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Private Military Companies in the Contemporary Security Context

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CLEMENT TRACOL, DEC 21 2012

Is There an Appropriate Role for Private Military Companies (PMCs) in the Contemporary Security Context?

Introduction

For the last two decades, the hiring of Private Military Companies (PMCs) has significantly increased. While Western conventional armies have become more reliant on services provided by private military firms, weak states as well as international governmental organisations have also recurrently outsourced military operations. Furthermore, PMCs have been widely contracted by corporate companies and NGOs working in hostile environment. This new security context challenges the traditional Weberian concept of the state as being the sole depository of legitimate violence, and therefore engenders interrogations regarding the use and consequences of privatising security. The objective of this study is to identify pertinent roles for PMCs in today's security context and explore their ever-increasing access to what previously constituted – or was understood as – the monopoly of the public domain. *As a central argument, this work normatively deducts that, in the light of the problems linked to and/or generated by the existence and functions of today's PMCs, the privatisation of security ought to have a very restricted and regulated space within the contemporary security environment.*

This research aims to account for the importance of privatized forces in modern military matters, and also intends to highlight the magnitude of the nature, role and functions – and subsequent consequences and impacts – that privatization of security is actually having on the contemporary security context. The reality is that in the post 9/11 world, private military companies have increased in numbers, expanded their services, gained legitimacy, and became central in the provision of security. In fact, the two last major US military interventions in Iraq and Afghanistan are considered as the most privatized wars in the US recent military history. The private security sector has been key to the success of the 2003 US-led Iraqi invasion, where one out of ten individuals deployed during the conflict was being employed by private security firms (Avant, 2005: 1). More significant is the fact that around March 2010, it has been estimated that private security personnel outnumbered the amount of military troops present in both countries (200 000 contractors operated in Iraq and Afghanistan for 150 000 soldiers (Miller, 2010)).

Today, as both states and transnational non-states actors (INGOs and multinational corporations) are increasingly contracting security services and delegating key military capabilities, the security industry represents one of the most dynamic sectors of economic activity. It was valued in 2007 at around \$139 billion and forecasted to be worth \$230 billion by 2015 (Abrahamsen and Williams, 2011: 40). As an example, G4S is the largest employer on the London Stock Exchange, with around 635 000 workers in 125 different countries and a turnover of £7.4 billion in 2010 (G4S, 2011). From this perspective, while the twentieth century seemed to have witnessed the disappearance of large-scale private violence, it becomes apparent that military force in the new millennium is, and will be, increasingly handled by private actors.

During the last ten years, investigative and analytical works on private military companies (PMCs) have come to constitute an important part of security study. However, because of the recentness of the phenomenon, and also

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because of the various incidents that have propelled security corporate organisations on the front page of news media, journalistic and academic coverage have often evolved around the threat that these new security actors pose to the monopoly of the state in terms of force and legitimate violence. Although this debate is pertinent in many respects, it tends to hide and oversimplifies the real complexity of the phenomenon. As this work proposes to demonstrate, the debate over PMCs has to move beyond the basic analytical framework that tends to systematically oppose State to private actors, like two incompatible and antagonistic entities competing over the monopoly violence. This analytical move is necessary for two reasons: firstly, because the dichotomy public-private and the notion that security is and should remain within the monopoly of the state are in reality more complex than they might first appear; and secondly, because the traditional approach tends to entrench positions within the debate, which in turn, loses its capacity to accurately reflect reality and its pragmatic pertinence in regards to the evolution of the phenomenon.

Because the process of centralization of legitimate violence in the hands of the state is generally understood as the determining factor for the emergence of the modern state, and, as argued by Thompson (1994), marked the transition from heteronomy to sovereignty; the re-appearance of private security actors tends to be hastily linked to a return to a pre-modern era, and thus, contributes to fuel ominous fears and subjective reasoning. As we shall see, the privatization of security does not necessarily stand in opposition to the state and does not inevitably erode its prerogative and power, but, in fact, more than often actually works to reinforce state centrality. Therefore, understanding that the study of private security is likely to question some fundamental notions of political and International Relation (IR) theories, and, in order to avoid falling into potential generalization and biased interpretation, this work favours a constructivist approach. Drawing from Abrahamsen and Williams' constructivist methodology (2011: 5), this study aspires to account for the complexity posed by the privatization of force from a holistic dimension. Rather than to adopt an explicit normative approach from the beginning, it proposes to expose and appreciate the changes that have stemmed from this recent phenomenon and to analyse the power transformations that have taken place within the political, social and military spheres. In deciphering these changes, one will be more able to highlight the points of friction and the critical alterations that the process of security outsourcing might have produced, and thus determine the level of appropriateness that PMCs might have; or at least contribute to answering this question in revealing the complexities surrounding the phenomenon.

Plan of the Dissertation

This dissertation is composed of three chapters. The first chapter situates PMCs from an historical and political perspective, and highlights crucial paradoxes linked to the outsourcing of security. It describes the emergence of the PMC phenomenon, their nature and the types of functions they performed. The second part of this chapter deals with fundamental notions and contradictions directly linked to the delegation of military services by the state. To this effect, contemporary neo-liberal ethic and its advocacy for privatisation of public services is paralleled to the notion of public sovereignty in order to highlight the fundamental contradiction that neo-liberal outsourcing prescription might engender in the domain of security. This first chapter contributes to define the essential elements of the research and points at some underlying dilemmas concerning PMCs.

The second chapter corresponds to the analysis of the effects generated by the privatisation of force. Three main points articulate this chapter. Because PMCs are challenging the traditional notion of the state as being the exclusive depository of legitimate force, the first point discusses the moral and functional objections that might be linked to the existence and activities of PMCs. The second point exposes the impact security outsourcing might have on the shaping of security understanding and the redistribution of political, social and military power that it might generate. Finally, the last point concerns the issues related to PMCs accountability and regulatory regime. The three dimensional analysis of this chapter – philosophical, political and judicial- constitutes the bulk of this research and aims to thoroughly explore the range of problematics linked to PMCs.

The third chapter focuses on PMCs in peacekeeping operations. Because advocates of PMCs pretend that the privatisation of military services is the future of peace and stability missions, this section coincides with the most talked-about debates on PMCs matters, and corresponds adequately to our primary question, namely the role and appropriateness that PMCs can offer in contemporary security context, and more specifically in peace operations

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and humanitarian missions.

In articulating the dissertation into three distinct chapters – the first one describing and establishing the fundamental notions and dilemmas, the second tackling an exhaustive range of problems, and the third one addressing a more concrete case – this research intends to funnel issues surrounding PMCs and filter out a possible level of suitability for their existence and function.

1. PMCs and the Privatization of State Functions

This chapter outlines the main elements of the research in order to clarify the socio-political significance of the privatization of force. It first defines the object of study “PMC” and critically examines how the privatization of security developed during the last two decades. Secondly, it questions the relevance of the conception of state monopoly of violence in contrasting the two notions of sovereignty and privatization of force. Finally, the chapter concludes with a concrete example of the use of private force in Iraq to illustrate the argument articulated along the previous stages.

Emergence and Definition of PMC

If military outsourcing has come to characterise the security environment of the new millennium, it appears appropriate to investigate on how it came into place and the reasons for its (re) birth.

From Mercenary to PMC

Max Weber definition of the state as being the sole depository of legitimate violence (1970: 78) has shaped the twentieth century conventional recognition that wars, warfare and coercion were inherent and exclusive state matters. The two large-scale interstate wars that shake the last century reinforced this perception and, besides the waves of privatisation that occurred in most developed countries from the end of the Second World War, security prevailed in being regarded as the natural and absolute domain of the state. Although this perception has a solid basis for being considered as true for the last century security environment, it also distorts the historical reality before it and the assumption regarding the natural relation between state and military force.

