inc.

Private military companies and state-centrism in international relations.

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ABSTRACT

This study sheds light on the relationship between military privatisation and state-centrism in international relations. The growth of the private military industry has led many to consider the operational implications of the military privatisation program, focusing on the merits of the industry and its inadequate regulation. Few have considered the ontological implications of military privatisation; that as the state outsources what many consider to be its core function and purpose – public security – military privatisation challenges the nature of the state and its central role in international relations. This thesis seeks to further the ontological argument by employing an English School approach to international relations. This approach allows for the puzzle to be interrogated at multiple levels and within three separate yet overlapping realms; the International System, International Society, and World Society. In contrast to existing research, I find that the state remains central to international relations. I conclude that although private military companies do not challenge the notion of state-centrism in international relations, the English School remains a powerful tool for exploring international phenomena. I also demonstrate the need for international relations theory to account for the changing identity of security actors and interplay between states.

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LIST OF ABBREVIATIONS

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BRA   Bougainville Revolutionary Army

CRS   Congressional Research Service

CWC   Commission on Wartime Contracting

ECOWAS   Economic Community of West African States

EO   Executive Outcomes

GAO   General Accounting Office

GSG   Ghurkha Security Guards

ICRC   International Committee of the Red Cross

IHL   International Humanitarian Law

LOGCAP   Logistics Civil Augmentation Program

MPLA   People's Movement for the Liberation of Angola – Labour

MPRI   Military Professional Resources, Inc.

PMC   Private Military Companies

RUF   Revolutionary United Front

U.K.   United Kingdom

UNITA   National Union for the Total Independence of Angola

U.S.   United States of America

UAV   Unmanned Aerial Vehicle

UN   United Nations

UNSC   United Nations Security Council

All figures are quoted in US Dollars.

INTRODUCTION
Military, Inc.

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Consider Charles Tilly's (1990) theory of the formation of the modern state. War made the state, and the state made war; the two have ever since been entwined. The modern state has enjoyed an unparalleled success in upholding the monopoly over legitimate violence within a defined territory, and has emerged as the ubiquitous form of political and military organisation. While international relations theorists of all persuasions have proffered explanations of the nature, consequences, and potential of the state system, one thing continues to weigh on the field's conscience: war. War is a paradox; though states were forged through waging it, they continue to fear for their existence because of it. In monopolising the military profession, the state has remained central to international relations theory. That is, until now.

A remarkable transformation has taken place over the past two decades. Private firms have made the move from producing military goods to providing military services. Private Military Companies (PMCs) such as MPRI, Vinnel, ArmorGroup, and Blackwater are to be found on every continent, catering to a range of international clients. Our general assumption of warfare as the preserve of states has been superseded; public militaries no longer monopolise the military profession when private firms boast of their ability to provide "the greatest corporate military expertise in the world" (MPRI, 2008).

Current research regarding the relationship between private military companies and international relations has not adequately addressed the central role of the state. Most research has concerned the operational implications of military privatisation: the merits of the program, and how best to regulate PMCs. Yet as military capabilities come to be bought and sold in an international market for force, doubt is cast over the continued relevance of Tilly's war-making-state-making nexus. Military privatisation presents an ontological challenge to international relations – a challenge that has not been adequately addressed. Researchers have leveraged key concepts that permeate international relations theory, such as state strength and weakness and international society, and as a result, a central tenet of international relations theory remains in question. The overarching purpose of this thesis is to resolve this issue, and determine whether private military companies challenge the notion of state-centricity in international relations.

Are PMCs simply a tool of the state – a response to prevailing global insecurities? Or have the borders between the public and private spheres become so porous as to render the notion of state-centricity anachronistic? Whether the state is considered a unitary actor or hegemonic discourse is beside the point; international relations theory is anchored in a theory *of it*. International relations theories are state-centric, though varying in extent, and whether the state remains central is of paramount importance to scholars and world leaders alike.

Organisation of the thesis

This thesis explores the implications of the privatisation of the military profession and interrogates the logic of state-centrism in international relations. In Chapter One, the Rise of the Private Military Industry is explored. The industry's history raises key questions; why a private military? What is a Private Military Company? Drawing on these foundations, the status of private military research is assessed, and the available answers to the implications of

military privatisation are illustrated. In demonstrating the opportunity for theoretical progress, Chapter Two introduces the English School of international relations to private military research. I locate PMCs and state-centrism within Barry Buzan's (2004) 'social-structural approach' to the English School.

Buzan separates international relations into three overlapping realms, known as the 'triad': the International System, International Society, and World Society. In employing Buzan's approach, Chapters Three, Four, and Five are developed accordingly, each exploring the logic of the three realms. Chapter Three explores the International Society and the logic of the regulated interaction between states. It considers how PMCs challenge the legally constituted identities – combatant, civilian, mercenary – regulated by international humanitarian law. In drawing out the ontological implications of this phenomenon, the incongruity between international humanitarian law and PMCs is explained in the context of constitutive transformations at the level of the international system. Chapter Four proceeds to the level of the International System, and considers the logic of self-interested interaction between and within states. This chapter explores how the patterns in PMC employment align with concepts of state strength and weakness, and demonstrates that in employing PMCs, states have constituted a novel understanding of the role of PMCs in international relations. Chapter Five considers the world society, the realm of non-state actors. Employing the Copenhagen School theory of securitisation serves to focus the world society analysis, and highlights the role of PMCs as producers of legitimate security knowledge.

The conclusion to this thesis unites the findings of Chapters Three, Four, and Five, and reflects on the renewed importance of the state as central to international relations. In concluding that PMCs do not challenge the notion of state-centricity in international relations, I highlight both the continued relevance and limitations of the English School approach to international relations, and draw implications for future research.

CHAPTER ONE
Rise of the Private Military Industry

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The collapse of the Cold War took most by surprise, and overturned prevailing conceptions of international security. Scholars turned their attention to the "durability and peacefulness" of a unipolar international order (Monteiro, 2011: 1). Yet the end of the Cold War also forged the space for something remarkable – military privatisation. Now operating on every continent bar Antarctica, the private military industry is one of the "fastest growing sectors of the economy worldwide" (ICRC, 2008) and shows little sign of slowing down. Comprised of private firms drawing on a wealth of military experience, the industry provides the gamut of military services: strategic advice, military and tactical training, technical and logistical assistance, intelligence, security and combat services, and operational support.

The industry is not without its vehement critics – or its ardent supporters. PMCs have been dogged by accusations that they are "are merely mercenaries in a modern guise" (Percy, 2007: 12), reviving latent international pains concerning mercenarism and the lingering interests of "western colonialist powers" (Pattison, 2010: 425). Some have railed against the ethical implications of introducing 'market logic' to the provision of military services (Cilliers and Mason, 1999; Spear, 2006; Salzman, 2006). Others have instead highlighted the positive role PMCs have played in extinguishing bloody civil wars (Singer, 2008; Kinsey, 2006), as well as the potential role PMCs could play in complementing humanitarian and

peacekeeping efforts worldwide. The industry's critics and supporters both make compelling arguments, and are indicative of an underlying issue; we are all still grappling with the new international order.

The extent of the military privatisation project is epitomised by the increasing involvement of contractors in recent U.S. military campaigns. During the first Gulf War in 1991, 541,000 U.S. soldiers were complemented by 5,200 contractors – a ratio of approximately 100 to 1. As the Iraq War began in 2003, this ratio had already fallen to below 10 to 1 (Petersohn, 2009: 1). During the first four years of the invasion, the U.S. government employed approximately 190,000 contracted personnel during the war; a number greater than the total number of U.S. troops at the high point of 'the surge', and almost 23 times the number of troops provided by U.S. allies (Singer, 2010). During this period, the annual revenues of the industry worldwide rose to $100 billion in the year 2000, and doubled to $200 billion by 2010 (Pattison, 2010: 425). The magnitude of military privatisation – among hegemons and superpowers, no less – is simply unprecedented in the modern era.

Samuel Huntington notes that "while all professions are to some extent regulated by the state, the military profession is monopolized by the state" (1957: 37). Huntington reflects the notion that we conceive of the use of legitimate violence as not only a core *property* of the state, but also its core *function* (Small, 2006: 12). The privatisation of the military profession can therefore be understood as a profound shift away from a functional ontology of the state. By extension, a potential challenge is raised to the centricity of the state in international relations is.

Understanding what PMCs are, and what factors has led them to their rise, is a task paramount to conceptualising the dilemma: does "the present breakup of the public monopoly of the military profession" (Singer, 2008: 8) challenge notions of state-centricity in

international relations? The following sections explore the available answers, illustrating the origins of the industry, and defining the 'private military company'. Drawing on this, the dilemma is explored.

1.1 *Why a private military?*

In 2008, David Milliband, former British Foreign Secretary, stated that:

> The private military and security company industry is essential because people need protecting in dangerous countries; inevitable, because government cannot deploy protection in all theatres; and international, because the market and suppliers are global.

Milliband expresses a common sentiment; that outsourcing military services is inevitable. Indeed, Private military researchers such as Singer (2003), Avant (2005) and Kinsey (2006) have woven a comprehensive history of the industry's inexorable growth, indicating that military privatisation has been driven by a number of forces. These forces are rooted in two broad phenomena; the 'security gap' and the 'privatisation discourse'.

The Security Gap

The 1990s proved "a difficult period for state militaries trying to transform themselves" (Kinsey, 2006: 96). States scrambled to respond to the post-Cold War security condition. As superpowers demobilised and withdrew from the periphery, fragile client and postcolonial states imploded and latent conflicts were released. There was 'peace for the West, war for the rest' as the number of 'conflict zones' doubled between 1989 and 1999 (Wallensteen and Sollenberg, 2000: 649-635). The collapse of Cold War rivalries produced a 'vacuum' in the market for security – a 'security gap.' This disequilibrium was met by PMCs. As Tim Spicer (1999) – private military executive and prominent industry advocate – explains:

> The end of the Cold War has allowed conflicts long suppressed or manipulated by the superpowers to re-emerge. At the same time, most armies have got smaller and live footage on CNN of United States soldiers being killed in Somalia has had a staggering effect on the willingness of governments to commit to foreign conflicts. We fill the gap.

In Spicer's framework, the security gap is a narrative of supply and demand. As the Iron Curtain fell, more than six million skilled soldiers worldwide faced demobilisation, while enormous stocks of weapons – such as the East German Army's obsolete armoury – were auctioned off (Bosch and Maritz, 2011: 1). Much of the surplus of labour and capital found its way into the hands of private organisations that saw the opportunity to fill the 'security gap' and offer private solutions to military issues. Private companies similarly positioned themselves as an integral part of the modernisation programs of advanced militaries. The British Army's size is the smallest it has been since the Afghan War of 1839 , while the number of active U.S. troops has fallen from 780,000 in 1991, to 380,000 in 2006 (Kinsey, 2006: 95). Rather than eliminated, many of the slashed military roles are now fulfilled by contractors instead.

New security concerns dominated the security agenda of a world in the midst of demobilisation. Flows of military aid, previously impelled by Cold War rivalries, dried up as "the strategic value that strong states had previously attached to many regions was reduced" (Stanger and Williams, 2006: 5). Analysing trends in post-Cold War conflict, Doug Brooks (2001: 33), PMC lobbyist and head of the International Stability Operations Association, explains that "as the West was reluctant to commit its militaries, the only way that Africa was going to acquire the military capability to end its many conflicts was to contract the services from elsewhere". It is no wonder, then, that the first reports of PMC activity surfaced after the pivotal roles played by controversial PMCs Executive Outcomes and Sandline

International in quashing civil wars in Sierra Leone and Angola. These firms brandished Soviet hardware – such as AK-47s and Mi-24 attack helicopters – acquired during post-Cold War fire sales. Unsurprisingly, preliminary reports from Libya indicate that the ousted Colonel Qaddafi enlisted the efforts of a few less scrupulous African PMCs in his recent bid to stay in power (Bosch and Maritz, 2011: 3).

Supply and demand dynamics could not have been so pervasive but for globalisation. International communication, transportation, and finance have proven the backbone for an international trade in military services that straddles the increasingly porous borders between nations and markets. Indeed, military privatisation fits well within the rubric of globalization as the "ongoing expansion of forms of organization… outside the traditional spaces defined by sovereignty" (Cha, 2000: 392). Globalisation is further entwined with the notion that the "marketplace should be the solution" (Singer, 2008: 66) and emphasises competition and efficiency. As a consequence, it is considered to go hand in hand with the 'privatisation revolution,' a movement that has provided the logic and legitimacy for a private military industry.

Privatisation Discourse

Privatisation has supplied the logic for the provision of military services by private firms. Based on an assumption that "the free market could deliver public services more cost efficiently" (Kinsey, 2006: 96) an increasing number of the untouchable areas of government were privatized during the 1980s and 90s, such as prisons and post offices. Indeed, elites in failing states such as Sierra Leone, Liberia, and Congo also contracted out vital public services such as public tax collection to foreign private firms (Reno, 2000). The relative successes of privatisation programs "put government put under the microscope" (Singer, 2008: 70), and the private provision of public services garnered greater acceptance. As one

commentator opined, "If privatization is the trend these days, as the argument goes, why not privatize war too?" (Tamayo, 2001).

Mark Duffield (2000: 32) notes that where patterns of privatsation have evolved, the demand for private protection follows. Yet the fact that privatisation has infiltrated the realm of national security cannot simply be reduced to being a 'creation', an inevitable consequence of a grand socio-political trend towards the market. It is necessary to recognize the role state officials have played in the process. The privatisation ideology in the world's superpower was propelled after Donald Rumsfeld's 'dramatic' speech on September 10, 2001, where he stated that "to transform the Department, we must look outside this building as well" (Rumsfeld, 2001). In the pursuit of efficiency, private firms were invited to bid to perform certain military functions. When asked for his opinion on the employment of PMCs, U.S. Army General Barry McCaffery (2001) stated "I am unabashedly an admirer of outsourcing… There's very few things in life you can't outsource".

The military privatisation process has been driven by more than the antecedent conditions of a 'privatisation revolution'. Though lending its logic and legitimacy to the industry, military privatisation has also been the result of a top-down, elite-driven quest for functional efficiencies and gains by states in the midst of a 'security gap'. In recognising that normative and material shifts have propelled PMCs to the frontiers of international security, it is necessary to consider what a private military company *is*. In exploring the functions PMCs have assumed, the extent of the privatisation project is demonstrated.

1.2 *A private military company*?

Private military researchers have struggled to create a definitive taxonomy of PMCs. In his pioneering research, Peter Singer (2008) proposed a 'tip-of-the-spear' model to supplant the rudimentary analytical distinctions drawn by other researchers between 'passive' and 'active'

or 'defensive' and 'offensive' firms. Singer (2008) identified that these definitions were of little use, and his 'tip-of-the-spear' model that has come to dominate private military research.

Singer's 'tip-of-the-spear' model distinguishes between firms based on the range of services offered, and likens them to a 'spear'. At the sharp end of the spear – the tip – are Military Provider Firms. Such firms include the controversial, and now-defunct, British company Sandline International and South African Executive Outcomes, who provided combat capable divisions, as well as firms such as AirScan (U.S.), who has "performed standoff military reconnaissance for the U.S., Colombian, and Angolan governments" among others (Singer, 2008: 93). The second type of PMC – the Military Consulting Firm – is found behind the frontlines and constitutes the 'shaft' of the spear, providing strategic and operational expertise. Examples of companies in this sector include MPRI, Vinnell, and DynCorp, who have trained entire armies, from the lowest Private to the highest echelons of military command.

