

Review Feature - The Privatisation of Military Force

Written by Thomas Messer

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THOMAS MESSER, JUN 25 2014

Mercenaries: The History of a Norm in International Relations

By: Sarah Percy

Oxford: Oxford University Press, 2007

States, Citizens and the Privatisation of Security

By: Elke Krahmman

Cambridge: Cambridge University Press, 2010

Privatising Peace: A Corporate Adjunct to United Nations Peacekeeping and Humanitarian Operations

By: Malcolm Hugh Patterson

Basingstoke: Palgrave Macmillan, 2009

Outsourcing the Previously Sacred: Privatised Force and Peacekeeping

There are many interesting questions raised in publications and debates on the privatisation of armed forces. Is the use of armed force exclusively the domain of the state? Should the state command all defence-related services, or only those involving the use of deadly force? If federal governments are unwilling to commit troops to the United Nations' (UN) peacekeeping efforts, should the UN be allowed to obtain soldiers from the private sector?

The literature on privatised military firms (PMFs), private military companies (PMCs), or private security companies (PSCs)—all hereafter referred to as PMFs [1]—varies greatly in terms of depth and analytical quality. It is also often heavily influenced by individual author's views on the ethics of such companies and whether force should ever be outsourced. Literature on the topic ranges from objective analytical works such as P.W. Singer's *Corporate Warriors*, through to less objective accounts that focus on the staff misbehaviour and historical predecessors of PMFs. In these less objective accounts, the incidents of misbehaviour are at times used to support a particular hypothesis without any genuine analysis or research-based assertions. Many of these publications revisit the same case studies, draw the same conclusions, and provide little unique insight. This is because they lack genuine analysis of the trend towards privatising defence-related activities and the ethical and administrative questions such privatisation raises.

This book review essay overviews the literature on the topic, using three brilliant books as examples of the better publications. These books were selected because of each author's unique contribution to this contested field of inquiry. Examining the development of the norm against mercenarism and its interplay with PMFs is Professor Sarah Percy's *Mercenaries: The History of a Norm in International Relations*. Malcolm Hugh Paterson's *Privatising Peace: A Corporate Adjunct to United Nations Peacekeeping and Humanitarian Options* methodically examines the viability and practical implementation of using PMFs for peacekeeping operations. Finally, Elke Krahmman's *States, Citizens and the Privatization of Security* examines the ethical and political questions raised by the privatisation of force through the lens of 'liberal' and 'republican' conceptualisations of the state and citizens' duties, using the United States of America, Great Britain, and Germany as case studies.

A Typological Approach to Defining PMFs

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As with many contentious research topics, the methodical examination of PMFs is made difficult by the lack of an agreed definition. Many authors refer to Singer's initial typology, which categorises companies based on the services provided. According to Singer, military provider firms or PMCs provide military support and capability, such as Executive Outcomes [2]; military consulting firms provide advice of a military nature without combat assistance, such as Military Professional Resources Incorporated (MPRI) [3]; while military support firms provide logistical support to military operations. Singer's typology is analytically neat and widely used, but numerous authors have adapted, expanded, and refined it. In *Privatising Peace*, Patterson splits privatised entities into those that provide combat services (PMCs) and those that provide non-combat services, such as military train-and-equip companies, civilian security companies, logistic support companies, and technical support companies. Krahmman examines all types of privatised force, using all as examples of the privatisation of services previously undertaken by the state. To the uninitiated, this definitional impasse may seem like an unnecessary splitting of hairs, but the typology is particularly relevant when considering whether states or international bodies should engage the private sector to bolster public involvement in defence and peacekeeping.

Continued Relevance of Scholarship on PMFs

It could be asked whether the continuing examination of PMFs is an exercise in irrelevance, given the public opposition that has surrounded their use and the return of control in Iraq, previously one of the most prominent PMF markets, to Iraqi forces. However, any considered review of the private security phenomenon and its history confirms that even though there has historically been opposition to mercenary forces and their successors, states and other actors continue to use their services when required. As such, it is prudent to better understand the industry and its potential uses for both state and non-state actors. This is Patterson's point and the reviewer concurs; the use of PMFs for combat services, training, and logistical support is not without its challenges—ethical, legal, and administrative—which must be understood within a risk-mitigating framework for as long as states continue to use their services.