From an historical perspective, the privatisation of violence appears to be the norm rather than the exception, and until late into the ninetieth century, military history is almost exclusively scattered by non-state marketized violence. Nevertheless, it would be wrong to consider outsourcing of military services as a phenomenon unaffected by historical evolutions. Indeed, Sarah Percy (2007a) notes a fundamental shift in the use of private military at the end of the seventeenth century, where norms against mercenary use were gradually enforced and allowed rulers to effectively eliminate independent entrepreneurial mercenarism. From the end of the seventeenth century the market for force was entirely under the control of states, which engaged in the trade of military units or permitted the contracting of mercenaries within their territory under strict licence (Percy, 2007a: 68). In the eighteenth century, half of the Prussian army and one third of the French military forces were composed of hired soldiers. Around the same period, 18 000 mercenaries were being contracted by the British for the American War and 33 000 to fight in the 1793 war against France. Better known, is the golden age of privateering in the eighteenth century naval warfare, where French, English and American privateers captured around 6 400 prizes in the span of a century between the War of the Spanish Succession (1704-1714) to the Anglo-American War of 1812 (Thompson, 1994: 10-15). Although, the French revolution marked the start of the rise of national state armies and the progressive decline of mercenarism as a conventional way to wage war, the use of private force remained central in the development of international state. The nationalisation and the centralisation of military force under state authority induced an important transformation in the use of private forces which henceforward would have to operate outside domestic realms of European states system (Kinsey, 2006: 43). The era of colonial expansion is a good example where trading companies like the Dutch or English East Indian companies commanded vast naval and territorial forces and governed as near sovereign over most of the non-European discovered world (Singer, 2002: 191).

Although, mercenarism never really ceased to exist, their presence and strategic impact became marginal during the twentieth century. Not only did western countries had the demographic possibility to supply men for wars, but the

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industrialisation of modern warfare accompanied by its bureaucratic and logistical evolution, removed almost completely mercenarism activity from the battlefield. Hired guns reappeared during the wars of decolonisation often operating as unofficial armed forces for western countries; like the British support to Yemini royalist troops in the beginning of the 60s (Kinsey, 2006: 42-46; Ortiz, 2010: 35-36). However, because of their ad hoc nature, efficient prohibitionist regulations and nation-states' shared strong distaste for private armies, these activities remained hidden, unofficial, ephemeral and therefore limited (Singer, 2002: 191).

New Corporate Form

Today's PMCs are characterised by their modern corporate business form. They are legal registered companies competing on international recognised markets, economically and hierarchically organised and managed as any corporate entities looking for market opportunity and profit making. The corporate structure of PMCs is a clear evolution of previous type of mercenarism as it does not longer consist of ad hoc entities but instead keeps its organisational structure and tends to establish itself in the long term trade and delivery of security services in order to accumulate profit for the business and its stake holders (Singer, 2002: 192). The reasons behind the re-emergence of the privatisation of security are grounded in two main explanations. The first one relates to changes in military affairs while the other is associated with the phenomenon of market liberalization and the concept of lean state.

The end of the Cold War is often regarded as a key factor for the development of PMCs; as indeed, the end of superpower standoff produces both military downsizing and changes in war fighting. The reduction of military personnel (world's armies reduce by 6 million at the beginning of the 1990s (Singer, 2002: 193)), contributes to fuel the employment market with qualified military personnel and opened opportunity for private business to assist state armed forces which were no longer in a position to use and maintain complex weapon system and advanced technological equipment. Additionally, wars associated with underdevelopment, or "New Wars", came to dominate the 1990s security context and demands by weak governments for fighting support against rebel forces increased (e.g. Sierra Leone, Angola, Zaire, or Papua Guinea). This security environment intensified international interventions gradually changing the role of conventional western armed forces. Missions beyond the nation state, for humanitarian reason or war against terror purposes, tend to over-burden national military forces in cost, logistic and deployment capabilities. This new type of military assignments have also been accompanied by some reluctance from the public opinion, unwilling to see national military forces mobilised abroad for reasons not directly linked, or at least not obviously understood as, national interest (Wulf, 2005). In this sense, the 1993 "Blackhawk down event" of Mogadishu has been key in influencing Western states, and particularly the US, to avoid committing boots on the ground during humanitarian interventions.

Typology of Services

Before to account for the importance of the neo-liberal ethic in the development of private security, one need to understand the diversity and range of services provided by private military firms. PMCs offer services that include both external (protecting borders) and internal (keeping order within borders) features. The external tasks correspond to three broad categories: operational support, military advice and training, and logistical support. Internal services are associated with crime prevention, site security, and intelligence (Avant, 2005: 16-19). Commercial military firms can be categorised between combatant, that actively fight for sovereign states, and non-combatant, that offer military services but only defensive types, and may claim the use of force only in self-defence (Percy, 2007b: 12). However, literature on PMCs consistently refers to Peter Singer "spear model" (Singer, 2002: 200; Avant, 2005: 17) to describe the range of services delivered by corporate security firms and their place within the battle space. Military services (distinct from police services) requiring active participation on the front line are placed at the tip of the spear, and correspond to the most dangerous functions and often involve significant use of lethal force. These armed operational supports (type 1) are followed along the shaft of the spear (further from the frontline) by military consulting and training services (type 2) and logistical military support (type 3). Deborah Avant (2005) remarks that a company can provides a type 1 service for one contract and a type 2 service for another; and therefore proposes to move beyond the PMC typology and rather use contract as an unit of analysis (p.17). This approach is relevant and permits to avoid the debate over the distinction between private security company (PSC) and private military company (PMC) and focus on PMCs activities rather than lexical and fixed status definition that

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poorly reflect the reality and complexity of security contracting.

The Example of Iraq

As mentioned in the introduction, private military firms have been massively involved in the US military operations in Iraq; and therefore the Iraqi context offers the best example to describe and illustrate actual PMCs roles. Although security contractors in Iraq have significantly proliferated and expanded their range of services especially after the 2003 invasion, it is worth noticing that they also played a crucial role during the war itself, particularly in the domain of logistic and in the provision of aerial intelligence and technological support for Predator Unmanned Aerial Vehicles (UAV). For PMC specialist David Isenberg (2007: 83), the increase in number of PMCs in the post-war Iraq is primarily due the Bush administration miscalculation for the number of troops necessary to stabilize the country after the fall of Hussein's regime. The US government did not foresee the insurgency and underestimated the security challenge faced by reconstruction contractors in such context. Rapidly, and in lack of protection from the US military, reconstruction contractors started hiring security companies.

The real cost of private security in Iraq is unknown but a 2006 report from the Special Inspector General for Iraq Reconstruction (SIGIR) estimated it to range from 7.6% to 16.7% of all reconstruction spending in the country while the State Department estimation were between 16%-22% (Elsea, Schwartz and Nakamura, 2008). Some other estimation appeared around the same period for more than 25% (Beehner, 2005).

Activities performed by PMCs in Iraq can be divided between armed and unarmed services. Armed services correspond to three categories: personal security details (including high ranked official like Paul Bremer), site security (government building, houses, construction sites etc.), and convoy security. Unarmed activities include: operational coordination (managing and establishing command, and control and communication centres), intelligence gathering and analysis (aerial pictures, translation, interrogation etc.) and security training (Elsea, Schwartz and Nakamura, 2008). At this stage it is worth mentioning that planned direct combat operations like the ones performed by the South African PMC Executive Outcome in Sierra Leone back in 1995 did not occur in Iraq, although some PMCs have been directly involved on the frontline during ambushes or directly confronted by enemy fighters during insurgency events. Because of its particular private dimension, the Iraqi situation tends to be presented as the modern private war "par excellence". Indeed, Iraq represents a unique case in many aspects. Although the 1990s has witnessed the involvement of PMCs in various operations (see chapter 2 and the case of Angola, Sierra Leone and Croatia), it is the first time in modern history that a conflict involving Western armies requires private security actors to secure infrastructure assets in order to permit a country's services to function. At the end of 2003, the number of PMC personnel was superior to the number of British troops and represented the second armed forces in the country after the US contingent (O'Brien, 2007: 32). It remains a matter of debate as whether or not to recognise the situation in Iraq as a milestone in what could be the beginning of an ever-increasing privatisation of war. But few commentators argue against the fact that in the actual condition the US effort in Iraq could not be feasible without the contractors. US military commentator and retired Marine Colonel Mark Cancian (2008) estimates that the replacing of 113 000 security contractors would require 250 000 military personnel (400 000 considering training) (p.73). This impressive figure is justified by the US military policy of soldier rotation consisting of "one soldier at home for one soldier deployed", and such rotation basis is not applied to PMC contractors. This particularity may trigger some questions regarding the trade off between cost effectiveness and level of freshness of the troops deployed (see chapter 2).