At the base of the spear, Military Support Firms perform logistics, intelligence, technical support, transportation, and supply functions. Such firms specialise in "secondary tasks not part of the overall core mission of the client" which constitute the "largest [sector] in scope and revenue" (Singer, 2008: 97). Support firms include Halliburton and Kellogg, Brown & Root. In recent operations, the U.S., British, French, Canadian, and Australian militaries have all outsourced major parts of their logistic operations to support firms (Singer, 2008: 98). Such firms are intimately tied to privatisation and the search for functional efficiencies – a result of the downsizing of logistics units, "as forces try to squeeze the fat out of their organizations" (Goodpaster, 1996: 26). As one MPRI official stated, "in the new downsized army soldiers… don't do kitchen patrol anymore" (Fineman, 2003).

Owing to its utility, Singer's typology has come to dominate private military research. It has served as a tool for researchers to overcome the inordinate amount of attention paid to "atypical, but high-profile" firms including Executive Outcomes and Blackwater (O'Brien, 2007: 29). Researchers have, however, also reacted to the parsimony of Singer's typology, and have identified its limitations. Soyster (2002) notes that "putting companies into categories is problematic… they often expand or contract their business or focus… and resist being categorised". Kinsey (2006: 9) emphasises the fluidity of the market, noting that determining "companies undertake a range of activities that cut across different categories of services". Indeed, companies such as ArmorGroup a range of services to a clientele that includes commercial, government, and non-government organisations, and defy categorisation. Reacting to the 'categorisation' literature, researchers such as Avant (2005) and O'Brien (2007) argue that researchers should withdraw from 'categorisation' and focus on the activities of firms instead.

Definitional disputes are the result of a private military literature that has sought to achieve a surgical level of precision. Such precision is imperative in guiding efforts to regulate PMCs. Though insufficient for the purposes of regulation, Singer's typology remains useful in conceptualising the roles that PMCs have assumed. However, for locating PMCs within the broader context of f international relations, a broader definition will suffice. Chesterman and Lehnardt (2007: 3) provide a solid foundation: that a PMC denotes "a firm providing services outside their home states with the potential for use of lethal force, as well as the training of, provision of operational support, and advice to militaries that substantially affects their war-fighting capabilities". This definition requires amendment, as security has "become re-militarised" (Leander, 2005: 804) and PMCs play a key "post-intervention environments" (Olsson, 2007: 332). I would add that the war-fighting capabilities of militaries concern

armed conflict not only as an international exchange, but as an internal exercise where conflicts spill over borders and capture international attention.

1.3 *An operational or ontological dilemma?*

Understanding who PMCs are, and what they do, is imperative in exploring the problematique: whether the breakup of the state's monopoly of the military profession challenges notions of state-centricity in international relations. Despite its limitations, Singer's typology is useful in demonstrating that PMCs have assumed a range of tasks, from the 'tip' to the 'base' of the spear, and in doing so have become a critical component of the contemporary national security apparatus. The dilemma is therefore twofold. The majority of private military research – concerning, in particular, their regulation – has concerned the first, the *operational dilemma;* that the newfound role of a private actor in the provision of military services might profoundly influence outcomes, for better or worse. Less effort has been expended to grapple with the second, the *ontological dilemma:* that the proliferation of private participants in armed conflict and their assumption of crucial roles in the national security apparatus might have profound implications for the centrality of the state in international relations

The 'operational' dilemma

The PMC literature has largely concerned the operational implications of military privatisation. Drawing on economic reasoning, authors such as Cockayne (2007), McCoy (2010) and Cutler (2010) identify the issue as a principal-agent problem. Suboptimal outcomes might result from outsourcing security, as the personal (and hidden) motivations of private actors (agents) might interfere with and obscure the completion of critical tasks assigned by states (principals). Outsourcing also introduces a new layer of complexity in civil-military relations that obfuscates claims of responsibility and accountability. The overall

impact is, however, inconclusive; while Cockayne (2007: 199) concludes that states have "successfully constituted [PMCs] as agents of state interest", McCoy (2010: 671) voices concerns about principal-agent inversion, where PMCs supplant the state.

Other researchers have instead focused on implications of the 'legal vacuum' that PMCs occupy. Cameron (2006), Dickinson (2007), Gaston (2008), and del Prado (2009) identify the precarious 'grey area' that PMCs occupy under international law. The shared concern is that with inadequate oversight, PMCs have an inordinate propensity to disobey "human rights, anticorruption, and transparency norms" (Dickinson, 2007: 5) that exceeds the issue of inadequate regulation. These concerns are vindicated by several high-profile events: the involvement of CACI International and Titan Inc. interrogation and linguistic contractors during the Abu Ghraib scandal (Dickinson, 2007: 3); and the killing of 14 Iraqi civilians by Blackwater security personnel at Nisoor Square, Bagdhad in 2007. Researchers are likewise concerned about instances where private contractors have themselves fallen victim. At the domestic level, researchers such as Walker and Whyte (2005), Krahmann (2007), and de Nevers (2010) question the effectiveness of the industry's proposed regime of self-regulation, and the weakness of representative industry bodies such as the International Stability Operations Association (ISOA) and British Association of Private Security Companies (BAPSC). These authors also identify the inadequacy and infrequent use of domestic legal regimes impedes efforts to regulate and hold PMCs accountable and exercise control.

Other researchers have raised concerns about implicating market forces in the provision of military services. There were predictions at the "beginning of the [Iraq] war that… because you can't order a contractor to stay, that as soon as the shooting started all these companies would pull out," (CQ, 2004: 569), predictions that have not been realised. Regardless, the *geist* of the operational dilemma literature has been an earnest effort on the part of researchers to assess the merits of military outsourcing, to identify regulatory deficiencies,

and guide legislative efforts to rein in PMCs. Yet the operational literature has failed to propel any overarching policy initiatives.

The only policy achievement at the international level, the Montreux Document (2008), is trivial (for reasons explored in Chapter 3). Indeed, as the literature has matured, researchers such as Dickinson (2007), Salzman (2008), and Chapman (2010) have turned away from international law as the premiere venue for regulating PMCs, and focused their attention instead on the domestic realm, and the potential role of contracts. Yet the products of research at this level have proven similarly impotent, which raises an important question; why have they failed to gain traction? The absence of policy achievements is certainly understandable in light of the global economic doldrums, where fiscal crises have come to consume the American and European political attention span. However, this failure can also be attributed to a more fundamental issue; that researchers have focused their objections on the *contingent* problems posed by PMC, and not whether PMCs pose an ontological dilemma.

The 'ontological' dilemma

Weber's definition of the state – a "human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory" (Weber, 1946: 77) – is an obvious starting point for an investigation into how military privatisation relates to conceptions of the state in international relations. In light of Weber's definition, one immediately wonders whether, even if the industry was rigorously regulated, the state is being dismantled as its 'core function' is outsourced; or whether this is another example of how globalisation is said to erode the power of states in international relations – what Susan Strange (1996) labelled "The Retreat of The State". This line of reasoning suggests that military privatisation might herald a post-Weberian age.

PMCs might affect a change in how violence is controlled and by whom, and indeed its very purpose. PMCs therefore constitute a challenge to nature of the state and, by extension, to the notion of state-centricity in international relations; hence the *ontological dilemma*. Clausewitz's famous dictum, that 'War is a merely the continuation of politics by other means', is instructive in this regard. Clausewitz reflected the embryonic view in the post-Westphalian West that the state was the "institution through which the use of violence could be effectively linked to the endeavours endorsed by a collective" (Avant, 2005: 3). War and violence were the prerogative of the state, and the enduring references to Clausewitz reflect the state has "provided the best mechanism human kind has known for linking the use of violence to political processes and social norms within a territory" (Avant, 2005: 3).

For Tilly (199), material transformations conspired to render warfare prohibitively expensive. War became the preserve of the state; the only unit of political organisation with able to mobilise the resources of a patriotic citizenry to populate and finance armies. Yet in the era of the nation-state, soldiers no longer just fought wars. Armies "increasingly came to represent the state they fought for – which tended to render mercenaries an anachronism – and symbolize power, thereby helping create its right to govern" (Pagare, 2010: 94). Citizen armies forged and solidified the identity of the infant nation-state, and propelled a normative shift away from the private organisation of violence and employ of mercenary armies. The implication is therefore that the proliferation of PMCs – the "contracting out of sovereign transactions" (Williamson, 1999: 320) – undermines the history and foundations of the institution whose express purpose is to contain violence. PMCs compromise the integrity the nation-state and its sovereign prerogative. By extension, PMCs constitute an ontological challenge to international relations.

The ontological dilemma, as expounded by Avant (2005) in particular, concludes that PMCs sever the link between violence and the state. Echoing the notion that the "pillars of the

Westphalian temple decaying" (Zacher, 1992), the ontological dilemma is, however, currently founded upon a particular reading of Westphalian international relations, which has lead authors to operate under the assumption that the military profession is something that *ought* to be a public endeavour. Violence *ought* to be monopolised by the state, contained and regulated within public structures – rules, laws, norms, and institutions – because that's what the Westphalian system *is*. Private military companies, therefore, *ought* to be a dilemma. Our system of states is a fragile thing, premised upon the conduct of violence by states, and is liable to collapse as the states of antiquity have before it.

This conclusion is erroneous. The problem with the ontological dilemma as it stands is that it is founded upon a contingent reading of the Westphalian narrative; one which, as "understood today in IR is really a figment of the nineteenth-century imagination" (Osiander, 2001: 284). For Osiander, the prevailing Westphalian narrative is a "myth" that, in international relations, derives from the idea that the Peace of Westphalia, 1648, was "the majestic portal which leads from the old into the new world" (Gross, 1948: 28). Rather than being an immutable property, the link between the state and violence was given a unique reading over time, propelled by material and normative transformations that produced the public monopoly over the military profession. The state-violence link must be considered in the context of the private provision of military services that continued to be "a routine aspect of international relations before the twentieth century" (Herbst, 1999: 117). While "historic trends were building against it, the mercenary trade remained a fully legitimate practice well into the 1700s" (Singer, 2008: 33) and other forms of private violence – trading companies, privateers – continued to thrive.

The Westphalian treaty of 1648 was not, then, a majestic portal from the old to new; from private to public. In this period, the commercial organisation of violence flourished as states "took to hiring out their own militaries to fight others' wars" (Singer, 2008: 33). The British

hired approximately 30,000 mercenaries from the German state of Hesse-Kessel – 'Hessians' – to bolster their own forces, stretched thin across the empire, as they sought to extinguish the American War of Independence of 1775-1783. The British continued this practice until as late as the 1853, when some 16,000 Swiss and German mercenaries were employed to fight in the Crimean War (Thomson, 1994: 38).

The private provision of military services, therefore, is not *fundamentally* antithetical to the conception of the state as monopolizing legitimate violence, and central to international relations. Rather, in the Westphalian period, the condition of possibility for the private provision of military services has been state patronage. The 'system' as we conceive it – where the violence is not only linked to the state but monopolised by public forces – is contingent, and remarkable for its "historically exceptional and transitory character" (Osiander, 2001: 282). This link was the product of a gradual shift away from the private organisation of military force that culminated in the ubiquity of citizen armies by the 1870s, following the Austro-Prussian and Franco-Prussian wars; a shift propelled by material and normative transformations. The point, then, is not to dismantle the logic of the state-violence link, but to contextualise it and identify that novel forms of commercial violence proliferated under the patronage of states. One must consider that there is "more to IR than dealings between 'sovereign' actors each seen as a society unto itself" (Osiander, 2001: 281) and that relations between sovereign states have been, and will continue to be, achieved under conditions of both public and private provision of military services.

Given that a material and normative shift again conspires to propel the private organisation of violence to the fore, a call is raised for alternative perspective to the ontological dilemma. This alternative perspective must be able to build upon a literature already crowded with competing and incomplete theoretical frameworks. This perspective must possess a dynamic quality, able to grapple with interactions occurring at multiple levels. In this regard, an

English School approach is uniquely poised to inform an alternative perspective to the ontological dilemma. The School's "three key concepts and its theoretically pluralist approach" (Buzan, 2004: 6) allow for the rigorous analysis of whether the PMCs challenge notions of state-centricity in international relations.

CHAPTER TWO
Theory and foundations: An English School approach
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The English School is propelled by the formidable task of grappling with three seemingly

contradictory facets of international relations: the prevalence of war and struggle for power

between states; the extent of cooperation and regulated interaction between states; and the

existence of transnational solidarity and conflict. Promulgated by Hedley Bull (1977), Martin

Wight (1977) and Barry Buzan (2004) among others, it is commonly associated with the

concept of the 'international society' – the realm in which states, in their relations with one

another, are bound by a set of rules or common values (Bull, 1977: 13). The English School

aims to reconcile three intellectual traditions of international relations scholarship, known as

the 'triad'; Realism, Rationalism, and Revolutionism.

Dissecting the role of norms and moral traditions in governing the intercourse of states is a

critical undertaking, and it is therefore no wonder that the 'international society' is most

commonly the referent object of an English School approach. However, "a comprehensive

understanding of international relations must embrace all three traditions" (Little, 2000: 398).

In this regard, Barry Buzan (2004) promotes a particular formulation of the English School

triad – what he labels the 'social-structural approach'. Buzan de-atomizes international

relations, and separates international exchanges into three distinct, and yet overlapping,

ontological entities that correspond to the 'triad'. For Buzan (2004: 23), these three entities –

the International System, the International Society, and the World Society – comprise "a set

of analytical concepts designed to capture the material and social structures of international relations".

The English School draws heavily upon other international relations approaches such as structural realism and social constructivism. But rather than being a unified and complete approach, as demonstrated above an internal discussion thrives within the School regarding the significance and understanding of the three traditions. For the purpose of this study, an outline of the three traditions will be sketched following Buzan's formulation, and the triad will serve as a prism through which to understand how the proliferation of PMCs challenges the notion of state-centricity in international relations; that is, whether it is an ontological dilemma. In doing so, this thesis will make a contribution to how the prescriptions of the English School are to be understood in a contemporary context.

2.1 *International Society*

The concept of the 'international society' serves as a "*via media* between realist and liberal" (Buzan, 2004: 10) theories of international relations. In *The Anarchical Society,* Hedley Bull (1977) proposed that, despite the appearance of anarchy, a set of rules, norms, and institutions govern interactions between states. Bull traces the development of norms and institutions throughout history, noting that our contemporary 'world' international society was preceded by a European international society, itself preceded by a Christian international society. Rather than viewing states as "billiard balls" that clash into each other and "vary only in size" (Mearsheimer, 2003: 51), Bull imagines a more complex system of states as conscious actors immersed in an ongoing and evolving dialogue with each other.

For Bull (1995: 13), the international society exists insofar as a group of states, "conscious of certain common interests and common values… conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common

institutions". Interactions between states are realised physically through varied means; diplomacy, warfare, commerce, and international law. However, what distinguishes the international society is that within it interactions are solidified as meaningful norms, such as sovereignty and the balance of power. In turn, the international society reproduces these concepts by shaping and constraining the interplay between states.

One of the main purposes of the institutions and norms that constitute the international society is to govern the application of violence and mitigate the tragedy of war. Given dramatic transformations in the nature of the war – notably the development of nuclear weapons and doctrine – Bull (1977: 197) theorized that the likelihood of actors other than states participating in armed conflict would increase and that as a result the international society would need to increasingly govern the violent activities of non- and sub-state entities. While Bull did not prophesise the rise of PMCs, their proliferation is certainly serendipitous within his framework.

2.2 *International System*

The international system corresponds to the realist tradition of international relations. This tradition is rooted in the works of classical realists such as Thucydides, Machiavelli, Hobbes, and Carr; and in the more recent 'structural' realism expounded by Waltz and Mearsheimer among others. The structural/neo-realist tradition is founded on the anarchical nature of international relations. Lacking an international hierarch, states are compelled to pursue their own interests and as such, power politics prevails. Locked in a zero-sum relationship, where one's own security is another's insecurity – the 'security dilemma' – international disputes proliferate and are ultimately regulated by war and conflict (Wight, 1991: 7), phenomena that are themselves governed by the institution of the 'balance of power'.