Finally Iraq PMC phenomenon is characterised by the lack of available figures regarding cost and personnel. The US government has admitted not knowing the exact figures of PMC involvement in Iraq and has conceded that its bureaucratic apparatus was not ready to monitor this unpredicted level of privatisation in Iraq. A 2008 report to the Congress (Elsea, Schwartz and Nakamura, 2008: 4) list three major types of PMC clients: primarily the Department of Defense (DOD), the Department of State and US funded contractors that subcontract security protection services. The report mentions that between 2003 to 2007, the direct cost of US government for acquiring security was estimated by the Congressional Budget Office (CBO) to be between \$3 to \$4 billion, while US-funded contractors spent around the same amount for the same period.

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History shows that the privatisation of violence is inherent to international politics and that in fact, not only did war was consistently handled by private forces, but actually, that state-regulated mercenarism played a crucial role in the emerging world system. From this perspective, it could be argued that the last century may have been the exception in marginalising mercenarism and war profiteers. In order to enhance their corporate image, today's PMCs refute any historical root with mercenary groups. In fact, even if they still share similar characteristics: they are foreign to the conflict, are only motivated by financial gain, and often participate directly in combat, it is fair to say that their corporate modern feature made them distinct to their mercenary ancestors.

Privatisation of Force and the Challenge to Sovereignty

The legitimacy acquired by the private military actors is mainly due to the neo-liberal ethic of lean state and the retraction of state function. But, the PMC phenomenon is more than the simple legitimization of the mercenary market and its rebranding under more acceptable conditions in order to serve western state military requirements. It actually coincides to a deep evolution of the understanding of public services and mode of governance, primarily influenced by the neo-liberal prescription of privatisation.

The Privatisation Phenomenon

The concept of privatisation first requires defining the public-private distinction. Usually in the modern era, the public sphere relates to the state and the private sphere, in opposition, corresponds to what develops outside the purview of it (Avant, 2005: 23). As seen earlier, the idea of public security was concomitant to the emergence of national sovereignty, which tended to allocate the public sphere and especially military matters under state authority. In today's neoliberal mode of governance, the market orientation has favoured private sector contribution in all spheres of the public sector. This process of outsourcing was particularly evident during the Thatcherism and Reaganomics policies of the 80s, and the privatisation of nationally owned industry (telecommunication and energy sector). The prescription for privatisation is motivated by the neo-liberal assumption that market competition ought to be the best tool to achieve service efficiency (both cost and delivery) and to avoid agency problems linked to politicians (Boycko, Schleifer and Vishny, 1996). Additionally, Saskia Sassen (2006) argues that the role of private actors in shaping regulation has also increased (p.195), and that in fact, it exists a general tendency where private logics infuses the public domain, and reshapes the idea of public interest. It is important to contextualise the emergence of private security within analysis of the development of neoliberal narrative and the shift of powers and regulation that it induces. Whereas, to rely uniquely on the security context it is necessary to underline the managerialisation phenomenon that spreads through the public domain. Neoliberal denounced the public sector for its burdening and crippling politicisation and pleaded for the necessity to surrender public services to the market in order to achieve efficiency. In some ways, the interpretation of the public domain and the public interest shifted into a new organisational architecture of the state, with an increasing circulation of private utility logics inside the public domain.

The neoliberal proposition that the market "knows best" found its effect in the military sector relatively late in comparison to other sectors. The privatisation of the energy or telecommunication industries occurred during 80s-90s, while the delegation of public security functions is mostly a product of the new millennium.

The connection between neoliberalism and security privatisation is often justified by the fiscal crisis of the Keynesian state of the 70s. The argument advances that the state capacity to fund public services has decreased and that the market has filled the vacuum left by the retrenchment of the state. Although this argument may be valid for some sector of the public domain that have seen their investment diminished, it is largely flawed for the domain of the defense. Additionally, the argument produces a misinterpretation that deserve to be corrected. Abrahamsen and Williams, (2011,63) argue that in fact, the outsourcing of security by the state did not correspond to a retreat of the state from its prerogative but rather to a "crucial relocation of its place in such provision" (p.63). Rather than being simply reduced to funding difficulty, the commodification of security has to be interpreted as an attempt by the state to make social actors responsible for their own security. What these authors remark is that the notion of security and the place of the state regarding its provision have shifted towards the neoliberal ethic and its anti-politicisation prescription, therefore approaching security as a depoliticised managerial issue. In this regard, the admiration of PMC advocates towards the British East Indian Company experience is symptomatic (Sturges, 2011), as they

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perceive it as “a fascinating insight into the evolution of a trading corporation into a professional public administrator that was able to overcome many of the conflicts between public duty and private interest”(p.37). The rationalisation of security and the impetus from the state to push social actors (citizen and corporate companies) to accept responsibility for their own security had inevitably open market opportunities for PMCs. (Abrahamsen and Williams, 2011: 61-68).

Therefore, the privatisation of security and its association with the idea to a return to a pre-modern era appears over simplistic. The public delegation of security to private actors is a phenomenon concomitant with a new understanding of security. It corresponds to a socio political movement that has rearticulated the place of the state, legitimized the emergence of the private security sector and argued for the participation of various actors (including commercial entities but not only NGOs, neighbour watch etc. as well) in the provision of security. It inscribes itself within the benefices brought about by the trans-sectorial and transnational neoliberal assumption of market governance. It cannot be reduced to a simple retraction of the state. The outsourcing of security services by public authorities reflects a socio-political understanding of what should be the actors responsibility in security acquisition and their technical managerial and depoliticised application in this particular domain.

The Dilemma of Privatisation of State Function and Sovereignty in Modern Democracies

One may assume that the notion of sovereignty presupposes a certain level of complexity and controversy. Yet, in IR theories, sovereignty has, until the emergence of the critical school, been treated as an uncontested assumption. Realists consider it as a de facto element of states evolving in the anarchic international state system (their capacity to do what they want within their borders), while liberals argue that in the evidence of the effect of globalisation in domestic politics, sovereignty and states are not parameters but variables (Thompson, 1994: 11). Whereas to conceptualise sovereignty has a fix given that naturally assigns the public in opposition to the private, and the foreign in opposition to the domestic, critical theorists emphasize on the ever-changing nature of these elements and their boundaries (geographical but also political and institutional), and regard sovereignty as a modern concept, embedded within what Rob Walker (1993) call an “ethic of absolute exclusion” (p.66) that is to say, the legitimised proposition that denies the applicability of ethical principles beyond a certain bounded space. From this critical perspective, sovereignty represents more than the legitimate capacity to exercise power within a given territory, but, in modern democracies, it also encompass the acquiescence of the people towards what constitute the state, its prerogatives and its means. If “We, the people” represents the essence of modern democratic state, then, state sovereignty is inevitably linked to it. In fact, in democracy, sovereignty is accorded to the state by the people in exchange for its service for the common good. Therefore, in the case of security outsourcing, the delegation of public coercive authority to PMCs corresponds to more than a transfer of means and decisions, but to a transfer of sovereignty (Verkuil, 2007: 81). If the prerogative to exclude and include (and to coerce and reward) has been granted to the state by citizens in exchange for enhancing public interest, then the delegation of coercive functions (military and police) to private entities might be interpreted as a loss of sovereignty for the people; the state being further disconnected from its citizens, thus also reinforced in its autonomy and coercive capacity (less accountability and transparency), although loosing by the same token its legitimate right to exert violence. Paul Verkuil (2007: 14-16) remarks that placing sovereignty in the People makes clear who the principal and the agents are in terms of contractual principle. The People are sovereign and the state apparatus is the agent. Therefore whatever powers is delegated through privatisation of state authority, it is in fact sub-delegated

2. Consequences and Effects of the Privatisation of Force

The objective of this chapter is to address a large range of philosophical, political and legal issues induced by the outsourcing of state military capacity. In a first part, a philosophical normative approach is used to analyse the role and duty of the citizens, and to question the functional implication of allowing PMCs to operate in the international state system. Secondly, this chapter examines the contractual procedure and the dilemmas that it generates both on the political and military spheres. Finally, the third sub-section of this chapter treats the question of PMCs accountability and transparency.

Moral Objections, Functional Objections and Contractual Issues

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Moral Objection: Citizen, State and Duty

Although mercenarism was recurrently used in history, it was also consistently disliked. In the 13th and 14th century, the concept of mercenary contended against the values of the nobility and the church that promoted the idea of the “just cause”. During the Italian renaissance, private armies were seen as an impediment to social cohesion, as the strength of the community was thought to emanate from the citizens’ will to serve and die for it. Thus, from a moral perspective, the profit-oriented objective of mercenarism tends to be seen as a potential threat to state unity, and a possible reason for disloyalty and bad behaviour (Percy, 2007a: 69). Although today’s PMCs dissociate themselves from mercenarism and emphasize on their corporate legal status, they also present similarities. The fact that they offer military services in exchange for financial gain is therefore subject to moral objections.

Sarah Percy (2007b: 15-16) notes that in history, the social rules that justify killing have never included the desire for private gain. In time of war, killing is attached to a cause that in turn, accredits the act of killing with a certain level of acceptability. Because PMCs involvement in an operation is first and foremost the result of a financial calculation between cost and revenue, relegating the “just cause” principle to a tool for marketing rhetoric, these companies clash with the traditional normative reasoning about war. However, one may suggest that today, because of the neoliberal approach to security (depoliticised, rationalised and managerial) the financial cost-benefit consideration might have become more acceptable as a motivational reason to fight and kill. Nevertheless, the fact is that international political bodies like the UN have consistently attempted to institutionalised anti-mercenarism. The recurrent references of anti-mercenarism in UN documents and in international law, and the rather radical position of the UN Special Rapporteur on Mercenaries Enrique Bernales Ballesteros, have reinforced the abolitionist tendency, intentionally making no clear difference between PMCs and mercenarism. This deliberate association underlines the current and strong moral objections towards PMCs (Percy, 2007b: 25-26).

From a traditional philosophical standpoint, both Machiavelli and Rousseau argued against mercenarism (Percy, 2007b: 18-23). Machiavelli (2003) recommends the involvement of the citizen to defend the republic (p.75), as does Rousseau and all of the French enlightenment tradition that believe that the commitment of the citizen to fight for his state reinforces the relationship state-citizen in a virtuous way and avoid tyranny (Percy, 2007a: 129). From a Kantian (1983 [1795]: 113) perspective, republicanism forces the citizen to weight the cost and benefit of war. If citizens were not involved in war making, one could argue that their propensity to engage in military conflict would be greater. Additionally, citizen soldiers appear as a safeguard against tyranny, as they might question the state decision. The idea that private forces are an influence to wage war is pertinent. After all, it may encourage covert war, or act as proxies and makes it easier to sustain unpopular war. A debate during the 2011 Republican campaign for candidacy provides a good example of this last point. During the campaign, the Governor of Texas Rick Perry proposed to send US troops to Mexico to fight drug cartels. Not only the Mexican authority swiftly denounced the plan but also the American public opinion seemed very reluctant to it. His opponent Mitt Romney qualified the plan as “a bad idea” and rather opts for “the sort of support we provided in Colombia” (Condon, 2011). In referring to Colombia, Mitt Romney indirectly refers to the numerous PMCs operating there. In this country, PMCs have been the third biggest recipient of military spending after Afghanistan and the Middle East (Muse, 2007). From this example, one can argue that wars involving state troops may be clearly opposed by public opinion and that PMCs offer the possibility to bypass this reluctance.

These objections are highly pertinent as they go beyond the behavioural criticism and target the existence of the PMC in itself. After all, and in theory, good laws could suffice to regulate PMC’s conducts (although it carries also a lot of difficulty). But in these arguments, it is their existence per se that is problematic, as it affects the virtuous link between citizen and state, also reducing the influence of public opinion and democratic check.

Functional Objection: Dynamic and Impact of the Market for Force

Fighting for money is morally objectionable and also induces questioning over loyalty and commitment. Because the “just cause” does not seal the bound between the recipient of the service and the provider, money does it. The day that contractual disputes emerge or money runs out, PMCs may retract from their obligation. Robert Pelton (2007) relates the story of the Afghani President security detail that walked out after a dispute over holiday pay, leaving the

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most 'high-value' target of the country exposed (p.75). Although DynCorp hastily replaced Karzai bodyguards, this example shows that money remains the principal link between the object to be secured and the protector. Patriotic sacrifice, nationalist commitment or citizen duties have no place in PMC logic of functioning.

In terms of functional interference, PMCs also add complexities in the balance of power. It is more difficult to calculate rival military capabilities with an open security market (Singer, 2002: 210). The hiring of PMC could tip the balance of power, trigger fear or deter threat. This situation could extent to what could become a bidding race rather than a weapon race. Peter Singer (2002: 211) adds that PMC may also affect the relationship between strong and weak state. If in the Cold War, superpowers were in position to offer protection and act as patron states, nowadays, client states might as well hire PMC and avoid any form of patronage.

With a market for security, increased militarisation is more likely to happen. Indeed, because PMCs services range from intelligence analysis (type 2-3) to direct tactical support (type 1), they both prescribe and supply services. In market dynamic, this particularity would rapidly result in an increased militarisation –the supplier being also the client advisor – (Leander, 2005a: 613). The proliferation of security services does not necessarily induce an escalation of violence but at least certainly an increase in the means of producing violence. This first objection leads to a second one concerning the recipients of PMC services. Until now PMCs assure that they will only comply under their home state accreditation. But controlling and screening PMCs' clients are not easy tasks. Although companies like Blackwater swear that they will only accept a contract if it is in the interest of the US and in compliance with human rights and freedom principles; the monitoring of recipients remains critical. It is not hard to understand why a firm such as Blackwater that benefited from \$1 billion worth of US federal contract in 2007 (half of them awarded without full or open competition (Scahill, 2007: 20)) positions itself as such. However, at the same time, it is remarkable that its sister company "Greystone Ltd" based in the Caribbean island of Barbados does, at the same time, promote its services to officials from Uzbekistan, Yemen, the Philippines, Tunisia, Algeria, Angola and other potential clients not necessarily with the best record in terms of human right and international law compliance (Scahill, 2007: 435). The point arguing that PMC proliferation is likely to increase militarisation without real control over who is benefitting from such services is a real concern, and probably risks increasing with the emergence of non-western PMCs.

Finally the dynamic of the market is likely to locate provider of security only where solvent clients are or where client's assets are. This argument is perfectly illustrated by the involvement of the South African PMC Executive Outcome (EO) in Sierra Leone. Since 1991 civil war and instability reigned in Sierra Leone as a symptomatic crisis of patrimonial postcolonial African state. In 1994 the Revolutionary United Front (RUF) gained significant battles against governmental forces and by January 1995, the rebel troops managed to acquire the three most important mining sites of the country and consolidated their advance on the capital Freetown still held by the weak National Provisional Ruling Council (NPRC). After a short and failed experience with the Jersey-based PMC Ghurkha Security Guard, and incapable of resisting RUF forces, the NPRC hired EO In March 1995 to train its army and conduct offensive missions against RUF troops. In few months, EO, assisted by NPRC loyal paramilitary groups and the Sierra Leones regular army, repulsed rebel troops from Freetown, and secured the strategic mining assets inflicting heavy military defeat to the RUF who accepted to negotiate in Abidjan in November 1996. EO contract terminated in January 1997 after 21 months and cost the Sierra Leones government approximately \$35 million. Although no official version confirms it, most commentators argue that payment arrangement also included diamond-mining concession (Francis, 1999: 331). The mode of payment explains why mining provinces were freed first as both the PMC and the government had interest in these regions. This case shows how the imposition of peace and security is geographically limited to what the client and the provider consider as their own interest rather than the common good. Anna Leander (2005a) calls this patchy approach to security "Swiss cheese security coverage"(p.617) where the security common good, normatively the aim of public service, is replaced by private interest concerns, leaving part of the territory uncovered or even threaten by movement of rebel troops expelled from their original place.