The international system is a realm occupied by states; the focus of analysis, national interest. States are likened to 'billiard balls' whose collisions are governed by objective laws; while the balls may vary in size and capability, their core motivation – survival – unites them analytically and divides them in practice. In this framework, non-state actors are consequently dismissed as either trivial or artefacts of the self-help international order. Moral imperatives are dismissed in a similar fashion, considered secondary to state interests.

2.3 *World Society*

The third tradition in the English School is the 'world society'. Although different accounts of the world society exist within the School, most are based on the Kantian principles of universal or cosmopolitan moral values. These values form the foundations of identity and action that exceed the state, and as such, the world society may be considered as post-state, or a realm transcending the state. Due to its ambiguous formulation and implications, Buzan (2004: 44) admits that the world society has been treated as an "analytical dustbin, uncomfortably containing revolutionism, cosmopolitanism and transnationalism" Nevertheless, the world society comprises a crucial component of the English School ontology of international relations.

The world society has both normative and analytical implications. Bull draws normative implications from his formulation of the world society, arguing that the state system might be overthrown by a universal moralism that transcends the expediency of state interests. Neumann (2001) argues that the world society may instead be conceptualised in how it influences the international society and system. Thus, for Buzan, the world society is a "vehicle for bringing the non-state elements into the picture" (2004: 92); a realm in which non-state actors are analytically valid interlocutors in international relations.

2.4 *The English School, Private Military Companies, and State-Centrism*

In identifying how the United Nations, international terrorists, guerrillas, organised crime, and pirates had infringed on the state's monopoly over the use of force, Bull (1995: 258) foresaw the "restoration of private international violence". Yet for Bull, neither the use of private military force, nor political action beyond the state, were anything new. Rather, states had in the past coexisted with these phenomena; states had outlasted them; and therefore the 'restoration' of private international violence did not necessarily sound the death knell for the state. Moreover, these conclusions were consistent with the English School framework.

What distinguishes PMCs from other phenomena, however, is that rather than being grounded in open hostility, contradiction, or antagonism to the state and international status quo – as pirates, mafia organisations, guerrillas, and terrorists are – PMCs emanate from *within* the state. PMCs have assumed a critical role in the provision of military services only as states have relinquished that role. The question of whether PMCs – the latest facet of private international violence – constitute an ontological dilemma*,* therefore, has newfound significance. "The English school's triad of concepts exactly captures the simultaneous existence of state and non-state systems operating alongside and through each other, without finding this conceptually problematic" (Buzan, 2004; 3) and as a result is uniquely suited to a more rigorous conceptualisation of state-centricity in international relations.

PMCs occupy each aspect of Buzan's triad. As non-state actors, they play a role in the world society. Yet in assuming a function considered core to conceptions of the state and sovereignty, PMCs are also firmly grounded in the international system and society. The triad, then, serves as an effective means of partitioning the dilemma at multiple levels: states and self-interest; states and regulated interaction; and non-state actors. As such, the structure

of the following chapters emulates the triad, beginning at the international society, proceeding to the international system, and ending at the world society.

At the level of international society (Chapter Three), how PMCs correspond to the 'laws of war' − international humanitarian law − will be explored. International law became a vehicle for constituting the identity of legitimate participants in modern warfare. Criteria were established to define the privileged role of the 'combatant', solidifying the primacy of the state in armed conflict These norms do not reflect, and are undermined by, the newfound role of PMCs in the battlespace.

At the level of the international system (Chapter Four), PMCs have become instrumental to the pursuit of security by states. States of differing capacity − strong or weak − have employed PMCs for differing purposes. The state's central role in international relations is reinforced as they play a pivotal role in determining how PMCs contribute to and influence the development of security capabilities.

Non-state actors are the focus of a world society analysis (Chapter Five). Yet PMCs are intimately related to security practices anchored in the state. It is difficult to consider a value-laden sphere beyond the state in which PMCs operate and influence international relations. Leander (2005: 804) identifies that PMCs "increasingly shape which issues are 'securitised' − turned into existential threats − and which kind of (re-)action is to be considered most appropriate". The role of PMCs in the world society is therefore considered through the prism of 'securitisation'.

CHAPTER THREE

*The International Society: Private Military Companies
and International Humanitarian law*

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A broad corpus of law regulates the conduct of armed conflict, both between and within states. Comprising the Geneva and Hague Conventions, as well as subsequent treaties, case law, and customary international law, international humanitarian law (IHL) delineates the responsibilities and proper conduct of parties to armed conflict. Yet although PMCs are found in situations of inter- and intra-state armed conflict, as a relatively new phenomenon there is no discrete international regulation of their activities. While often hired by a state party to conflict, PMCs have also been employed by non-state parties and companies arranging security for their operations in conflict-stricken countries. As a consequence, the status of PMCs under international humanitarian law is ambiguous.

This chapter examines the proliferation of PMCs at the level of the international society. The ongoing interaction between states has given rise to international institutions, such as the International Court of Justice, endowed with the authority to arbitrate violent international conflict and prosecute crimes. These international institutions embody the values, norms, and traditions that govern armed conflict between and within all states. Indeed, the Fourth Geneva Convention has achieved universal participation, and in 1993 was considered to have passed into customary international law, resonating with Bull's (1977: 13) notion that an international society exists insofar as states "conceive themselves to be bound by a common set of rules… and share in the working of common institutions".

The shifting landscape of modern conflict has lead commentators to question whether IHL "adequately reflects the nature of warfare and fully accounts for those who participate in it" (Watkin, 2005: 16). It is thus pertinent to consider whether the proliferation of PMCs undermines the state-centric norms that constitute the international society and bound the exercise of sovereignty at its extreme. To explore this, the history and theoretical underpinnings of IHL will first be examined. I then determine the relevance and rationale of key aspects of IH as applied to PMCs. In particular, the pivotal issue of which persons can legitimately use force and participate in conflict – and how PMCs may blur and transgress these norms – will be considered. Drawing on the theory and applicability of IHL, this chapter considers how the proliferation of PMCs relates to the international society. Does the proliferation of PMCs undermine the centricity of the state, as enshrined in the international society?

3.1 *International humanitarian law: jus in bello and international society*

The rise of the nation-state led to the creation of large citizen armies that fought for the 'glory' of their nation. Industrialisation led to the mass production of ever advancing weapons technology, and "only a state with a political elite able to mobilise the country's entire population could take advantage of it" (Kinsey, 2006: 42). The consequence was warfare on an increasingly destructive and cruel scale, and monopolised by the state. By the mid-1800s a growing number of lawmakers, and private organisations such as the Institute of International Law, called for the adoption of binding rules on the conduct of war. In 1868, the Declaration of St. Petersburg – predecessor to the Hague Conventions – stated that "the progress of civilization should have the effect of alleviating as much as possible the calamities of war" (Schindler, 1988). Regulating war became the imperative of a nascent society of nation-states, and "the law of war became the first branch of international law to be codified" (Schindler, 2003: 165).

Two 'streams' of international law took form: the law of The Hague, or the law of war proper, and the law of Geneva, or humanitarian law (Pictet, 1975: 16). These streams are comprised of The Hague Conventions of 1899 and 1907, and the Geneva Conventions of 1864, 1906, 1929, and 1949, and Additional Protocols, 1974. The law of The Hague "determines the rights and duties of belligerents in the conduct of operations and limits the choice of means in doing harm" (Pictet, 1985: 2), provides the definition of combatants and civilians, and formalises the rules and mechanisms by which war is legitimately declared and arbitrated. The law of Geneva governs the rights of the victims of armed conflict, and provides for the protected status of combatants and civilians taken prisoner. As an encompassing legal framework, modern IHL is considered to have emerged after the Fourth Geneva Convention, 1949, and the promulgation of the 1977 Additional Protocols to the Geneva Conventions.

This is, perhaps, a romantic recount of the evolution of *jus in bello* – the acceptable conduct of warring parties. A more critical account would emphasise that IHL was the product of the sequence of negotiations between states, through which some have sought to perpetuate their own advantage over others, establishing definitions of the combatant that privileged the capabilities of stronger states (Doswald-Beck, 2007: 116). The definition of the combatant was, however, incrementally expanded through each iteration of the Hague and Geneva conventions. Each convention concerned how membership in the "privileged warrior class was attained" (Watkin, 2005: 7).

The power to include and exclude individuals from the battlefield – or at the very least label them (il)legitimate – has immense tactical and strategic value. Yet entwined with the 'progressive' narrative of statehood, sovereignty, and legitimacy, it also has considerable normative value. Thus, a universal feature of the negotiations between states was the site of contestation; the identity of legitimate participants in hostilities. Identity is the mechanism

through which rights, punishments, and legitimacy are allotted under IHL, informing an egoistic conception of the mechanics of IHL: adherence to the principles of IHL is a quid-pro-quo, where positive and negative incentives afforded by the laws of war are contingent on identity, and therefore induce compliance and reciprocity (Cameron, 2006: 586-592; Doswald-Beck, 2007: 137). However, the historical process of contestation over the identity of the combat – how membership of "privileged warrior class is attained" (Watkin, 2005: 7) – produced a state-centric understanding of battlefield identity. The 'combatant' and 'civilian' became norms solidified at the level of the international society, and were reproduced in subsequent armed conflicts. In this process, the notion of the state as the locus of legitimate violence in international relations was solidified in the international society.

The development of IHL conforms to Buzan's social-structural approach. Norms are "assumed to be both the product of the interaction of states and regulative of those interactions" (Brown, 2001: 20). Interactions at the level of the system – the realm of egoistic states – produce regularities and understandings that are solidified as norms at the level of the international society. The society consequently constrains and shapes the future interaction between states. A crucial feature of the "society of states" is therefore "that it 'tames' national actors, socialising them to behave in particular kinds of ways" (Brown, 2001: 14). To say that the international society governs the application of violence is to say that in their intercourse, states have produced and consequently conform to the social understanding of the 'privileged warrior class'. In light of the proliferation of PMCs, the relevance of the categories of person established under IHL must be reconsidered, for in situations of armed conflict "no one can be outside of the law" (Pictet, 1955: 51). The demonstrable incongruity between PMCs and the categories of person established under IHL – civilian, combatant, and mercenary – undermines the international society.

3.2 *Civilians, combatants, and mercenaries*

The fundamental distinction made under IHL is that between combatants and civilians. 'Combatants' are entitled to take part in hostilities and, conversely, be directly targeted by adversarial forces. This distinction serves to protect civilians and limit casualties, but also reflects a key aspect of international relations: the privileged status of the nation-state at the level of the international society. Members of the armed forces are considered "an organ of the state and, when captured, are expected to benefit from this official status" (Doswald-Beck, 2007: 116). Combatants are entitled to immunity, and may not be subject to prosecution by a capturing state for participating in armed conflict. Both combatants and civilians are entitled to 'prisoner-of-war status' that obligates their humane treatment when captured.

Former US Defence Secretary Donald Rumsfeld sought to assuage concerns surrounding the meteoric rise of PMCs on the one hand, and the nature of IHL on the other, by stating that in Iraq PMCs were "only there to defend" (Rumsfeld, 2006). Rumsfeld was apparently unaware that no distinction is made between the two under IHL; that, under Article 49.1 of Protocol 1, "'Attacks' means act of violence against the adversary, whether in offence or defence". The reality is more complex, and the concerns are real; the rise of PMCs and their role in direct hostilities presents two challenges to the relevance of the identities established under IHL. The first challenge concerns whether PMCs can be considered combatants, and thus whether they can wield and be the target of legitimate violence. The second is whether they can be considered mercenaries.

Combatants?

It is imperative to determine whether PMC employees may be considered combatants for the purposes of IHL. The combatant is the 'legitimate' participant in hostilities, and in affording

certain rights and privileges such as immunity, combatant status shapes and constrains the behaviour of participants in hostilities. Combatant status is determined through satisfying specific criteria established under Articles 4A(1) and 4A(2) of the Third Geneva Convention.

To determine whether PMCs qualify for combatant status under 4A(1), it is necessary to determine whether PMC employees can be considered members of the armed forces of a state party, or the extent to which "an individual has been incorporated into a state's armed forces according to the laws of the state" (Cameron, 2006: 583). Under 4A(2), the group as a whole – the PMC – must be assessed so as to determine whether it qualifies as a militia or volunteer force.

Article 4A(1)

If all PMC employees were incorporated within the armed forces of a state party, there would be no issue of regulation or categorisation under IHL. However, as IHL does not prescribe the official process for registering an individual as a member of the armed forces, it is a "matter of purely internal law" (Cameron, 2006: 583). Doswald-Beck (2007: 119) notes that the US Department of Defence "issued cards with its logo [to PMCs in Iraq], stating that the individual concerned is a DoD contractor". This satisfies the existence of a *de facto* link between the state party and the PMC. On the other hand, many PMCs are contracted by other state agencies, such as the Department of State, or are subcontracted by other departments and companies, none of whom can confer the legitimacy and benefits of the Department of Defence.

Article 43.3 of Protocol 1 obliges states that incorporate police or paramilitary forces into the armed forces – such as the French *Gendarmarie* or Italian *Carabinieri* – to inform adversarial forces as such. The intention of Protocol 1 is for state parties to effectively communicate and clarify the ambiguous status of such forces. However, the experience in Iraq has shown that

"states hiring PMCs rather tend to emphasize that those individuals are civilians" (Cameron, 2006: 584). Article 51 of the Fourth Geneva Convention prohibits an occupying power from "exercising pressure or propaganda which aims at securing voluntary enlistment" of occupied peoples. In light of queries into the thousands of Iraqis hired by British and American PMCs to perform tasks such as guiding oil pipelines, states have understandably stressed the un-incorporated nature of PMCs (Doswald-Beck, 2007: 119).

The purpose of privatising military services seems to be to propel the opposite of incorporation; what was once the preserve of public authorities is now the domain of the private. Indeed, "it would seem to be at variance with the philosophy of outsourcing to contend that private military companies are nonetheless members of a state's armed forces" (Cameron, 2006: 583). Lacking an unambiguous or formal process, or communication as such, to establish incorporation into a state party's armed forces, PMCs cannot be said to satisfy the requirements of Article 4A(1).

Article 4A(2)

The second means for a PMC employee to qualify as a combatant is to have the PMC fulfil the requirements established under Article 4A(2) of GCIII. Importantly, these requirements must be met by the *group*, or rather *each private military company separately*. 4A(2) stipulates that combatant status applies to militias and volunteer corps:

> belonging to a Party to the conflict and operating in or outside their own territory… that fulfil the following conditions:
>
> a) That of being commanded by a person responsible for his subordinates;
> b) That of having a fixed distinctive sign recognizable at distance;
> c) That of carrying arms openly;

d) That of conducting their operations in accordance with the laws and customs of war.

The requirements of 4A(2) are as stringent as they are nuanced. Firstly, it is evident that 4A(2) imposes not four, but five conditions on combatant status. The first condition is found in the opening paragraph – that the group must belong to "a Party to the conflict" – and presupposes a *de facto* relationship between the group and the state. Michael Schmitt (2005: 527-529) argues that PMCs that do conceivably 'belong' to a state party, such as the U.S., lack the independence necessary to be considered a separate militia and thus covered by 4A(2), and yet still remain outside the actual armed forces. Conversely, PMCs that do enjoy a greater degree of independence – such as those contracted by a reconstruction agency or aid organisations among others – are less likely to belong to be considered to 'belong' to a party to the conflict.The condition of belonging is problematic.

The other four conditions could, in principle, be respected by PMCs. Conditions 4A(2c, d) are self-explanatory. 4A(2b) requires PMC employees to wear a uniform, identifying them as military personnel. Schmitt notes, however, that there is considerable variation in the "quasi-military" (2009: 529) uniforms worn by PMC employees. On the one hand, many that would be considered combatants lack uniforms, while many that would be considered civilians do wear uniforms. Blackwater security personnel have been noted as often lacking uniforms altogether – preferring jeans and t-shirts instead (Scahill, 2008: 231). Uniforms are evidently not a reliable indicator for discerning combatant status.

Most importantly, the first condition – 4A(2a) – requires that the head of the group both commands and accepts responsibility for offences committed by subordinates. Clarifying Article 4A(2), Article 43 of Protocol 1 states that all groups and units in a conflict must also be "under a command responsible to the Party" they represent. It is implied that a PMC, hired

by a belligerent party, acts on behalf of the party to conflict. However, IHL makes no provisions for identifying whether a private organisation is 'responsible to the Party'. Who is to be considered the 'head' of the group? The board of directors, the company's executive, or the state? And what evidence is there for responsibility? PMCs can be said to be responsible to the hiring state in that non-performance of the contract might expose them to civil liabilities. The overarching concern of criminal jurisdiction over PMCs is less clear. Not only is it often the case that PMC employees are not nationals of the hiring state, but many PMCs are also incorporated in states not party to the conflict – some for the very reason of escaping criminal jurisdiction – obfuscating claims of responsibility to a state party.

To be sure, some PMCs could satisfy the conditions of 4A(2) and be considered combatants. But this is no panacea. International humanitarian law must be applied in such a way as to make it "reasonably possible for combatants to comply with" (Cameron, 2006: 585). Yet over one hundred different PMCs have operated in Iraq alone (CWC, 2009: 95). The necessary company-by-company analysis, addressed earlier, renders the identification of PMC employees as combatants a Herculean task. The difficulty in distinguishing one PMC from another – combatant from civilian – might not necessarily invite grave breaches of humanitarian law, but does obscure the common understanding of the state as the locus of identity in armed conflict.

There is a very limited basis for considering PMC employees as combatants under IHL. Evidence for integration into a state's armed forces, satisfying Article 4A(1), is partial at best. The inconsistent satisfaction of the requirements of Article 4A(2) also militates against qualifying PMC employees as combatants. Indeed, as states make the conscious decision to employ non-military personnel from the private sector to perform sensitive tasks, to qualify those persons as a paramilitary force for the purposes of Article 4A(2) is counterintuitive. As

a result, it is necessary to consider whether PMCs qualify under another category of persons in armed conflict recognised under IHL – namely, as mercenaries.

Mercenaries

A common criticism aimed at PMCs is that of being labelled mercenaries. Motivated by their own economics and not national loyalties, PMCs are the "New Dogs of War" (Zarate, 1998: 2) whose 'cash nexus' of employment spurs a repugnance for their profession. This judgement does not engender a clarification of the legal status of PMCs. Likewise, the *Oxford English Dictionary* (2012) definition of a mercenary as "a soldier paid to serve in a foreign army or other military organization" is too broad. Failing to distinguish between state forces with international compositions, such as the French Foreign Legions or the British Royal Ghurkha Rifles, and the bands of unscrupulous mercenaries that plagued Africa in the 1970s – such as the *Les Affreux* – the definition is similarly insufficient. But of most relevance, the articles of IHL that define and regulate mercenarism are also inadequate for resolving the status of PMCs.

Two international conventions specifically concern the status of mercenaries: The Additional Protocol I, 1974, and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (UN Mercenary Convention). The consequences of each convention differ substantially. Under the Additional Protocol I, "it is not a violation of [international humanitarian law]… to be a mercenary and mercenarism in and of itself does not engender international criminal responsibility; simply, a mercenary does not benefit from prisoner-of-war status or immunity if captured" (Cameron, 2006: 577). Under the UN Mercenary Convention, however, individuals who fulfil the definition of a mercenary are guilty of the distinct crime of mercenarism. Both conventions necessitate an individual, case-

by-case determination of mercenary status, and do not facilitate the determination of the status of PMCs under IHL.

<u>Additional Protocol I to the Geneva Conventions</u>

Article 47 of Protocol I, 1977 stipulates a mercenary is any person who:

a) is specially recruited locally or abroad in order to fight in an armed conflict;

b) does, in fact, take a direct part in the hostilities;

c) is motivated to take part in the hostilities essentially by the desire for private gain and is promised… material compensation substantially in excess of that promised or paid to combatants of similar rank

d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;

e) is not a member of the armed forces of a Party to the conflict; and

f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.

The consequence of satisfying the six cumulative criteria is that "a mercenary shall not have the right to be a combatant or a prisoner of war". Yet rather than obliging states to deny mercenaries prisoner-of-war status, it simply revokes it as a right and relegates the determination of legality and status of mercenaries to states. The consequences of lacking combatant immunity, and subjection to state prosecution, may be severe. Simon Mann, previously associated with the now-defunct PMCs Executive Outcomes and Sandline International, is currently serving a 34 year sentence in Equatorial Guinea for his role in a 2004 attempted coup d'état.

The fact remains, however, that Article 47 is demonstrably inadequate for determining the status of PMCs. Owing to the six cumulative criteria, it has long been considered unworkable

for curtailing mercenarism (Hampson, 1991: 15). The impotence of this law is compounded by the altogether different circumstances of PMC employment. It is not necessarily the case "that a PMC considers that it is 'recruited to fight'" (Doswald-Beck, 2007: 122). While IHL does not distinguish between defence and offence, PMCs may be explicitly employed to guard objectives from criminals, rather than enemy combatants. Indeed, many of the contracts from PMC involvement in Iraq make no mention of these implications; other than "broad goals, the task orders say little more" (Dickinson, 2007: 221). Nor are contracts a reliable indication of the purpose or function of employment. MPRI, a notable U.S. PMC, has been associated with planning and commanding military operations for the Croatian armed forces during the Yugoslav Wars, though the terms of the contract indicated that the company was employed to instruct Croation forces in "democratic values" (Silverstein, 1998: 107). Furthermore, if an individual is a "regular employee of a company, they might not be considered as having been recruited 'specially' for a particular conflict" (Walker and Whyte, 2005: 679).

The second issue concerns being "neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict". It is not clear whether this refers to the nationality of individual members of a PMC, the state of incorporation, or both. If it refers to individual nationality, a Samoan or a Swede working for a PMC in Iraq might violate the condition, while employees of U.S., U.K., and Iraqi nationality – who comprise the bulk of the private military workforce in Iraq – would not. States have also exercised their sovereign prerogative to circumvent this condition. In Sierra Leone, two of Executive Outcomes' pilots were immediately conferred Sierra Leonean nationality, while in 1997 the Papua New Guinean government designated Sandline International employees as 'Special Constables' of the state (Ebbeck, 1998: 17). It is clear that Article 47 of Protocol I has little to no applicability in determining the status of PMCs under IHL.

UN Convention against the Recruitment, Use, Financing and Training of Mercenaries

The UN Mercenary Convention reiterates the classification of mercenaries established under Article 47 of Protocol I. However, Article 3 of the Mercenary Convention establishes as an offence the direct, or attempted, participation in hostilities of anyone who meets the definition of a mercenary. Article 2 of the convention also stipulates that "any person who recruits, uses, finances or trains mercenaries … commits an offence for the purposes of the Convention", criminalising a broader range of activities which facilitate mercenarism, beyond direct hostilities.

The Mercenary Convention is beleaguered by the same definitional difficulties which hamstring Article 47 of Protocol I. But the Convention is also inhibited by its own weaknesses. Opened for signature in 1989, it only came in to force 12 years later – in 2001 – following the ratification of the 22nd state party, Costa Rica. To date, only 32 states have ratified the treaty. The absence of the five permanent members of the Security Council – and major producers and employers of PMCs, such as the U.S., U.K., and South Africa – is also telling, as seen below.

Figure 3.1: UN Mercenary Convention

Signed
Ratified
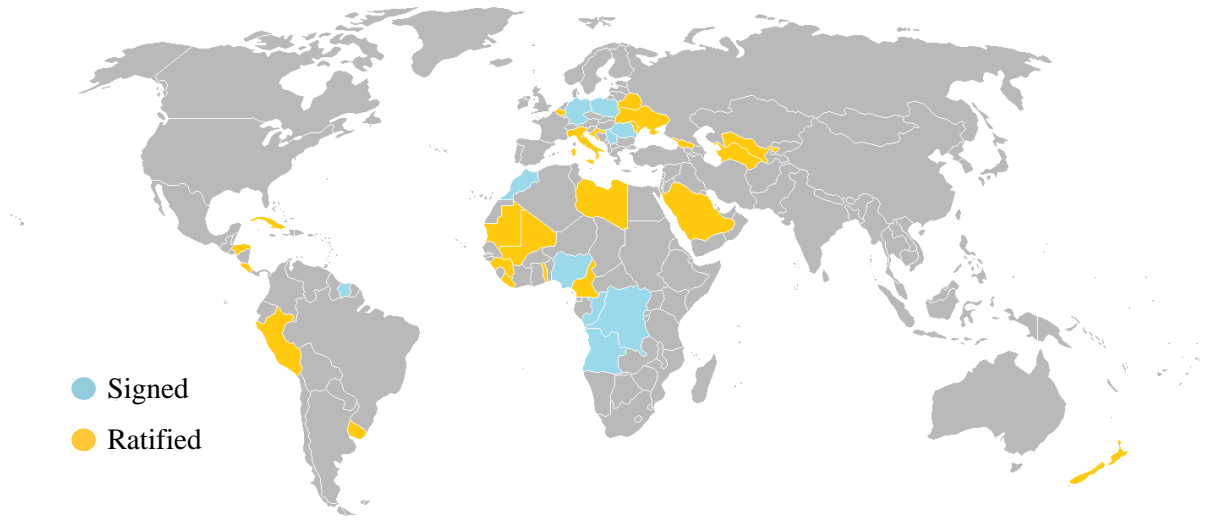
F**igure 3.2**: Extent of the Private Military Industry 1991-2008
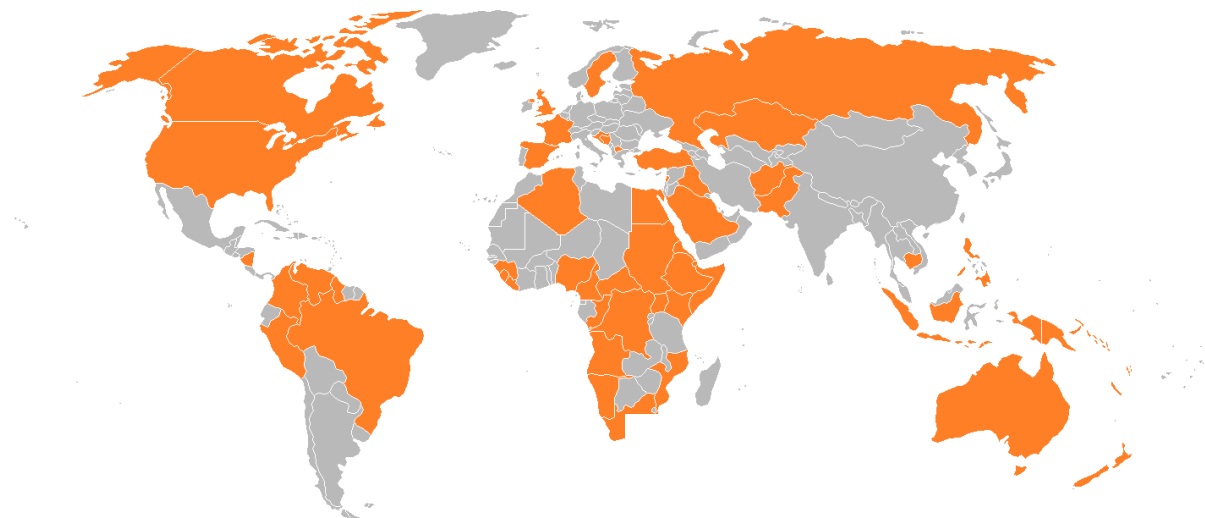
Source: Singer (2008: 10)

While notable, the most striking aspect of Figures 3.1 and 3.2 is not simply the lack of

international participation in the Mercenary Convention. Rather, it is that the number of states

that have "permitted or benefited from the private military trade since ratifying the *UN*

Mercenary Convention" (Bosch & Maritz, 2011). The law is toothless, and to date, no one

has faced prosecution pursuant to the convention (Frye, 2005: 73). The criminalisation of mercenarism at the level of the international society is problematic, and lacks applicability to PMCs.

Civilians?

PMCs do not consistently satisfy the criteria, established under Articles 4A(1) and (2) of the Third Geneva Convention, and subsequent iterations of IHL, that would qualify them as combatants. Yet it is almost never the case that the sensitivity of any employee or firm to the intricacies of IHL could be determined with surgical precision. In the situations of low-intensity conflict that typify contemporary conflict, a civil space can quickly become a military space; the distinction between the two is blurred. Consider the case of Thomas Hamill, a civilian truck driver employed by Kellogg, Brown & Root to complement U.S. Army supply convoys. Hamill was taken prisoner after the convoy was ambushed by Iraqi insurgents. Though he was later rescued, other KBR employees have died under similar circumstances (Flood, 2009).

Some have dismissed PMCs as "nothing but the old poison of vagabond mercenaries in new designer bottles" (Musah and Fayemi, 2000: 83). Given the historical pains of mercenarism in Africa, and its ties to the lingering interests of former intervening powers, the moral opposition and international apprehension towards PMCs is understandable. But PMCs do not fulfil the six cumulative criteria, established under Article 47 of the Additional Protocol I, to be defined as 'mercenaries'. Admittedly, these criteria were considered 'unworkable' from the start; as Doug Brooks quips, "if anyone is ever convicted of being a mercenary under the UN law, they should be shot and their lawyer should be shot with them for being incompetent" (2006: 4). The intractability of law regarding mercenarism is compounded by

the Additional Protocol I not being ratified by the U.S. and Israel – both lynchpins of the private military industry.

The necessary conclusion under IHL – that PMCs must be considered civilians – is absurd. Civilians do not have the right to participate in direct hostilities, and in doing so forfeit all but their 'fundamental guarantees'. On the other hand, targeting civilians is a war crime. There is no question that this does not correspond to the reality on the ground. PMCs willingly implicate themselves in hostile situations and participate in direct hostilities; an oft cited example from Nijaf, Iraq, 2004, details how a PMC engaged in a prolonged firefight with enemy fighters. The firm had to "call in one of the company's own helicopters not to evacuate then, but to drop off more ammunition" (Barstow et al., 2004). PMCs have been employed to secure critical military objectives – not just installations, but US commanders, diplomatic and strategic personnel, and even Afghan President Hamid Karzai. This situation does not correspond to the notion that "no one can be outside of the law" (Pictet, 1952: 51) – and thus to the notion of an international society that regulates the identity of participants in armed conflict.

3.3 *Undermining international society, undermining the state?*

There is little evidence to suggest that resolving the status of PMCs is a priority for states. The only international agreement to date that has approached how IHL applies to PMCs is the Montreux Document, 2008; a non-binding, non-legal agreement. While the participation of certain states – South Africa, the U.S., and the U.K. among others – lends considerable weight to the document, the document only suggests best state practices in areas such as hiring. As such, the Montreux Document does little to address the issue that lies at the heart of this chapter; that PMCs transgress the state-centric definitions of the combatant, mercenary, and civilian.