The mode of functioning of PMCs has clear consequences in the security environment. It contributes to the phenomenon of militarisation, generates confusion in the balance of power and produces patchy security coverage. Functional and moral objections are tenacious issues with PMCs that in turn, tend to reject them on the basis of pragmatism and efficiency.

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Contracts, Process and Dilemmas (Examples and Issues)

Because the US is by far the main contractor of security services both as client and provider, this section mainly focus on the American case of security outsourcing.

As PMCs' functioning is based on contractual agreements, it is essential to investigate on the contractual dimension of the privatisation of force as it conceals various problematic and points of contention. In the case of the US military commitment in Iraq and Afghanistan, the Department of Defense (DOD) and the Department of State are the two main clients of PMCs. The United States has also a large relationship with PMCs through indirect contractual agreement, for example with reconstruction contractors working with the USAID that have in turn subcontracted PMCs for protection.

The State Department program for security outsourcing is the Worldwide Protective Services (WPS) and corresponds to an "indefinite delivery/indefinite quantity" (IDIQ) umbrella contract: a bundle of contracts each governing specific duties for a firm to handle in a given country. The Government uses IDIQ contracts when it cannot predetermine, the precise quantities of services (number of units for supplies or dollar values for services) that it will require during the contract period. This instance is extremely common in security contracts as the context is highly volatile and may necessitate rapid increase of services or supplies. Prior to 2008, the main companies being awarded WPS contracts were Blackwater Worldwide, DynCorp International LLC and Triple Canopy Inc. (Elsea, Schwartz and Nakamura, 2008: 7).

For its part, the DOD is the biggest US government-contracting agency with 57% of its purchases being services (most of it being type 2-3) (Verkuil, 2007: 129). In the US, the decision to outsource public services is framed by the A-76 Circular process that permits private firms to challenge the government's performance of public activities. The A-76 process concerns only the functions that are considered as not being "inherently governmental" (OMB, 2003).

Contracts are supposedly awarded after competitive bidding, even though the number of performance-based or single-sourced contracts has been growing. In fact, single sourcing escalation has been principally due to the Iraq war with 115% increase of federal no-bid or non-competitive contracts from 2000 to 2005 (Verkuil, 2007: 147). This latest trend is of significant importance as the Circular A-76 only concerns competitive sourcing. Therefore, one can assume that "inherent governmental functions" have been awarded through non-competitive awarding procedure. Moreover, as signalled by the Government Accountability Office in its 2006 report (GAO, 2006) non-competitive contracts encourage fraud, abuse, and waste. The GAO remarks "While a competitive environment provides more assurance of reasonable prices than a noncompetitive one does, DOD continues to be exposed to contracting vulnerabilities due to practices that limit competition" (2006: 9). In 2007 fifty contracts were being challenged by congressional oversees asking why particular functions have been outsourced (Verkuil, 2007: 125 & 147-49). Because the DOD and the State Department represent the largest purchasers of contractor services, security outsourcing is very much at the centre of the concern. For example, the WPS was originally conceived as a small-scale bodyguard operation for Department of State officials and foreign diplomats. However, by 2006 its original budget of \$50 million had increased by 1226% to reach \$613 million with PMCs seeing their federal contract awarding revenue multiplied exponentially. From 2001 to 2006, Blackwater revenues from government contracts increased by 80 000% with \$593 million worth of security services contract (services mostly including WPS contracts in Iraq but not only) (Scahill, 2007: 46).

Additionally, in the case of delegation of US military services, oversight has clearly been deficient. The GAO warned that: "If surveillance is not conducted, not sufficient, or not well documented, DOD is at risk of being unable to identify and correct poor contractor performance in a timely manner." (GAO, 2005: 16). On 90 contracts reviewed by the GAO, 26 were considered as lacking surveillance. The capacity of US government agencies (DOD and State Department) to evaluate and select contractors is a matter of serious concern (McCaskill, 2011). For example, in September 2010, a major WPS contract, the Kabul Embassy Security Force contract (KESF), was awarded to the PMC "EOD Technology, Inc." (EODT). The Oversight Contracting Subcommittee chaired by Senator McCaskill found that EODT had been previously involved in serious misconduct during US governmental contract in Afghanistan

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including: relying on local Taliban warlords to provide guards and weapons, failing to adequately investigate guards' previous employment, and failure to appropriately vet guards, some of whom, may have been involved in anti-American activities (McCaskill, 2011). Although the awarding procedures requires the State Department to assess contractor responsibility, including past performance and technical merit, it seems that its incapability to correctly screen EODT's past is the reason why the contract had to be terminated in March 2011 for deficiencies in the delivery of services (Office of Audits, 2011: 12). Moreover, among the eight contractors winning WPS contracts in Iraq, one of the awardees "International Development Solutions" appears to be a joint venture between Kaseman and Xe Services, formerly known as Blackwater, and this despite a 2008 campaign pledge (Democrat primaries) from Secretary of State Hillary Clinton to ban the company from federal contracts (Ackerman, 2010).

Accountability and Regulatory Regime

Incorrect contractual awarding procedures and poor oversight from public agencies have evolved in parallel to a significant lack of accountability that has been endemic to the private military industry. Because PMCs operate within grey zones mixing international-national and private-public domain, their inclusion within an adequate regulatory framework is complex and remains a matter of controversy.

Lack of Oversight and Accountability Deficiency, the Case of Iraq

Often accused of wrong doings, like killing civilians or frequently and extensively using force resulting in casualties or property damages, PMCs and their sense of impunity have raised concern about accountability. Many examples may be used here, but the particular case of Blackwater in Iraq seems to epitomize this issue. The Nissour square incident (Scahill, 2007: 4-8) is a central event where Blackwater contractors allegedly shot dead 17 civilians without having been provoked or threaten. Not only does the event is significant in regard to its tragedy but it has triggered an investigation and questioning from the US government on how PMCs in Iraq are held accountable. In this case, even if Blackwater had been found at fault in the shooting, no one has decided whether the contractors could be prosecuted under any U.S. law (De Young, 2007).

PMCs in Iraq operate under three regulatory regimes: (1) the international order of the laws and usages of war and resolutions of the UN Security Council, (2) US laws and (3) Iraqi laws.

Regulatory Regimes: International Law:

The status of PMC personnel under international laws falls into a grey area. It is regrettable as the question to know if they should be considered as "combatants" or "non-combatants" (civilian accompanying the Armed Forces) would determine if they are entitled to Prisoner of War (POW) status in case of capture. If they are considered as "civilians accompanying the Armed Forces" then they should not take part in direct hostilities. On the other hand, they hardly meet the criteria to be considered as "combatants" as, in international laws, only members of regular armed forces and paramilitary groups that come under military command (hold their weapon openly, distinguish themselves from civilians, obey the rule of war) can be considered as such, and therefore could claim POW status if captured. As a consequence, PMCs' nature put the personnel in difficult position. On the one hand they could be legitimate targets if they get involved in hostilities, on the other, they could be prosecuted as criminals if they get captured after having been involved in combats. Additionally, international laws may consider security contractors as mercenaries and automatically denied the combatant status (and thus their POW status) under the 1977 Protocol 1 to the Geneva Convention. Among the criteria for the definition of mercenary under the Article 47 of the Protocol 1, a mercenary is "(e) not a member of the armed forces of a Party to the conflict; and (f) has not been sent by the State which is not a Party to the conflict on official duty as a member of its armed forces" (ICRC, 1977). This definition supposes that in the case of Iraq, any PMC personnel that are not national of any coalition armies may be considered as mercenaries. (Elsea, Schwartz and Nakamura, 2008: 15-19)

Iraqi Law:

Since January 2009 (Withdrawal Agreement) contractors to U.S. agencies are under the law of the government of

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Iraq. Prior to this date, PMCs were exempt from Iraqi laws for acts related to their contracts under the Coalition Provisional Authority (CPA) Order 17 (Elsea, 2010: 12-13). This Order issued by Paul Bremer (CPA Governor of Iraq) is peculiar in many aspects. First it was issued the day before the “handing over sovereignty” to the Iraqi government. Secondly, it granted absolute immunity to PMCs working for the US in Iraq, and thus disallowed Iraqi authorities to prosecute contractors for crimes in domestic courts. Finally, Order 17 has remained active even after the dissolution of the CPA and this until 5 years afterward. From this summary, one may question the actual desire of the US government to see PMCs being accountable in front of whom they encourage to take responsibility for their own country.