The question remains of whether, in transgressing the norms of identity in armed conflict, PMCs constitute a challenge to the notion of state-centricity in international relations. The *prima facie* answer, the intuition, tends towards 'yes' and seems confirmed by an unfortunate irony; while the U.S. labels Taliban, al-Qaeda, and other fighters in Iraq and Afghanistan as 'unlawful combatants' and denies them combatant privileges – detaining many at Guantanamo Bay – PMCs operate in a similarly 'unlawful' manner, and yet instead enjoy a "paradoxical impunity" (Leander, 2010: 1). Though this hypocrisy might be discounted as the hubris of a reigning superpower, it is further example of the demonstrable incongruity between PMCs and the categories of person illustrated in this chapter, indicating that the state is no longer the locus of armed conflict, and the international society's regulation of international violence is undermined.

The notion that the international society is being undermined is not inherently an issue of moral alarm. 'Society' is not a concept that necessarily indicates direction, purpose, or progress. Indeed, the "term 'society' should not be read as in itself carrying any necessarily positive connotation… Many human societies have ritualised both intense violence and huge degrees of inequality" (Buzan, 2004: 15). While the institutionalisation of state-centric notions of battlefield identity solidified the aspirations and strategic imperative of states to ameliorate the tragedy of conflict, there is no reason to conclude that PMCs are inherently predisposed to commit humanitarian atrocities. While PMCs have been directly attributed to instances of human rights abuse, such as at Abu Ghraib (Schooner, 2005: 549) and Nisoor Square, 2007 among others, these instances must be considered in the context of the approximately 115,000 civilian deaths attributed to the public campaign in Iraq and Afghanistan (Crawford, 2012; AP, 2009) – deaths that the same international society legitimises as 'collateral damage'. The international society is being undermined, but is it

necessarily the case that the state is too? The nature of the relationship between international system and society must be leveraged to come to such a conclusion.

3.4 *State-society ontology*

PMCs drive a wedge between the intellectual effort to consider the reality of armed conflict on the one hand and the notion of the centricity of the state on the other. In this chapter, I have demonstrated that the proliferation of PMCs undermines the legally constituted, state-centric identities of international humanitarian law. Yet the difficulty rests in attributing causality and considering whether PMCs *themselves* challenging the notion of state centricity. That PMCs do not correspond to the state-centric identities of the international society is an observation, and not a causal argument. It is at this juncture that the ontology of the social-structural approach I employ must be considered. In doing so, a counterintuitive conclusion is reached; that, on the contrary, the state remains central.

It is imperative to consider that the 'triad' – the international society, international system, and world society – are in a constant historical flux and mutual relation. Moreover, the relationship between the international system and society is considered superlative. For Buzan (2004: 7), the international society concerns "the institutionalisation of shared interest and identity amongst states" (2004: 7); for Brown, (2001:20) the international society is "assumed to be both the product of the interaction of states and regulative of those interactions" (2001: 20). In laying the foundations of the international society theory, Bull (1995: 13) determined that "a group of states… form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another" (1995: 13). The consequence of Buzan, Brown, and Bull's formulations is that the international system must be given ontological priority *vis-a-vis* the international society. The states that constitute the society, that institutionalise interest and identity, and are 'conscious of each

other' are the precondition for social organisation, and are therefore ontologically prior. Developments at the level of the international system therefore have causal significance in evaluating the nature of shifts and contradictions at the level of the society. While the international society is said to regulate interactions between states, material and normative transformations at the level of the international system directly inform and contradict the institutionalised understandings that constitute the international society.

It is in recognising the relationship between the system and the society that a counterintuitive conclusion is reached; that PMCs do not challenge, but rather reinforce the notion of state-centricity in international relations. As addressed in the previous chapter, PMCs are very much the product of material and normative shifts at the level of the system; the 'security gap' and 'privatisation discourse' in particular. Indeed, the thrust of the military privatisation project has, for the most part, been states pursuing functional efficiencies and gains. Moreover, the industry overwhelmingly originates in Anglo-American states which ave, in recent years, sought to wage a global war on a truly ephemeral foe; 'terror'. It is no surprise, then, that the Anglo-American world comprises "70% of the market for force" (Mansour, 2012). The conclusion, in this regard, is that the proliferation of PMCs lends to the notion of state action as a fundamental force in international relations; a force generative of international relations phenomena.

In continuing the systemic-transformative line of reasoning, PMCs can also be located within a broader series of ongoing change contemplated by several authors. Military sociologist Charles Moskos' (1977, 1998) 'I/O theory' contends that the military is undergoing a gradual shift from being an institution to an occupation. Likewise, Mary Kaldor (1999) has argued that the post-Cold War security condition will increasingly come to be typified by 'New Wars'; wars that revolve around identity politics, in contrast to the ideological or geopolitical motivations of previous wars; wars that are provoked and maintained through a different set

of goals, motivations, and organisational strategies. PMCs have even been labelled the "post-modern soldier" (Krahmann, 2008) and have been directly related to the "resurgence of warlord politics" (Kinsey, 2006: 112). Each of these developments has the potential to overturn prevailing conceptions of legitimate participation in armed conflict. Rather than undermining the notion of the state's central role in armed conflict – and international relations – we are instead commpelled to *reconsider* what the nature of state centrality is and its real opponents, and are reminded that "the contemporary organization of global violence is neither timeless nor natural" (Thomson, 1996: 2). Grappling with new, transnational existential threats, such as the international terrorism, states pursue novel solutions – new forms of cooperation and methods of organising violence.

3.5 *Conclusion*

PMCs do not cohere to the trichotomy of IHL: combatant, civilian, mercenary. PMCs can therefore be said to undermine the legally constituted state-centric identities that comprise international society's governance of armed conflict. This is problematic, given that no one "can be outside of the law" (Pictet, 1952: 51). However, the universality of these legally constituted identities reflects the historically contingent public monopoly of the military profession; itself driven by events at the level of the system. Drawing on the relationship between the international system and state, I conclude that PMCs do not challenge, but rather reiterate the notion that the state is central to international relations.

Given the ontological priority English School theorists ascribe to the state, the military privatisation project must be considered in terms of constitutive transformations at the level of the system. That the private provision of military services has been thrust to the forefront of armed conflict worldwide is symptomatic of the imperatives of the post-Cold War security condition; the 'security gap' and 'privatisation discourse' in particular. In the context of

other, broader changes in the nature of warfare, that PMCs undermines the norms of identity established under IHL does not undermine state-centricity, but reiterates the notion that states play a key role in shaping how membership of the "privileged warrior class is attained" (Watkin, 2005: 7). States continue to be generative of international relations phenomena.

As a consequence of the ontological priority scholars ascribe to the international system, it is necessary to proceed to the level of the state and validate the counterintuitive conclusion; to evaluate the relationship between PMCs and state interest.

CHAPTER FOUR
The International System: Privatising the pursuit of security
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War continues to occupy the post-Cold War security agenda. Conflict has proliferated in regions where political elites have lost their ability to draw on Cold War patronage politics to forge consensus and suppress internal tensions. Questions of how the new international order would unfold took form as dramatic events in the West prompted the surviving superpower to revise and redirect its foreign policy. It is against this backdrop that the international market for military services has flourished, bound not by geography but by the new demands of security-seeking states.

This chapter examines how PMCs have become intertwined with the pursuit of state security. Faced with a range of security issues, states have capitalised on the novelty of a private military industry in the pursuit of solutions. Indeed, given that most studies indicate the privatisation program has not delivered significant or ongoing cost savings (Stanger and Williams, 2009; GAO, 2011) it is reasonable to suggest that the perceived benefits of privatisation go beyond the strictly pecuniary, and are likely to be found in the realm of security and state interest. The trajectory of the military privatisation project has, however, been altered by a crucial factor, an intermediating variable: state 'strength' and 'weakness'.

State strength and weakness constitute an analytical dyad that pervades international relations scholarship, and definitions abound. In the context of PMCs the concept of 'weakness' is intimately tied to the discourse surrounding the peculiar condition of the state in Africa.

Numerous African states have been labelled "fragile" (Clapham, 1999) and "quasi-states" (Jackson, 1990), tied to "occult power structures" (Bayart, Ellis, & Hibou, 1997). The incompleteness and incoherence of public security orders, and the consequent endemic violence, typifies these states. Instead of being conceptualised in terms of a quantity or capacity, I consider strength and weakness a relational property instead; state strength can be considered the logical inverse of weakness. Thus, the strong state is instead "coherent, capable, legitimate" (Avant, 2005: 81). This differentiation produces a different hierarchy of threat. While weak states "have contracted firms to provide order at home" (Stranger & William, 2006: 6), strong states have instead employed PMCs to pursue external objectives.

The structure of this chapter will follow the logic of dividing weak and strong states. This differentiation serves as a useful method of comparing the conditions under which PMCs have been employed. Particular attention is drawn to the politically sensitive tasks PMCs have performed for strong and weak states. The intent is not to diminish the significance of the privatisation of non-core/critical tasks, such as logistics and administration, but rather that a challenge to the centricity of the state in international relations is most likely to be found in the areas most intimately related to the state as political institution that contains violence; tasks such as security, combat operations, strategy, and intelligence. Indeed, drawing on the definition elucidated earlier – of PMCs offering a service with "the potential for use of lethal force… and substantially affecting war-fighting capabilities" (Chesterman & Lehnardt, 2007: 3) – these tasks can be considered as *integral* to understanding how PMCs relate to the state's monopoly over legitimate violence. Drawing on this reasoning, the chapter will conclude with an analysis of how the patterns and developments of employing PMCs for sensitive and controversial tasks reinforces the notion of state-centricity in international relations.

4.1 *Weak states*

Reports of private military activity first reached the public in the early 1990s, following the pivotal role played by South African firm Executive Outcomes (EO) in quashing civil wars in weak states such as Angola and Sierra Leone. However, the relationship between weak states and controversial firms such as EO was short-lived. Over the last two decades, PMCs have instead shied away from performing sensitive tasks for weak states, instead assuming a number of less sensitive, or 'non-core' roles. Both domestic firms, but more commonly foreign firms such as AirScan, Vinnell, and ArmorGroup, instead offer weak states a range of services that compensate for the material deficiencies in the security apparatus of weak states; services such as aerial reconnaissance, coastguard duties, training, intelligence, and personal security.

In tracing the first steps of the infant industry, the foundations are laid for a chronology of the industry, and examination of how the changing pattern of PMC employment relates to the state-centricity in international relations. The controversial role played by two pivotal firms Executive Outcomes (EO) in the Angolan and Sierra Leonean conflicts, and the British firm Sandline International in Papua New Guinea and Sierra Leone, will therefore be explored.

Executive Outcomes put the 'military' in private military company.

Executive Outcomes (EO), a South African firm, is lauded as the firm that rescued the Angolan and Sierra Leonean governments from immanent collapse. EO first drew international attention for the role it played in the Angola Civil War between 1993 and 1995. The Angolan Civil War (1975-2002) began after Angola's abrupt independence from Portuguese colonial rule. Angola became the archetypal Cold War battleground; the Soviet-funded People's Movement for the Liberation of Angola – Labour Party (MPLA) seized government, while the U.S. and South African funded National Union for the Total

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Independence of Angola (UNITA) waged a guerrilla war. The dynamics of the conflict came undone as Cold War patronage politics collapsed. By 1991 UNITA forces advanced from their hinterland base, and by late 1993, UNITA forces were advancing on the capital of Luanda. EO's assistance was sought by the Angolan government in a desperate attempt to recapture the oil producing coastal town of Soyo.

A unit of approximately 80 EO personnel – mostly ex-South African commandos who had previously fought the MPLA government – led an assault on the facility, seizing it from the UNITA rebels after fierce fighting. The battle "sent shockwaves around the region" (Singer, 2008: 108). Observers were struck not only by the company's effectiveness, but that it fought for the Angolan (MPLA) government "which had previously been the fiercest enemy of the firm's employees" (Singer, 2008: 108). EO's candidness about its involvement in the events was similarly staggering. However, almost immediately after EO withdrew, UNITA recaptured Soyo. Having demonstrated its indispensability, EO was offered successive contracts between 1993 and 1995, under which it drove UNITA back and destroyed its hinterlands headquarters. UNITA were eventually drawn to the negotiating table and produced the Lusaka peace accords in November, 1994. A condition of the accords was that EO be forced to leave the country.

Following its success in Angola, EO was employed in March, 1995 by Sierra Leone – the "paradigmatic weak state" (Avant, 2005: 82). The Sierra Leonean Civil War (1991-2002) began as a series of border skirmishes conducted by a small group of fighters – the Revolutionary United Front (RUF) – from their Liberian base of operations. The leader of the RUF, Foday Sankoh, had previously received training at a revolutionary camp in Libya in the 1980s (Lizza, 2000). Sponsored by Liberian leader Charles Taylor – seeking retribution on the Sierra Leonean government which had hosted the ECOWAS intervention in Liberia in 1992 – Sankoh's RUF advanced well into Sierra Leone, and was "quick to demonstrate its

brutality" (Singer, 2008: 111) decapitating political adversaries, mutilating enemies, and building a force of child soldiers.

As RUF forces advanced on the Sierra Leonean capital, Freetown, government requests to the U.N., U.K., and U.S. for assistance or intervention were rebuffed. Meanwhile, the state armed forces were in shambles. The Sierra Leonean government was hamstrung in its struggle against the RUF; while over 70% of state revenues were devoted to financing the conflict (Reno, 1998: 228) pressure was mounting from international institutions for the Sierra Leonean government to tackle its chronic fiscal deficits. Sierra Leone turned to the private sector, hiring Ghurka Security Guards (GSG) to train, command, and accompany state forces in efforts against the RUF. GSG reneged on their contract after suffering a demoralising defeat – their commander, Bob Mckenzie, having been "emasculated and cannibalised" as a warning to other "would-be interveners" (Singer, 2008: 112). Having read about the firm in *Newsweek* and *Soldier of Fortune* magazines, EO was promptly hired; many employees flew directly from Angola. The RUF were considered "child's play" (Singer, 2008: 113) and were comprehensively defeated, driven back across the Liberian border.

Facing pressure from within and without, EO was forced to leave the country by January, 1997. EO's parting gift was a dire warning: their premature departure paved the way for a *coup d'état*. This prediction proved prophetic, as on a group of mid-level army officers, collaborating with RUF rebels, toppled the civilian government 95 days after EO had left. The ousted civilian leadership was to later hire another PMC to facilitate their struggle against the RUF, one intimately related to EO: Sandline International.

Sandline International: Failure and scandal

Although EO continued to offer its services to other states, another controversial PMC soon found itself in the limelight. Founded in 1994 by Tim Spicer, a former Colonel in the British

Army, Sandline International shared intimate ties with EO; both fell under the umbrella of the holding company Strategic Resources Corporation (Singer, 2008: 104). While EO drew the ire and focus of the international community, Sandline was able to offer its services under considerably less scrutiny. Yet Sandline did not meet with success, and indeed drew considerable controversy for the contracts it undertook; first in Papua New Guinea in 1997, and then Sierra Leone in 1998 – known as the 'Sandline Affair' and 'Arms to Africa Affair' respectively.

Sandline's first contract came from Julian Chan's Papua New Guinean (PNG) government in January, 1997 – dubbed 'Operation Contravene'. The central government, located in the capital and seat of power Port Moresby, grew increasingly concerned with a secessionist movement on Bougainville Island – the Bougainville Revolutionary Army (BRA). The BRA contested the central government's accommodation of foreign mining interests and the deleterious environmental impact of the Panguna copper mine on the Island; a mine that produced 45% of the nation's net exports (Singer, 2008: 192). PNG's local patron – Australia – refused government requests for counter-guerrilla training and capabilities development, citing concerns about PNG's human rights record. As Chan stated, "We have requested the Australians support… They have consistently declined and therefore I had no choice but to go to the private sector" (Dinnen, 1999: 286). After a series of failed offensives, the Chan government reached out to Sandline.

Sandline was hired to train the PNG military's special forces and gather intelligence. After these tasks were completed, "the firm would conduct offensive operations to render the BRA ineffective" (Kinsey, 2006: 78). The size of the contract amounted to $36 million dollars, and became the first cause of dissent among the PNG military establishment; the amount was equivalent to 150% of the PNG defence force's annual budget. Furthermore, to avoid any concerns of international law – mercenarism – Sandline personnel "were deputized 'special

constables', sworn in as PNG police officers, but given military rank" (Singer, 2008: 194). The civilian government's decision to circumvent the PNG military establishment was the tipping point.

General Jerry Singirok, overall commander of the PNG military, publicly condemned the Chan government's decision to hire Sandline. Singirok cited concerns that the money should have been spent on the public forces rather than outsiders, that the hiring of outsiders was an insult to the professionalism of the public forces, and that the authority of the military leadership was being supplanted (Kinsey, 2006: 80). Prime Minister Chan responded by firing Singirok, who responded by ensconcing himself in his barracks, surrounded by loyal forces. Demonstrations broke out in the streets of Port Moresby, spurred on by the military, and soon escalated into violent riots. Civil-military relations had completely disintegrated. The Chan government eventually relented, and was replaced by an interim government.

'Operation Contravene' paved the way for both sides of the conflict to negotiate. The events revealed that the military revealed it lacked the means to end the conflict decisively, but in rebelling against the Chan government's decision to hire Sandline, had also prevented a potential bloodbath in Bougainville. The military was evidently not bent on the destruction of the BRA. This recognition would precipitate a resolution to the conflict. Sandline's operation was, however, a decisive failure and source of considerable controversy; the firm promptly evacuated all personnel and abandoned materiel flown into the country. Sandline would continue its record of failure the next year, 1998, in Sierra Leone – now known as the 'Arms to Africa Affair.'

EO had all but left Sierra Leone by January, 1997. However, the situation remained grim; as mentioned, EO's departure was followed by an insurrection which toppled the civilian government, leading to chaos and further bloodshed. By October, 1998, both the Economic

Community of West African States (ECOWAS) and the United Nations Security Council (UNSC) had levied a trade and arms embargo on Sierra Leone. The ousted Sierra Leonean government, led by Ahmad Kabbah, contacted Sandline International, seeking to create a military force to "oust the AFRC/RUF Junta" (Hirsch, 2001: 66) from the capital, Freetown.

Sandline arranged a weapons consignment of light arms, mortars, and ammunition (Kinsey, 2006: 79). The weapons were delivered to ECOWAS peacekeepers in Nigeria, who would distribute them at a later date. Yet in light of UNSC Resolution 1132, which forbade the sale or supply of petroleum products and arms to Sierra Leone, Sandline's actions were sure to spark international controversy. An investigation into Sandline's actions was launched on 18 May, 1998, to identify what was known by U.K. government officials, whether Sandline's actions were officially sanctioned, and most importantly whether Sandline had contravened international law. Comparisons were drawn in the public and policy sphere between Sandline and the mercenaries of the (not so distant) past. Yet there was "no indication that the company had attempted to exploit any loopholes or inadequacies in international arms control regulations… at no stage did the company appear to hide the transfer of weapons from the UK government" (Kinsey, 2006: 80). The U.K. government's investigation concluded that "the company did not fit the normal profile of a mercenary outfit from the 1960s or 1970s… there was a level of confusion over what Sandline International represented" (Kinsey, 2006: 88). Ultimately, Sandline was considered, as a private company, to have every right to enter into a contract to supply weapons to ECOWAS forces. The firm remained in business.

At the heart of the investigation over Sandline's role in Sierra Leonean was a motif that underlies this thesis: that PMCs were likely to "play an increasing role on the international stage… the shifting nature of war, away from an activity conducted solely by state militaries" (Kinsey, 2006: 82). These sentiments resonate with the international alarm and controversy concerning the activities of EO in Angola and Sandline in PNG. The findings of the

investigation into the 'Arms to Africa Affair' – that Sandline was a legitimate business that had not contravened the law – certainly lent legitimacy to the nascent private military industry.

The fact remains that both EO and Sandline soon dissolved, in 1998 and 2004 respectively. Moreover, there is little publicly available evidence to suggest that any other PMCs have continued to perform such politically sensitive tasks for weak states, through which EO and Sandline earned their infamy. The industry has since demonstrated an aversion to offer such services, and has focused on offering 'non-core' services. This aversion has not, however, been observed in strong states.

4.2 *Strong states*

The military privatisation project in strong states originally concerned outsourcing 'non-core' tasks. The first significant privatisation program – known as the Logistics Civil Augmentation Program (LOGCAP) – began in 1992. In the three subsequent rounds, the contract has been shared between prominent PMCs DynCorp and Kellogg, Brown & Root (KBR), who have provided contingency support to all US military operations. It must be noted that, in discussing strong states, the U.S. and U.K. predominate the discussion; the U.S. is the world's foremost military power, and it in the Anglo-American states that the extent of the privatisation project has been so great.

Akin to weak states, PMCs have not only assumed 'non-critical' roles, but have performed sensitive tasks for strong states. Rather than 'securing the state', firms have instead proven integral to the accomplishment of foreign policy objectives. However, PMCs have not shown the aversion they have developed to performing controversial functions for weak states. Indeed, Avant (2005: 4) considers PMCs to be "a new tool in the US foreign policy quiver". It is therefore necessary to examine the sensitive tasks PMCs have performed for strong

states. Incidentally, these contracts have involved weak states in the Balkans, and Latin America, as well as Iraq and Afghanistan – each integral to U.S. foreign policy.

Balkans: 'Democratic values'

Singer (2008: vii) notes that he first encountered the private military industry after "joining a U.N.-supported project in 1996, researching the post-war situation in Bosnia". Indeed, it is in the Balkans that the first instance of the U.S. outsourcing sensitive tasks to PMCs was recorded. As the Yugoslav Wars (1991-1999) unfolded, the UN peacekeeping mission in Bosnia proved unable to enforce stability. Hamstrung by its mandate, it proved unable to prevent disasters such as the Srebrenica massacre (Ivkovic, 2001). The U.S.'s preference turned to fashioning the Croatians into a regional enforcer, the "U.S.'s junkyard dog" (Holbrooke, 1998), in "order to balance Serbian power" (Singer, 2008: 125). However, political constraints impinged upon efforts to translate this preference into reality.

The first constraint was that UNSC resolutions forbade the trade of arms and the provision of military advisors to Yugoslav states. The second constraint was that domestic political handwringing obfuscated the U.S. executive's preference to bring about an endgame (Singer, 2008: 122). To this effect, the Pentagon referred the Croatian Defence Ministry to private firms Military Professional Resources, Inc. (MPRI) and DynCorp in late-1994 (Isenberg, 1997). The UN had no mandate, and at this point likely lacked the awareness, to monitor or interfere with a private firm such as MPRI, who under the conditions of their contract was officially employed to instruct Croatian military personnel not in tactics and strategy, but in "democratic values" (Silverstein, 1998: 107).

The arrival of MPRI consultants was followed by a series of Croatian military offensives in mid-1995 against the Krajina Serbs, known as 'Operation Storm', which radically altered the political landscape. Operation Storm proved to be the first significant victory for Croatian

forces – and by proxy the U.S. – in the Yugoslav conflict (Singer, 2008: 126). The scale and sophistication of this campaign was decidedly NATO in style and execution and has been directly attributed to MPRI's counsel. MPRI was later employed to administer the Dayton Accords-inspired "Train and Equip" program in Bosnia in 1996 – a contract worth, at a minimum, $50 million a year.

Latin America: *Drugs and ammo*

"Plan Colombia" is the name given to a range of U.S. initiatives to combat drug production, smuggling, and insurgency in Colombia, and comprises an integral element of the U.S.'s policy towards the Latin American region: the 'War on Drugs'. Writing in 2003, Singer (2008: 14) noted that "at least seven U.S.-based PMCs were active in the ongoing conflict in Colombia". Indeed, between 2000 and 2010, more than $1.5 billion has been directed to efforts to combat organisations such as the Revolutionary Armed Forces of Colombia (FARC). During this period, over 55% of funds have been directed to approximately 25 PMCs, assigned with the task of training troops, piloting Unmanned Aerial Vehicles (UAVs), and providing aerial reconnaissance, support, and crop dusting (Brancoli, 2010).

Similar to the conflict in the Balkans, the U.S.'s counter-insurgency and -narcotics objectives in Latin America were obfuscated by political constraints. While endorsing the policy, the U.S. Congress placed "strong limitations on exactly what the U.S. military can do to support Plan Colombia" (Singer, 2008: 206-207) due to concerns about the risk to U.S. soldiers, and the human rights records of the Colombian armed forces. U.S. military personnel were similarly restricted from participating in any counterinsurgency efforts.

PMCs have compensated for the public's commitment deficit, and have come to perform controversial tasks in service of the campaign. When a Colombian military helicopter was downed by FARC guerrillas in February, 2001, a team of armed DynCorp personnel – all

apparently ex-Special Forces – rescued the crew. DynCorp Huey helicopter gunships provided covering fire (McDermott, 2001). In another example, the U.S. firm Airscan was contracted jointly by the Colombian State Department and Ecopetrol to defend pipelines from FARC rebels. AirScan pilots coordinated an airstrike carried out by Colombian forces. Unfortunately, 18 unarmed civilians – including nine children – were also killed in the strike (Miller, 2002). The confusing, covert, and proprietary nature of the PMC activity in the Latin American region has shielded both the U.S. and PMCs from the political scrutiny public forces would have attracted.

Iraqi and Afghan Security

PMCs have proven integral to the invasion and occupation of Iraq and Afghanistan. PMCs have formed the backbone of the logistics of the military campaign and the reconstruction effort, and have proven to fulfil a vital 'surge capacity'. Singer reflects on the experience of the Iraq War in his 2008 edition of *Corporate Warriors*, first penned in 2003 and only months before the war began, and notes that "consensus has already started to build that insufficient U.S. forces were sent for the mission expected of them" (Singer, 2008: 243). Figures 4.1 and 4.2 demonstrate that the level of contractors has tracked the level of troop commitment in recent years, serving as a remedy to the lack of public 'boots on the ground', serving in a surge capacity most evident in 4.1 (Afghanistan).
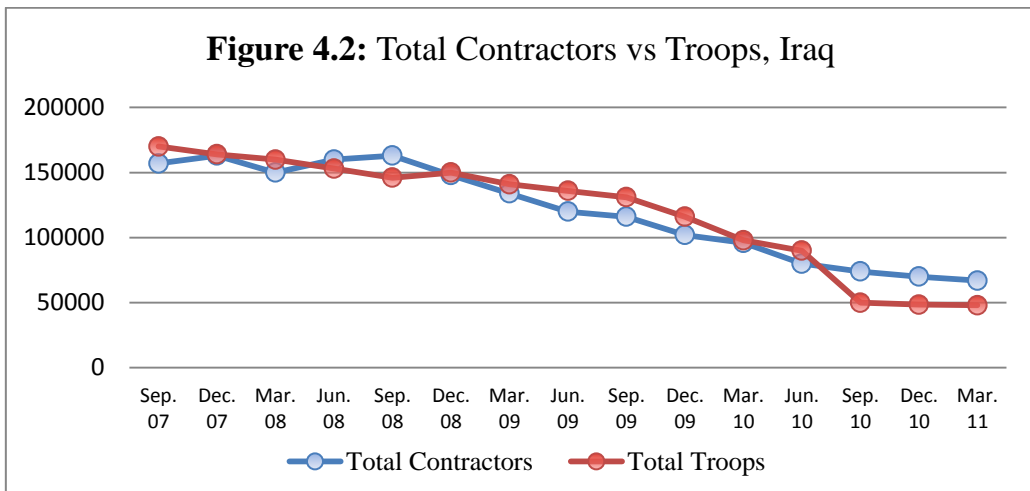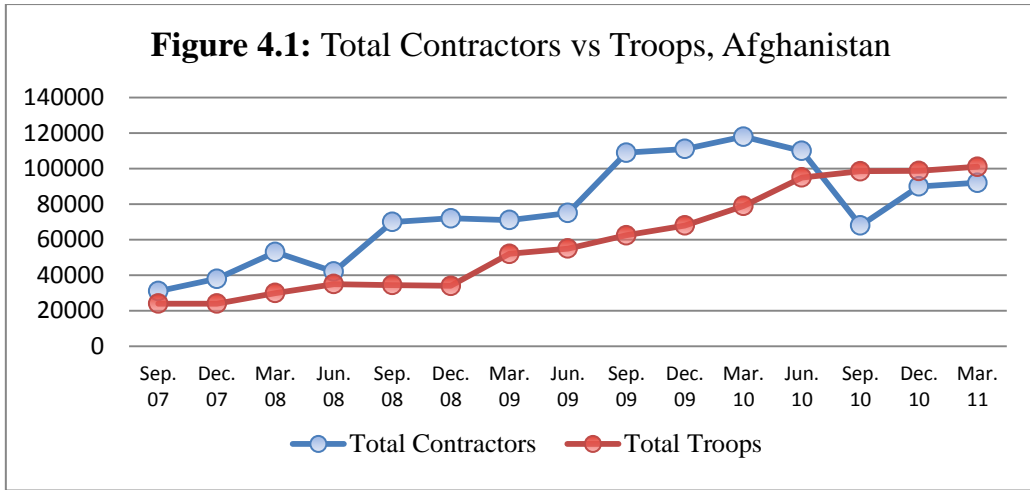
Figure 4.1: Total Contractors vs Troops, Afghanistan

Figure 4.2: Total Contractors vs Troops, Iraq

Though U.S. policymakers considered a range of conventional solutions to lack of 'boots on the ground', each was as unpalatable as the next. The conventional solution was to escalate the public invasion, sending a number of troops far in excess of the 135,000 initially committed to the campaign. Alternatively, Reserve and National Guard contingents could be called up; an option that was eventually utilised. However, it is in comparison to these choices that the private military industry proved both novel and attractive to resolving the issue of commitment. With the promise of high wages, the industry could draw not only on highly qualified Coalition nationals, but on Iraqis, Afghans, and third party nationals to 'man the walls' – a Coalition of the Billing.

Figures 4.1 and 4.2 indicate that the extent of private participation has tracked, equalled, and at times exceeded the public commitment. Indeed, "time and again a need cropped up that the military either did not want to diver limited forces or could not meet with the troops on hand" (Singer, 2008: 244) Through contracting out sensitive tasks, the political risk of mobilising public forces – namely, the political costs of wartime death tolls, or 'casualty aversion' – was mitigated. No one can say for sure how many contractors have died during the campaigns. The number is at least over 1,000 – with 13,000 wounded – and contractor deaths reportedly exceeded military deaths in 2010 (Miller, 2010). Yet even if the information regarding contractor deaths was more widely disseminated, it seems that "the American public doesn't get quite as concerned when contractors are killed" (Duffy, 2004: 32).

In their private capacity, PMCs have been able to perform the constabulary duties imperative to the task of occupation; tasks that a war-fighting army is ill-suited for. Through assuming numerous sensitive tasks, PMCs have also proven to fulfil a 'surge capacity' that complements the public commitment to the Afghan and Iraqi campaigns.

4.3 *Strength and weakness: a heuristic of PMC history*

The first reports of PMC activity reached the public domain following the pivotal role played by Executive Outcomes in quashing the Angolan and Sierra Leonean civil wars. An intimately related firm – Sandline International – failed to repeat EO's successes, and indeed courted considerable controversy in instigating two 'Affairs' in Papua New Guinea and Sierra Leone. Given that the clandestine and proprietary nature of this industry imposes limits to our knowledge, it is difficult to say with complete certainty that no firms have continued to offer the sensitive services EO and Sandline performed for weak states. Yet it stands to reason that if firms continue this practice, they do so in a cloak and dagger fashion, taking extreme steps to disguise their activities – a secrecy that both EO and Sandline, and firms working for

strong states, have not exhibited. The vast number of firms that are monitored exhibit an aversion to offer the sensitive services for weak states that EO and Sandline had previously.