US Law:

PMC personnel in Iraq and Afghanistan are subject to prosecution in U.S. courts under a number of circumstances. Some federal laws extend to American nationals at U.S. facilities overseas. Additionally, they may be prosecuted for certain crimes under the Military Extraterritorial Jurisdiction Act of 2000 (MEJA) or, in some cases, the Uniform Code of Military Justice (UCMJ). However, despite the extension of MEJA to cover PMC contractors, some of them, depending of the context, still remain outside the jurisdiction of U.S. courts, civil or military, for improper conduct in Iraq or Afghanistan. (Elsea, 2010: 18-29)

PMC accountability is a delicate matter and although some efforts have been made to fill judicial gaps, regulatory regimes remain ineffective in a number of cases. For example the UCMJ to which Blackwater CEO, Eric Prince, refers to when trying to convince the Oversight Committee that its company acted under strict accountability in Iraq (Committee on Oversight, 2007: 74), could easily be challenged, as the trial of any civilian contractor by court-martial would clash with his constitutional rights.

Security contractors' oversight and accountability is a major point of friction, and the Iraqi war has witnessed numerous cases of impunity and inefficiency. To relate to our original question, these particularities are of crucial importance when pondering the involvement of PMC in a mission, as indeed, these features may undermine the primary objective of the mission. In the case of Iraq, many officials and military officers express concerns that PMC actions may alter and degrade the relationships that the military is trying to build with Iraqis (Elsea, Schwartz and Nakamura, 2008: 13). Additionally, impunity over such elements, and in such cases, makes it difficult to advocate for the importance of the rule of law and human rights in these countries.

The Reshaping of Security Understanding and the Redistribution of Political Power

The previous arguments of this dissertation have attempted to demonstrate how PMCs are subject to objections from a moral and functional point of view and also question their jurisdictional status. This present section proposes to investigate the effects PMCs existence and functions produce on the political and military environment, and inductively argues that the privatisation of military services and especially intelligence and analysis services (type 2 and 3) have reshaped the understanding of threat and security, and that the realm of PMCs has redistributed political power within the state apparatus but also outside it.

Privatisation of Force and the Shaping of Security Understanding

As seen earlier, PMCs offer a different range of services from direct hostility involvement (type 1) to training, intelligence gathering (type 2) or logistic support (type 3). The first part of the 2nd chapter was mostly focused on type 1 contractors, that is to say the private soldier carrying a gun and likely to use lethal force. If the control and oversight of such type of contract present many challenges one may think that in theory, and within an adequate legal framework, the private gunman could be relatively well monitored, and that actually the sub-delegation of his task would remain almost unaffected by privatisation. After all, the contractor would abide to the same laws, under a similar monitoring body than the regular soldier. In brief, he would perform the same functions under the same conditions, but will remain excluded from the public service payroll (at least directly, as he will still be paid by the state indirectly –and three time more). From this theoretical point of view the trigger will be private but the order would remain public.

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What Anna Leander (2005b) is much more concerned about is the epistemic issue linked to PMCs; that is to say their capacity to influence and shape security. The author advances the point that type 2 and 3 contracts give too much political power to PMCs. Indeed, private security firms are increasingly providing information that forms the basis of decisions on whether or not something is a security concern (Leander, 2005b: 811-813).

In a way, PMCs are invited into politics, the arena of decision-making, through their technical capacities of gathering and analysis of intelligence. With their production of security understandings, PMCs shape actions on the battlefield. With this argument, the example of US PMC Airscan in Colombia is appropriate. Airscan flew a surveillance plane in Colombia and directed the Colombian army in a bombing operation over what was being interpreted by the PMC as an enemy base. In fact the bombs were dropped on a village killing 18 civilians (Leander, 2005b: 815). With their legitimated power to produce security knowledge PMCs shape political and military decision-making. This particularity may be then used to influence politics in order to accommodate their profit seeking perspective.

Additionally, contractors lobby strategy and links with politicians increase this tendency. The case of Halliburton is a perfect example. In 1992 when Dick Cheney was Secretary of Defense, the Pentagon tasked the company Brown & Root to produce a classified report planning how the logistics of the armed forces could be best supported in the conflict regions of the world. Three years later, Cheney took over as CEO of Halliburton, the holding company of the then entitled Kellogg, Brown & Root (KBR) (Wulf, 2005: 180). In 2001 KBR was awarded a LOGCAP contract (Logistics Civil Augmentation Program) that consisted of numerous services to provide to the Armed forces. The bulk of this outsourcing was previously prescribed in the 1992 Brown & Root report. One of these sub-contracts has been to design the Army's contingency plan for repairing Iraq petroleum infrastructure. It then did not appear as a surprise that KBR, despite having written the oil-field plan, was awarded the Iraqi oil filled contract after the invasion without even raising particular concern, as indeed this whole operation could have been interpreted as a conflict of interest (Baum, 2003). Halliburton KBR is not a typical PMC and is rather generally defined as a reconstruction company although a large part of its contracts with the US government involved logistic services to the Armed Forces. MPRI on the other hand is clearly a type 2 PMC. Back in 1997, this PMC was training Equatorial Guinea President's personal guard and the military coastal guard regiment. The significance of this contract is that originally, MPRI was denied a license by the US State Department to deliver this service on the basis of Equatorial Guinea regime's poor human rights record. Yet, MPRI managed to convince the US government to shift its understanding of its national interests in this country and finally secured its license (Mc Intyre and Weiss, 2007: 77; Leander, 2005b: 816).

These examples show that the access of professional violence to the political arena has increased with the emergence of PMCs. Generally, military have a very restricted and formalized access to political forum. Indeed, the restriction of the role of the specialists of violence in the affair of the state is an important pillar of the democratic republican system. However, because of their corporate nature, PMCs representative, contrary to regular military personnel, are able to use a variety of unconventional channels to influence politics (advertising, campaigning, lobby). Lobbying for example would be swiftly decried if a military general try to influence a political decision, yet when the PMC international association ISOA embarked on a campaign calling for an intervention in Darfur, no restriction applies (Leander, 2007: 51).

Because of their connection with the political environment and their legitimacy to produce knowledge (analytical capacity to interpret and provide security intelligence) for the government, PMCs' power to influence political decision may be considered as an erosion of state sovereignty and democratic process.

Redistribution of Power and the Circumvention of Democratic Process

Another argument for the outsourcing of military services can be found in the practical political aspect it offers to the administration in charge. In the US, it could be argued that the outsourcing of PMCs in Iraq and Afghanistan has been motivated by Congressional limits put on troop numbers and the reluctance of the different administration to deal with the potential political costs of calling up the National Guard and Reserves (Singer, 2002: 217). The capacity to hire military services allowed the executive to circumvent the legislative body, and may be justly considered as a practice undermining the democratic principles of checks and balances.