PMCs have performed a range of sensitive services for strong states. They have proven integral to execution of U.S. foreign policy in the Balkans, Latin America, Iraq, and Afghanistan. Yet of most significance is the fact that PMCs have not developed the same aversion to offering sensitive services that they have for weaker states. Indeed, the Iraq and Afghanistan campaigns have proven to be the lifeblood of a number of firms offering such services, including the infamous Blackwater (renamed Xe Services, and now Academi) among others. Ultimately, the irony of the rhetoric concerning U.S. withdrawal from Iraq and the drawdown in Afghanistan is that, for the foreseeable future, a sizable contingent of private contractors will remain in their stead and continue to secure U.S. objectives.

The evident pattern of PMC activity, divided between strong and weak states, must be interrogated. Why have PMCs offering services most intimately related to the state as an institution that contains violence – combat, security, strategy – come to languish in weak states, yet thrive in the strong? Though conflict waxes and wanes throughout the world, it is certainly in no short supply. An explanation might be sought in considering that EO's success in Angola was an anomaly, attributable to a unique set of circumstances; a particular set of skills and an intimate knowledge of Angolan political geography. In the absence of these conditions, firms simply lack the capacity to offer such services. This explanation does not, however, account for EO's further success in Sierra Leone, nor Sandline's operations in Papua New Guinea or Sierra Leone.

A solution to this puzzle can be found in considering that the 'rise' of the private military industry has, for all involved, comprised a heuristic. In this learning process, PMCs have relied on both strong and weak states not only as patrons who bestow legitimacy on the

private provision of military services, but as normative guides with the authority to co-constitute an understanding of the role of PMCs in international relations. Recalling that in both Angola and Sierra Leone a key condition of the peace agreements was that EO be removed from the country, it is clear that while PMCs have the potential to deliver short-term functional gains, they contribute little to the resolution of endemic political disputes that undermine a weak state's claim of statehood; of a territorially bound monopoly over legitimate violence. Indeed, in recalling the 'Sandline Affair' in Papua New Guinea, it is evident that the decision of a political executive to hire PMCs has the potential to disrupt the tenuous and fragmented political relationships between civil and military organisations that characterise weak states. That firms have since ceased to offer sensitive services in such circumstances only after experiencing them is indicative of the nature of this process as one of trial, error, and learning. The protracted legal battle pursuant to the 'Sandline Affair', in which Sandline sought compensation from the PNG government (Singer, 2008: 235), serves as testament to how hostile offering sensitive services to weak states can be to a firm's bottom line.

The flipside of the learning process is that strong states – "coherent, capable, and legitimate" (Avant, 2005: 81) – have employed PMCs not only under very different circumstances, but for very different purposes. Strong states – the U.S. and U.K. – have sought not to secure internal legitimacy, but to achieve external goals. Through a similar process of trial and error, the strong state environment has been accommodating, and indeed encouraging, of the capacity of private firms to offer sensitive services. According to confidential correspondence released by WikiLeaks, Academi (formerly Blackwater) had, at the behest of the U.S. Government, lent its services to the recent Libyan opposition movement (WikiLeaks, 2012); a testament to the ongoing implication of contractors in executing U.S. foreign policy.

A figure central to the rise of the private military industry, Tim Spicer is the consummate example of the phenomenon of learning. As mentioned, Spicer retired as a colonel in the British Army and established Sandline International in 1994. Though Sandline's controversial operations in Papua New Guinea and Sierra Leone occurred with Spicer at the helm, he left in 1999 following the fallout of the 'Arms to Africa Affair'. Under Sandline's company constitution, the firm would only undertake projects that were for "internationally recognised government and international institutions" to the exclusion of any and all "embargoed regimes, terrorist organisations, drug cartels" and so on (Kinsey, 2006: 78). Spicer's first step was to recognise that state patronage was crucial to the legitimacy, and hence success, of his enterprise.

Spicer did not, however, foresee the controversy his firm would instigate in Papua New Guinea and Sierra Leone. To this effect, he left Sandline in 1999, and founded Aegis Defence Services in 2003. Between 2003 and the present, Aegis has catered exclusively to 'strong' states; Spicer has stated that his intention was as such, claiming that he "wanted to make sure that Aegis was a completely different animal" (Armstrong, 2006). In October 2004, Aegis was awarded a $293 million, three-year contract to conduct intelligence, training, and security operations for the U.S. Army in Iraq, and additionally oversee 16 other firms. "Colonel Tim Spicer is the future of warfare… [He] is effectively in charge of the second largest military force in Iraq – some 20,000 private soldiers. Just don't call him a mercenary" (Armstrong, 2006). Spicer has profited from moving from weak to strong, and has shaped the perceptions of the broader industry of which he is a leader. The industry's interest is entwined and aligned with the strong state and its ongoing, central role in international relations.

4.4 *Trial and error: PMCs and State-centricity*

In their interplay, states and PMCs have co-constituted an understanding of the role of PMCs in international relations. Through a process of trial and error, weak states have proven an inhospitable environment to firms offering sensitive services. PMCs can do little to solve the violence endemic to weaker states. Indeed, in further weakening the weak state "in terms of political legitimacy" (Olsson, 2007: 348) PMCs impede the political resolution of conflict. The first lesson is, therefore, that PMCs are neither a desirable nor effective method of short-circuiting Tilly's state-building process. In the context of state weakness, PMCs have been constituted instead as disseminators of non-core military skills – for the right price, of course. The flipside of this learning process is that strong states have successfully constituted PMCs as tools of coercion and foreign policy; a novel solution to the geopolitical challenges of post-Cold War security, less the risk to public forces. In the context of state strength, the motif is "Public Ends, Private Means" (Singer, 2008: 210); when political sensitivities render the commitment of public forces prohibitively expensive, an administration can pursue foreign policy objectives through PMCs

This learning process has several consequences for the notion that PMCs reinforce the state's central role in international relations. The first is that state interest has played a pivotal role in shaping and constraining the behaviour of PMCs. Cockayne's (2007: 199) conclusion addressed earlier, that "states have successfully constituted [PMCs] as agents of state interest", requires amendment in this regard. It is clear that states have employed PMCs to pursue state interest. Yet given the evidence, the process of constitution cannot be considered *purposive*, in that any agent intended it to unfold as such. Rather, an antecedent condition – state strength and weakness – has mediated this process, and in doing so, has reinforced the notion of the impersonal or structural power of the state in international relations.

The second consequence is that the co-constitution of a particular understanding of the role of PMCs has real implications for the raw logic of international anarchy, and the future of self-interested interaction between states. This understanding limits the capabilities states are able to develop in the future, and in furthering the power of some over others, it perpetuates inequalities in power embedded in international relations. Indeed, it may engender new conflicts. Considering that the Anglo-American/Western world comprises "70% of the market for military force" (Mansour, 2012), the private military industry and its international regulation is a likely site of contestation should a rival power come to erode the Western monopoly. This contestation has the potential to alter the trajectory of the military privatisation project, reinforcing patterns of regionalisation.

This notion is certainly conceivable in considering a counterfactual in the context of the Yugoslav wars. Consider a Russian PMC offering their services to Krajina Serbs forces in Croatia; a contract that paralleled MPRI's services to the Croatian military. Akin to an arms race – a security dilemma – this situation lends itself to the escalation of conflict, rather than its peaceful resolution, and indicates the potential of PMCs to drastically alter the decision-making calculus and outcome of engagements – whether hot or cold – between contending international powers. Though propelled by globalisation, military privatisation has the potential to become an internationally divisive phenomenon. Rather than a global programme, the proliferation of PMCs may instead affect the 'regionalisation' of international relations; the re-territorialisation of patterns of organisation and international developments arranged in regional complexes.

4.5 *Conclusion*

An understanding of the role of PMCs in armed conflict has been forged through a process of trial and error; a heuristic. The notion that the state is central to international relations is

underscored as state strength and weakness plays a pivotal role in the process of co-constituting the appropriate role of PMCs, as demonstrated in this chapter. Tim Spicer is an exemplar of the notion that the rise of the private military industry has been a reflexive experience. In turn, this process has real implications for the logic of the International System. A parallel consequence is the state's constitutive role in the international society is renewed through the ongoing institutionalisation of "interest and identity" (Buzan, 2004: 7).

The conclusion that PMCs do not challenge but rather augment and consolidate the notion of state-centricity in international relations is, perhaps, not so surprising given "that the international system and international society are concepts built around the state as the defining unit" (Buzan, 2004: 91). The analysis has, at this juncture, concerned the realm of states, and their regulated and self-interested interaction. It is therefore crucial to consider a realm in which non-state actors are analytically valid interlocutors in international relations theory. For Buzan, the world society is a "vehicle for bringing the non-state elements into the picture" (2004: 92). The theory of securitisation, arguing that "there are no objective threats, waiting to be discovered" (Trombetta, 2009: 588) is instructive in this regard.

CHAPTER FIVE
The World Society: Private militaries and   the logic of security
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The world society is "the most problematic feature" (Little, 2000: 411) of English School theory. The concept of the world society as a discrete ontological entity is obscured in particular by the lack of a conceptual dyad or physical counterpart − like the international system to society. For both Bull (1977: 16) and Wight (1977: 13), the world society is a totalising entity, encompassing and transcending the international system and society. The consequence is that the world society "is mostly discussed in the context of other things and not systematically developed in itself" (Buzan, 2004: 44). Locating PMCs in the context of the world society is troublesome.

This chapter will not put the issue of world society to rest. Rather, I employ Buzan's (2004: 92) conception of the world society as a "vehicle for bringing the non-state elements into the picture". For Buzan, the analytical differentiation between international and world society is found in the type of actor implicated; state and non-state. In the context of the rise of the private military industry, the world society therefore serves as a useful rubric for determining how a non-state actor might constitute a challenge to the notion of state-centricity in international relations. The theory of securitisation as defined by the Copenhagen School, of which Buzan is incidentally a key figure, is pertinent in this regard.

The privatisation of military services introduces market logic to the process of securitisation. We are led to consider whether the logic of profit affects an appreciable shift in the securitisation process. PMCs may alter the hierarchy and priority of issues in the security

agenda, and in cultivating a relationship of dependence with the state, affect a shift away from the state as a source of legitimate security knowledge. At the same time, the clandestine nature of the industry obfuscates the availability of dialogues and correspondence between firms and the state. Through the lens of securitisation, whether PMCs challenge the state's central role in international relations is found to be indeterminate, and contingent on future developments and potentialities.

5.1 *Less high politics: Security in a world society*

An objection that might be made to the argument developed in previous chapters is that I have privileged 'high politics'; formal structures of decision-making and political action – the system of states, and the institutions that constitute the international society. PMCs are given a 'functionalist' treatment; as agents of state interest they are secondary to the analysis, paralleling the treatment of the world society as secondary to the international society and system in English School theory. This 'functionalist' treatment privileges the 'official' narrative, espoused by industry advocates such as Brooks (2000) and Spicer (2002) who downplay the agenda setting capacity of PMCs, and promote the industry as a response to prevailing global insecurities. It is in contrast to this 'formal' treatment that considering security as a social process where "there are no objective threats, waiting to be discovered" (Trombetta, 2009: 588) serves as pretext for extending the analysis to PMCs as a non-state actor, capable of affecting change.

Securitisation is defined as the process whereby "various issues can be transformed into security issues if a political community constructs them as such through a successful speech act that transforms the way of dealing with them" (Trombetta, 2009: 588). Securitising an issue changes the method of handling the issue, allowing for "exceptional measures, the breaking of otherwise binding rules" and providing the rationale for the use of a set of

practices we associate with 'security', including force. The privatisation of military services is intimately related to this phenomenon, for the logic of security is the logic of war. With the imperative of private profit, PMCs have much to gain in applying their logic to the transformation of social issues into security issues, and in doing so challenge conventional, state-centric security understandings.

Leander contends that PMCs "increasingly shape which issues and problems are 'securitised' – turned into existential threats – and which kind of (re-)action is to be considered most appropriate" (2005: 804). PMCs wield 'The Power to Construct International Security'. It is vital to interrogate this logic; to consider the 'world society' through the process of 'securitisation' and determine whether PMCs, as a non-state actor, constitute a challenge to the notion of state-centricity in international relations.

5.2 *Epistemic Power: 'We make American military doctrine'*

In the previous chapter, focus was drawn to firms offering sensitive services intimately related to the state as an institution that contains violence. The fact remains, however, that the majority of PMCs provide 'non-core' services such as training, logistics, and consultancy (recall Singer's typology). Former CIA director James Woolsey estimates that approximately 95% of all intelligence comes from open sources, and most of this intelligence is produced by private firms. (Leander, 2005: 148). In terms of military operations, AirScan (U.S.) was the "spy in the sky" (Leander, 2005: 149) during the NATO intervention in the Yugoslav Wars; Aegis Defence Services, as mentioned previously, has been responsible for intelligence gathering and analysis in Iraq for the US Army.

The consequence of implicating PMCs in the provision of 'non-core' functions is that they become intertwined with the production of security discourses. In the words of Ed Soyster (1991), MPRI executive and former U.S. Army Lieutenant General, "we [MPRI] make

American military doctrine". PMCs cannot therefore be considered as simple technical experts, but rather as 'security experts' who articulate security understandings. PMCs possess an epistemic power; in selecting, sorting, structuring, and analysing knowledge, they directly influence the process of securitisation. In this respect, PMCs wield a power over security knowledge that might challenge the understanding of security as a social process in which the state/public sphere plays a central role. This *epistemic power* must be examined in the context of practice.

Epistemic power problematises the notion of state-centricity in two ways. The first is that PMCs might alter the hierarchy and priority of issues on the security agenda. The second issue is that a company that monopolises the provision of a particular security service cultivates a dependence on the firm as the producer of security knowledge.

5.3 *Hierarchy and priority*

> the key to corporate survival resides increasingly in a political or even a cultural capacity; the ability to influence future customers and suppliers. . . . The leading defence company of the future will be primarily a manipulator of opinions, in a diversity of markets.

> > \- Lovering, 2000: 167-168

PMCs have a critical interest in leveraging their burgeoning role as security experts; to cultivate a "political or cultural capacity". To this effect, PMCs have the potential to shape the articulation of existential threats, and inform the perceptions and agendas of security actors; states foremost. The implication of a new logic – private profit – in security discourses influences the hierarchy and priority actors ascribe to security issues, or rather which issues constitute an existential threat and are therefore more or less warranting of the mobilisation of practices associated with security. In doing so, PMCs affect a transformation of the logic of

securitisation from public to private interest, and challenge the notion that the state is central to international security understandings.

The consequence of market logic can be observed through the lobbying activities of firms. The argument is that PMCs have leveraged their epistemic power to manipulate social issues, articulating new existential threats. The prime example of this phenomenon is MPRI's bid for a contract to train a coastal defence force in Equatorial Guinea (Leander, 2005: 816). Due to Equatorial Guinea's ties to Cuba and North Korea, the U.S. maintained a longstanding policy of not supporting the state's military regime. MPRI's intentions contradicted official state policy. Yet the firm was granted a license by the U.S. State Department in 2000 – after intense lobbying.

The African Bureau of the U.S. State Department initially refused to grant a license to MPRI in 1998, citing concerns about Equatorial Guinea's human rights record. Consequently, MPRI approached legislators and State Department officials and argued the need for strategic engagement with the African country, rather than the prevailing policy of isolation (Cusumano, 2010: 17). MPRI framed their argument through elements of an existing discourse: in being awarded a license, MPRI would promote democratic openness and enhance the U.S.'s standing in the oil rich region. After this round of lobbying, the African Bureau relented, while the office of Democracy, Human Rights and Labour remained opposed.