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Therefore, the effect of PMC on politics is not necessarily an erosion of power but rather a realignment of power inside the state (Avant, 2005; Verkuil, 2007). In the USA this argument is obvious. Since being the branch that governs over the administration, it is the executive that hires contractors. With the licensing procedure the political power is redistributed to the executive and the choice of contractors is further removed from the Congress and given to expert bureaucrats. The Congress is only notified when contracts exceed \$50 million, and nothing prevents a PMC to sell several separate contracts to avoid the \$50 million threshold. In the case of Iraq, the executive branch oversaw unprecedented delegations of military power to private firms in situations where the Congress has not acted to authorize such delegations.

The fact that PMC contracting procedure stays below congressional radar has significant consequences both internally and externally. First, contractors exacerbate the power shift towards the executive, who evades Congressional oversight and checks, and thus generate a circumvention of the democratic process that may in turn produce bad policies. Secondly, it also opens the way for PMC influence in political arena with potential direct consequences on foreign and national security policy.

Impact on Military Forces

Commentators often raise concerns about the consequences of outsourcing on regular armed forces. Military observers have remarked that the Army tends to lose the ability to regain the capability to run a service once it has been outsourced, making the decision to delegate almost an irremediable one. After a long period of outsourcing of a particular service, the regular forces have abandoned their logistical, technical capability and the reintegration of such service may appear too costly to justify bringing it back in-house. Secondly, PMCs provision of military services often prevents regular soldiers to acquire opportunities to train and experiment. To some extent this tendency may risk to increase the loss of skill and experience needed during critical missions. This last point presents also an irony as most of the PMCs rely on former military personnel. Therefore, if private military firms restrain the development of competent military servicemen, the quality of PMCs themselves may be affected (Camm and Greenfield, 2005: 169-172).

PMCs have also been used extensively for the running of the Security Sector Reform (SSR) in post-conflict countries, in order to democratise the military apparatus, (re)-establish civilian control and improve efficiency and effectiveness. Often, PMCs are being contracted by donor states to carry on SSR for a recipient country. It was the case for example of MPRI being hired by the US to train the Bosnian Army (Krahmann, 2007: 99). Although, this system presents numerous advantages in terms of cost, and rapidity of deployment, it also undermines diplomatic relations. Indeed, direct military cooperation between countries often gives an opportunity to develop special and long-term political relationship, reinforcing the trust and reliance between countries. Moreover, besides, their technical capacities, PMCs lack the authority to enforce political reforms within the armed forces, such as democratisation, or gender equality.

Finally, it could be argued that mistakes and incompetence from PMCs may seriously endanger the armed forces and radically change its strategic approach to the battlefield. Jeremy Scahill (2007: 177) argues that the killing of 4 Blackwater employees in Fallujah in March 2004 had dramatically changed the US Marine Corps strategy in the region. 48 hours after the ambush, "Operation Vigilant Resolve" was set up for the Marines to launch a full assault on the city, carrying its lot of destruction and death. This operation could hardly been associated with the original political goal of winning Iraqi hearts and minds.

Advantages: Flexibility, Cost, Effectiveness

The use of PMCs presents numerous benefits, and consideration for flexibility is often a key element for determining the choice for contracting such services. In time of crisis, the hiring of contractors permits to rapidly expand military capability to meet the security needs without a delay in recruiting and training new personnel. The USA has recurrently used PMCs in this sense, and particularly during the Iraqi insurgency, with contractors being able to deploy in 90 to 120 days (CBO, 2005: 23). Additionally, PMC capacity to hire for short periods local and foreign employees offers an additional cultural and linguistic advantage (Elsea, Schwartz and Nakamura, 2008: 36-37).

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In terms of financial cost, the private security firms argue that their services are cheaper than the cost of deployment and maintain of a regular army. It is much less expensive to hire a PMC for a short period of time than to mobilise, train and sustain an army that may never operate in its entire capacity.

However, it exists a virulent debate as to whether the use of PMC is cost effective. For US military commentator Mark Cancian (2008), a comparison of cost between regular army and private security firms is extremely difficult because indirect costs in regular forces are hard to captured and categorized. The basic comparison of salary is insufficient. A Blackwater employee cost the US government \$445 000 per year while an Army sergeant (often less skilled than regular PMC employees who are usually former special force) often earns \$50 000 to \$70 000. However, this last cost does not include bonuses, family separation allowances, hostile fire pay, family support at home, administrative support in theater, post-service veterans' benefits, in service education, mid-tour leave, post tour leave, and pre-deployment training. Additionally, regular Army requires a rotation basis that approximately equals: one soldier deployed for one soldier at home. Therefore, to each cost for units deployed must be added the cost for the additional units needed to maintain the rotation policy. A report of the Congressional Budget Office (2005) emphasizes this last point: "If the cost of the rotation base was excluded, the costs of providing logistics support using organic Army sources could be either more or less than the costs incurred under the LOGCAP contract" (CBO, 2005: 40). However the report carries on and warns that because the Army would have to acquire more equipment and personnel for the new units, and because the recurring costs for routine peacetime operations conducted by those new units would also have to be considered, total Army's costs would more than double (CBO, 2005: 42).

3. PMCs and Peacekeeping Operations

The first two chapters of this dissertation focus on the interferences and objections that emanate from the use of private military firms. Nonetheless, the industry often emphasizes on its potential usefulness during peacekeeping missions (Brooks, 2001). The purpose of this last chapter is to provide a comprehensive analysis of the risks and benefits of outsourcing peacekeeping missions to private PMCs. The argument developed in this last part is two sided. In various cases, PMCs have proven that they have a certain capacity to perform some peacekeeping functions; however, doubts remain about this capacity to be effectively translated into the achievement of durable peace and security. Because of the increase in humanitarian crisis and faced with the international community reluctance to commit militarily in such operations, the choice is often reduced to either a PMC operation or none at all.

The Future of Peacekeeping

The strategic impact of PMCs in intrastate conflicts, as well as their potential role in peacemaking is often seen in the light of their previous achievements. PMC hiring for peace operations is also often considered as a compensatory tool for the absence of commitment from the UN and especially Western governments in peacekeeping missions.

PMC in Peace Operations: Reasons and Past Examples

In the past 20 years, Western governments and international organisations, including the UN, have recurrently contracted PMCs to perform tasks that regular armed forces were either not mandated to perform or incapable of conducting. For example, MPRI had been hired by the US government to monitor arms smuggling in Bosnia in 1994, while DynCorp provided weapon inspectors for the OSCE Kosovo Verification Mission in 1998. Additionally, some logistic services for UN missions had also been delegated to PMC as well as intelligence functions – the UN hired PMCs to provide satellite intelligence on UNITA's guns-for-gems trade (Bures, 2005: 537-538). The 1994 Rwanda genocide is often taken as an example where PMC could have played a determinant role in preventing massacres. Indeed, after having considered contracting a PMC, the UN preferred to delegate the security for Hutu-run refugee camp in eastern Zaire to the Zairian police with the dramatic consequences that we now know (Brayton, 2002: 11).

The examination of the possible roles for PMCs in peace operations have emanated from various observations. First, and despite the UN engagement in twelve major operations since spring 2003, there is a recognition that the UN does not have an absolute capacity to perform effective peace operations, and that the dramatic growth in UN

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missions stretches the deployment capability of the organisation at the limits of its capacity. Secondly, it exists a "commitment gap", particularly acute in Africa, where Western reluctance to intervene in the continent remains problematic (Tardy, 2004). Thirdly, it has also been noticed that PMCs have, during the last 20 years, delivered services that overlap, albeit incompletely, the various functions performed by the UN in similar context (Bures, 2005). Additionally, the UN relies heavily on PMCs for logistic, and security for facility, convoys and warehouses, but remains sceptical about the contracting of foot soldiers (Durch and Berkman, 2006: 83-84).

Towards the Privatization of Security in Humanitarian Operations

Facing the political unwillingness and/or military limitations of international actors, PMCs seem to provide an adequate answer for the development of peace keeping missions. Their cost, flexibility, and current experiences with conventional armed forces and international military contingent seem to enhance the idea that PMCs should be better integrated in peace operations. If private military contracting is arguably becoming a beneficial tool for peace implementation, it then appears necessary to assess which kind of peace these private security actors offer.