What eventually produced the State Department's about-face was the articulation of an existential threat. MPRI argued that this was a critical juncture; that the U.S.'s military prestige was at stake. The identity of the U.S as the foremost military power was jeopardised by the politicisation of private firms disseminating its military expertise. These claims were embedded in a concrete claim: that if MPRI was not awarded the contract, a French PMC

would instead (Silverstein, 2002). The dilemma was therefore not between supporting the Equatorial Guinean regime or not; but rather whether a French or American firm should profit from doing so. The course of self-interested action was clear, and under the guise of the 'National Security Enhancement Plan', MPRI was granted a license in 2000.

MPRI articulated a new logic of existential threat: the geopolitical competition for private military profit and prestige. In doing so, it legitimised the mobilisation of a practice associated with security; military assistance. Through successful lobbying and framing of an issue, market logic affected the securitization of a foreign policy issue, and in influencing the U.S.'s decision making calculus and proffering security assistance to Equatorial Guinea, prior state policy was contravened. It must be concluded that as a non-state actor, MPRI exercised its epistemic power to alter security perceptions.

5.4 *Monopoly and dependence*

PMCs have assumed a monopoly over the provision and implementation of numerous services. This is particularly commonplace in the area of specialised training and maintenance of advanced weapon systems, including the maintenance and loading of all B-2 stealth bombers and Apache attack helicopters in Iraq, and the operation of the U.S. Army's Patriot missile batteries and Navy's Aegis missile defence system (Singer, 2005). Yet even for tasks where firms have not reached monopoly status, replacing a non-performing firm would be exceedingly costly. Indeed, at critical and untimely junctures, replacing a firm would be imprudent; consider Titan Inc.'s interrogation and linguistic services in Iraq, and Vinnel's training of Iraqi officers and soldiers, each vital to the success of the occupation. The consequence is that outsourcing numerous technologies and services becomes "coupled with dependence" (Leander, 2005: 810) – that the articulation of 'truth-claims' regarding existential threat rests in the PMC as producer of security knowledge.

In commandeering the capacity to produce 'truth-claims', PMCs shape the formulation and execution of state security policy. An example of such occurred when AirScan operators coordinated an air strike by Colombian forces against what were presumed to be FARC rebels. The airstrike was mistakenly directed at a village, killing 18 civilians (Miller, 2003). Another example involved a CIA surveillance flight piloted by employees of Aviation Development Corporation. The firm's employees identified what was believed to be a drug-smuggling aircraft and, on the basis of this information, the plane was shot down by the Peruvian Air Force. The aircraft was, however, only carrying two innocents; an American missionary and her daughter (Avant, 2002: 1). The point is not that, in the circumstance of public provision, these tragedies would have been avoided, but rather that in producing 'truth-claims', PMCs exercise a covert influence over security practices, and articulate truth-claims upon which military practices are not only mobilised, but executed.

The above examples demonstrate that PMCs have assumed the role as the provider of crucial information upon which security practices are mobilised. Yet more importantly, there is a reflexivity between producing truth-claims and implementing security practices; each influences the transformation of future social issues into a security issue (Leander, 2005: 852). Events 'in the field' inform the evolution of security discourses, and shape the articulation of future existential threats. This is to say that a causal loop exists between PMCs producing truth-claims, implementing security practices, and producing future truth-claims upon which issues are securitised. Given the monopoly position of some firms, and the costly nature of replacing them, the 'functionalist' narrative of the PMC is flipped on its head: state security practices are mobilised by existential threats based on truth-claims produced by PMCs.

5.5 *The limitations of hierarchy and monopoly; a challenge?*

PMCs wield an *epistemic power*; a capacity to shape security understandings and practices. This capacity derives from their role as producers of security knowledge. The consequence of this epistemic power is, first, that the industry's market logic alters the hierarchy and priority of threats on the state's security agenda. MPRI's ability to provoke an about-face in the U.S. State Department's policy towards Equatorial Guinea illuminates this potential. The second consequence is that, in acquiring a monopoly status over the provision of certain services, PMCs cultivate the state's dependence on the private military industry. The 'truth-claims' PMCs produce have the potential to transform social issues into security issues, and in implementing security practices, influence the articulation of future threats. The position of PMCs in security discourses is self-perpetuating. Yet it is unclear whether, as a consequence, the state's central role in international relations is under assault.

Echoing the motif of strength-weakness explored in the previous chapter, Leander concludes that the consequences of epistemic power are unequally distributed between strong and weak states (2005: 861). With underdeveloped public institutions and governance, the relationship between weak state and PMCs is far less asymmetric and in favour of the state than it is between strong states and PMCs. The position of PMCs in security discourses vis-à-vis their public counterpart in weak states therefore lends greater weight to the PMC as producer of legitimate security knowledge. PMCs may, therefore, be considered to possess more control over the process through which social issues are transformed into security issues in weak states, challenging the central role of the state in international relations. Yet in considering whether the state actually monopolises the articulation of existential threats, this conclusion is problematic.

Given the endemic violence that typifies weak and post-intervention states, neither the state nor PMCs can truly be considered to monopolise 'truth-claims'. Particularly in the context of weak states, truth-claims about security threats must be considered as "relationally defined by diverse actors" including opposing factions, internal struggles, and insurgent movements that "threaten emerging political structures" (Olsson, 2007: 355). In the modern era, such "diverse actors" have exercised the burgeoning capacity of global media to broadcast their message, the internet in particular (International Crisis Group, 2006). As a consequence, securitisation must be considered as a multifarious process in situations of state weakness, and the notion that market logic propels the self-serving remilitarisation of security must be balanced against this. Rather than an overt challenge, conceptions of the state's central role in international relations must appreciate the dynamics of state strength and weakness. This is, ironically, a decidedly state-centric conclusion.

MPRI demonstrates the capacity of PMCs to alter the trajectory of security policy. Yet the objective of MPRI's discursive formations was ultimately to gain the assent of the U.S. State Department. A State Department license is necessary for any domestic firm offering services in a foreign country. It is problematic to therefore conclude that MPRI challenged the authority of the State Department. Rather, the firm articulated a new conception of state interest, one that arguably corresponds to the changing nature of military organisation demonstrated throughout this thesis; that private firms are taking an increasingly key role in the provision of military services, and that state interest must align with this phenomenon. Instead of challenging the notion of state-centricity in international relations, we must instead reconsider which elite groups and actors are understood to influence and propel the securitisation process.

5.6 *World society, PMCs, and the future of security*

For Buzan (2004: 92), the world society is a "vehicle for bringing the non-state elements into the picture". Yet in lacking a conceptual dyad – like the international system to international society – it is in danger of instead being an analytical convenience instead of an ontological necessity; a catch-all for things considered 'non-state'. The Copenhagen School theory of securitisation is vital in this regard, focussing the PMC/world society analysis on security as social process firmly grounded in the international system and society. However, as evident in this chapter, the theory of securitisation has considerable limitations in locating a challenge to state-centricity in international relations.

The lynchpin of securitisation theory is the 'speech act'; recall Trombetta's (2009: 588) definition where an issue is securitised when "a successful speech act transforms the way of dealing with them". Yet, due to the recondite nature of the private military industry, few speech acts are available for public consumption. In public discourses, PMCs are represented by industry advocates and lobbyists, such as Brooks (2000) and Spicer (2002), who as previously mentioned espouse a 'functionalist' narrative that downplays the agenda-setting capacity of PMCs. Private communications are hidden within the often impenetrable labyrinths of national security. The proprietary nature of U.S. PMCs means that they are not subject to freedom of information requests as the state is. The minutiae of PMC contracts, and details of their correspondence with political elites, cannot easily be employed to further the agenda of a world society analysis. The result is that like Leander, I have employed a 'thin' account of securitisation, drawing primarily on argumentation and the consideration of potentialities. At the level of the world society, the analysis must therefore be considered inconclusive; PMCs have the *potential* to pose a challenge to the conception. Yet there remains good reason to suggest that future research in this regard will bear fruit.

As mentioned, the position of PMCs in security discourses is self-perpetuating. PMCs have assumed a role as producers of legitimate security knowledge. This knowledge is implicated in the transformation of social issues into security issues; existential threats. The subsequent mobilisation of security practices also involves PMCs, who play a growing role in implementing security practices. The result is that as security experts that shape security understandings, PMCs both create demand for security (through securitisation) and supply security (their business). The private provision of military services engenders a new dynamic of supply and demand for security, one in which PMCs are on both sides of the equation. The consequence is that the 'audience' of the securitizing speech act must be reconsidered. Instead of a public audience, whose support for emergency/security measures is maintained insofar as the existential threat is discursively maintained, the audience is instead the actor with the wherewithal to employ the PMC, such as state elites.

The move away from public to private provision of military services has real implications for understanding how and why existential threats to the state are discursively maintained. In exploring the evolving dynamics of security, future research must seize on this opportunity to further our understanding of the changing identity of security actors and the values they embody. This research must re-evaluate how the link between the state and violence is normatively sustained. Military privatisation remains a promising field of research, both in weak states with fragile or non-existent public security orders, and strong states.

5.7 *Conclusion*

At the level of the world society, the analysis is inconclusive. There is little evidence to conclude that PMCs explicitly challenge the notion of state-centricity in international relations. Security understandings continue to be anchored in the context of the state as the preeminent security actor. While MPRI articulated a new logic of existential threat and

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altered the trajectory of security policy, state interest is inevitably intertwined with the geopolitical competition for private military profit. Yet there remains a clear need to appreciate the role PMCs play in articulating security understandings.

In considering the potentialities – the self-perpetuating position of PMCs in security discourses – it is difficult to conclude there is no challenge at all. The need for brevity limits the world society analysis and has obscured a critical dimension of the world society; the ability to escape state interest, and consider universal values. In considering security not as value or condition, but a social process, the opportunity remains for future research to scrutinise the values PMCs embody and promote.

CONCLUSION
A private military at the centre of the state

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The next generation of U.S. military leaders will be inducted into the armed forces by a private contractor. The training, operation, and maintenance of the next generation of weapon systems and doctrine will necessitate the ongoing integration of private military companies into modern force structures. And as military leaders come to procure these systems and services from the international market for force, this phenomenon will be reproduced worldwide. The privatisation of the military profession is well under way. And yet, the state remains central to international relations.

I have explored the puzzle of military privatisation and state-centricity through Buzan's (2004) social-structural approach to the English School of international relations. The International Society, International System, and World Society – the 'triad' – were considered to constitute three separate, and yet overlapping, realms of international relations. Each realm operates through a particular logic: the regulated interaction of states; the self-interested interaction of states; and the motivations of non-state actors. Each realm, in turn, presents the potential for a challenge to state-centricity to be found.

At the level of the international society, I considered military privatisation in the context of international humanitarian law. PMCs were found to transgress the legally-constituted, state-centric identity of legitimate participants in armed conflict – the 'privileged warrior class'. This could not, however, be considered a causal argument. In considering the ontological

priority English School scholars such as Bull and Buzan ascribe to the state, and relating the rise of PMCs to material and normative transformations at the level of the international system, I concluded that PMCs undermining the international society's governance of violence reflects the significance of state-driven transformations at the level of the system. These transformations emphasise the ongoing and central role of the state in international relations. I conclude that PMCs do not challenge the notion of state centricity, but rather renew the notion of the international system as generative of international society phenomena. Proceeding to the level of the international system, this conclusion was made more apparent.

PMCs have become intertwined with the pursuit of security by states. Yet the private military industry does not exist *ex nihilo*; the industry's 'rise' is best understood as a heuristic, a learning process, through which PMCs and states have co-constituted an understanding of the role of PMCs in international relations. Though firms have continued to perform politically sensitive tasks for strong states, they have developed an aversion to do so for weak states. Thus, while state interest has propelled their employment, state strength and weakness has determined the trajectory of the industry. The state continues to constitute an impersonal or structural power generative of international relations phenomena. I conclude that the state remains central to international relations.

The world society analysis complicates these conclusions. In considering military privatisation through the lens of securitisation, the epistemic power of PMCs was emphasised. As producers of legitimate security knowledge, PMCs have the potential to alter the hierarchy and priority of existential threats, and the perceptions of security actors. The potential of firms to cultivate a dependence on their services was also explored. While I demonstrated that security understandings continue to be anchored in the state, the foundations are laid for a future challenge. The shift from the public to private provision of

military services challenges our understanding of how existential threats are articulated and discursively maintained, and our understanding of the audience of the securitising speech act. In turn, new questions are raised that concern how international relations theory accounts for the identity of security actors, and how the relation between the state and violence is reproduced. Researchers must capitalise on the ongoing participation of PMCs in armed conflicts for theory building and policy guidance.

Prescriptions: the social–structural approach and military privatisation

Buzan's social-structural approach allows for the multiple and simultaneous interpretation of international relations phenomena. Viewed through the prism of the International Society, International System, and World Society, I have expounded a new perspective to the ontological dilemma. This task is paramount, for the exigent task of private military research is to account for the changing nature of violent organisation in international relations. Failing to do so has led a number of researchers, pursuing the operational dilemma, down dead ends. Though the central conclusion remains that PMCs do not challenge the central role afforded to the state in international relations theory, this thesis presents several implications for future research.

The interrelation between the three realms of the English School has been a theme that permeates this thesis. In Chapter 3, PMCs were not found to challenge the notion of state-centricity, but rather reflect the constitutive role of systemic-level material and normative transformations in in shaping the international society. In Chapter 4, the self-interested, security-seeking imperatives of states were demonstrated to be productive of norms and understandings, renewing the notion that while the international society is regulative of the interaction between states, it is also the product of this interaction – a process further influenced by impersonal conditions of state 'strength' and 'weakness'. The relation between

the world society and the international society/system, however, is less clear. In considering the world-society as a vehicle for non-state elements, the grasp of the English School is extended to a cacophony of heterogeneous actors. I found it pertinent to introduce a new theoretical tool to focus the analysis, namely securitisation. Yet these tools come with baggage and priors; concepts such as 'security practices' that are, inevitably, linked to prevailing concepts concerning the role of the state. The world society remains "the most problematic feature" (Little, 2000: 411) of English School theory.

In Chapter 4, the implications for the future of self-interested state interaction were addressed. Namely, the private military industry's regulation was identified as a potential site of international contestation should a rival power come to erode the Anglo-American dominance of the private military market. Yet the English School emphasises the capacity for states to cooperate, and indeed mitigate the tragedy of conflict and war. State-interest is a reflexive and evolving phenomenon, both precipitating and responding to international phenomena. While military privatisation has evidently proven to be a short-term boon, compensating for the deficient material and political commitment to the increasingly unpopular occupation of Iraq and Afghanistan among others, the use of contractors continues to evoke the image of mercenary forces, and has obscured the effort to win 'hearts and minds' (Cordesman 2004: 15). States certainly have an interest in avoiding a conflict over the industry, and given the burgeoning expense of outsourcing defence, states also maintain an interest in curbing their dependence on PMCs. Indeed, in May, 2011, the Centre for Strategic and International Studies (CSIS) conducted an assessment for the Department of Defense outlining an "intelligent pattern of insourcing" (CSIS: 2011, 3). The contemporary organization of violence is, after all, neither timeless nor natural.

Buzan (1997: 11) concludes that in the new security agenda, the state is less important. Though remaining central, the state "no longer dominates either as exclusive referent object

or the principle embodiment of threat". The future of the military privatisation project rests in the state, and as the U.S.'s contingency operations in Iraq and Afghanistan draw to a close, the great impetus of the private military industry will be lost. The future may instead promote the reverse phenomenon: of 'insourcing' and the increasing proportion of tasks fulfilled by organic armed forces staff.   Yet the private military industry is here to stay, and the central conclusion of this thesis holds true. Echoing Buzan, while the state might increasingly share the analytical spotlight, it remains central to international relations theory.

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