Many advocates argue that the involvement of PMCs in peacekeeping operations will compensate the military downsizing and the political unwillingness of the West. Past experiences have shown that the competence of the PMC to install a cease-fire is real and effective. Indeed, it is fair to say that the role of EO in Angola and Sierra Leone was decisive in stopping the hostilities. However, the long lasting consequences of a military solution provided by PMC do not necessarily bring durable peace. In fact, history has recurrently shown that once a PMC contract ceases, hostilities almost automatically restart. It has been the case in Angola with the failure of the Lusaka peace protocol or in Sierra Leone after the departure of EO. Therefore, PMCs aspiration to become peacemakers may be overshadowed by their incapacity to establish long lasting peace and development. Actually it exists strong arguments for seeing private security firms as an impediment for real stability (Renou, 2005). First, contrary to the assumption of PMC advocates, PMCs are not neutral. They need to be recognised and legitimised by public authorities and, because of the licensing procedure, they are also often embedded within complex military and political network. Consequently, PMCs have a tendency to serve Western interest first. This point is illustrated by the political-commercial battle between Western powers trying to impose their national PMCs. It has been the case of MPRI in Equatorial Guinea. The firm managed to convince the US government to grant it a license, arguing that its contract would serve US financial interest. As a result, the US government fiercely promoted MPRI against French security firms (Mc Intyre and Weiss, 2007: 76-77).

Secondly, despite PMCs ability to implement cease-fire and repulse rebel troops in Sierra Leone and Angola, long lasting stability and development have never been completely achieved. On contrary, conflicts systematically resurrect after contracts deadline. It is fair to recognize that PMCs are not the only ones to fail to install durable peace settlement; UN forces also failed on numerous occasions and therefore, the success standard may not appear as a strong criterion for correctly measuring PMCs role in peace operations. Nonetheless, it is right to point that PMCs are not the most efficient tool to implement long lasting peace and the cases of Sierra Leone and Angola proved it.

Thirdly, the accountability issue inherent to PMCs also challenges the argument for their use in peace operations. Moreover, it is hard to see how governmental and non-governmental organisations lacking the means to impose better transparency and monitoring could limit wrongdoings. Although, it is certainly true that PMCs, as any commercial firms trying to avoid bad publicity, are willing to work according to acceptable standard in order to conserve and secure their clients trust, it does not necessarily mean that their primary objectives are the preservation of these standards per se. In fact, Xavier Renou (2005: 113) argues that PMCs first motivation is the maintenance of a positive or neutral reputation, and that this goal may actually increase the tendency to perfect public relation strategy in order to hide and refute wrongdoings, rather that really apply the needed standards. Similarly, Durch and Berkman (2006: 85) warn that the lack of extraterritorial judicial reach associated with the market logic is likely to create a double edge incentive: or commercial imperative pushes for more professionalism, transparency and ethics or on contrary, it would tend to drive companies to cover up and deny malpractice. Although, it could be argued that PMCs have not had a worst human right record than UN troops, their level of impunity remains a central point of dispute.

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Finally, the PMCs' financial motivation may generate disturbance on the field. The business imperative forces the firms to only take on low-cost and high-return assignments, constantly avoiding financial loss. Therefore, as successful peacekeeping operations are costly, time consuming and labor-intensive activities, the real capability and effectiveness of private security organisations to take on peacekeeping functions in a consistent way (durability and developmental dimension) is seriously limited (Brayton, 2002: 17).

Humanitarian Actors and PMCs

The inclusion of PMCs in humanitarian operations has also to be analysed in the relationship it maintains with humanitarian actors. Humanitarian mission have developed after the Cold War with the desire to lessen suffering across the world from an impartial point of view, independent from outside political interference. With the increase in "new wars", the security of humanitarian personnel has become increasingly problematic. For Christopher Spearin, the reason for this security threat resides in the fact that war is not longer fought between governments but between people who lack fundamental legal respect towards combatants and civilians (2001: 25).

Implications of the PMC-humanitarian Relationship

The range of services offered by PMCs for humanitarian groups -threat assessment, contingency planning, convoy operation, evacuation policy, emergency procedures but also armed guards for personnel and facilities- provide the necessary condition to develop a space within which humanitarian personnel can operate.

The implications of the PMC-aid agency relationship are determinant for the conduct of the humanitarian mission itself. Indeed, humanitarians' reliance on PMCs may create a dilemma where the delivery of aid on the basis of need may be replaced by the delivery of assistance on the basis of PMCs capabilities and risk assessments guidance. This possibility correlates with the "Swiss cheese" security coverage mentioned earlier in this dissertation.

Additionally, this relationship may also affect the neutrality dimension of the humanitarian assistance. However, it could be argued that the "acceptance model", based on impartiality and neutrality, has already diminished during the last 10 years with the Western governments willingness to integrate their political and military agenda with that of humanitarian assistance, and also because humanitarian INGOs have intensify their advocacy for human rights (Vaux et al., 2002). Nevertheless, it is probable that the hiring of PMCs might increase this tendency, and significantly affects the remaining level of neutrality still enjoyed by some aid agencies. In this regard, the use of armed escort is a serious debate among humanitarian organisations. If most of them consider it as a necessity, Medecins Sans Frontieres and the International Committee of the Red Cross still operate without, as they try to preserve the "acceptance model" (Spearin, 2001: 14).

Conclusion

The public-private relationship in the provision of security is not a new phenomenon, but rather a constitutive element of modern state system. The contemporary outsourcing of security is characterised by particular features (corporate form) influenced by the neoliberal ethic that has relocated the place of the state and has reshaped the understanding of security towards a neoliberal prescription, suggesting managerial, technical and depoliticised answer to crimes and violence. In turn, this wave of privatisation generates questioning, especially in regards to its consequences on state and/or people sovereignty. From a state centric perspective, the delegation of military services to private actors does not necessarily reduce state authority. On contrary, by outsourcing such function, the state (and especially the executive branch) actually acquires some autonomy from its citizens and reinforces its centrality. Therefore, beyond the debate over the righteousness of PMCs' activities, it is their existence per se that appears to undermine the possibility of finding them a pertinent normative role in contemporary political and security environment.

Moreover, the entrance of military experts within the political arena, the lack of accountability of these new actors associated with a poor oversight capacity from the public contractor agencies generate a loss of transparency, democratic checks and may undermine public military capacity on the long term. Besides, PMCs could appear to be detrimental to military force structure and have damaging effects on the military mission. Additionally, if the cost of

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hiring a PMC is lower than the Army's one, it is also because the rotation policies and other benefits provided in the conventional armed forces are not applied in the private sector. This last point questions the level of freshness of PMC personnel and their ability to carry out their work without strong administrative support and developed care services (services available in the Armed forces and proven to be necessary for active personnel and veterans alike).

Although it is recognised that PMCs can act as force multiplier during peace missions, the likelihood that their military interventions alone would bring a solution for the establishment of durable peace is extremely reduced. The UN may be reluctant to politically accept PMCs but yet the organisation relies on them for various operations, as do Western governments increasingly using contractors to distribute and provide aid, like another way of carrying diplomacy; fostering international relations without involving their own military and avoiding costly commitment (politically and financially). Among humanitarian organisations, the implications and consequences on relying on such actors may be deleterious. On the one hand PMC involvement may create the illusion of a cure-all solution, while in fact the root causes of insecurity and conflict remained to be dealt with. This fragile peace might actually benefit PMCs in prolonging their contracts with the opening of new market opportunities.

Finally, from all of the problems addressed along this study, the epistemic consequences generated by PMCs appear to us as the most critical ones. It is, we believe, the shaping of security understanding by private commercial entities that really undermines and threatens citizens' sovereignty. If the state loses its capacity to think for himself, and delegates its security understanding to PMCs, a paradoxical situation may arise; namely the increasing of private actors within the security domain and simultaneously, the shrinking of their legitimate normative functions.

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