A frequent criticism of states' use of PMFs is that outsourcing the possession and use of arms destroys the nation-state's control over armed violence. This control, along with state sovereignty, is at the crux of the international system. This assertion is usually accompanied by another assertion: that only weak states outsource such fundamental control. Both are false to varying extents.

For centuries, the sovereign and then the nation-state were the key actors in international affairs. As sovereignty became the organising principle of the international system, states sought to consolidate their power by absorbing functions into their areas of responsibility. The contracting of troops and/or mercenaries continued to occur, but many nations moved towards standing armies as embodiments of the social contract between the state and the citizen. Krahmman labels this the 'republican' view; the legitimate use of force in many nations became associated with the state, rather than the individual. There remained states that were outliers, but by the twentieth century, it can be reasonably argued that the state was the predominant political unit. Most had consolidated their power by exercising control over many elements of life, including defence, research, and the provision of basic utilities and services. To provide the personnel required to perform these roles, states expected citizens to bear arms in the republican ethos, where citizens defend their nation-state with their lives, thus fulfilling their end of the social contract. This republican conceptualisation continued in many nations until after the Second World War.

From the 1970s until the present day, there has been a visible trend towards reducing the tasks performed by the government. As Krahmman finds, successive governments of varying political persuasions in both the USA and UK have done this. The intellectual underpinning is the neoliberal assertion that a task should be undertaken by the most efficient and competent actor, whether a state or a private entity. States may have held a monopoly over violence for centuries, but as neoliberal ideology gained prominence, nations began to open non-combat defence services (such as catering) to private competition, leaving only 'inherently military' functions to the state. As the neoliberal view was cemented as the default position, the privatisation of defence-related matters expanded to include the management of military bases in multiple nations. The watershed for privatisation came in the new millennium and was most noticeable in the Iraq conflict.

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The scale of the privatisation of defence-related services became especially evident in Iraq, with companies offering a wide range of services, from the guarding of non-military installations and military bases, through to close personal protection for key Coalition individuals. The political benefit of using PMFs was that their deployment could be undertaken in a much less public manner than the deployment of national military personnel. Krahmman argues that this weakened the democratic control and accountability of national governments by allowing them to deploy force without public scrutiny. [4] Krahmman also argues that the privatisation of force has potentially undermined the model of the professional national soldier; employees of PMFs visibly performed similar roles to national service personnel, thus raising their profile and normalising the role PMFs, in turn presenting an alternative career choice to national service with many of the same benefits. [5] Employees of PMFs also often received greater financial rewards, and for much of the conflict were under less scrutiny and not subject to military law or jurisdiction. This raises questions about how best to structure the use of military force to ensure efficiency and accountability simultaneously in the new era. Can states control force and ensure those employing force are accountable? And in rendering them accountable, are these forces still operating at maximum efficiency? The question ultimately raised here is, in this context, does the liberal or republican model offer the best practical framework for the effective utilisation of PMFs?

Privatisation and Existing Security Models

Krahmann concludes that existing models are imperfect and the new conceptualisations of neoliberal security governance and cosmopolitan republican governance offer a way forward. Neoliberal security governance is predicated on the use of transnational bodies providing force, such as privatised military firms, in an open and accountable market where states can choose the most suitable and efficient actors. This provides the required disincentives against bad behaviour and price gouging. Cosmopolitan republican government hinges on multinational forces that operate based on the notion that security is now a global, rather than national, concern. Krahmman suggests that neoliberal security governance could lead to issues for democratic accountability through increased use of opaque companies and arrangements, while the increased use of cosmopolitan forces could lead to a loss of democratic oversight. Krahmman concludes that perhaps the best option would be to civilianise international conflict resolution, although she provides no workable agenda to progress this alternative, unlike in the next book reviewed.

In *States, Citizens and the Privatization of Security*, Krahmman does not focus purely on the privatisation of force and PMFs; rather, she collectively examines the consolidation of state control over force, the national security processes moving towards privatisation, and the ongoing search for efficiencies via the market. Krahmman's book thus examines security from a holistic perspective. In doing so, she provides insights into the evolution of the ideological viewpoint on the private sector's provision of national security services—a practice that is now taken for granted. Krahmman's book is a welcome addition to the literature, placing privatisation in a historical and ideological perspective, providing genuine analysis rather than simply revisiting well-known incidents involving PMFs.

Private Sector Assistance to the UN

Amidst the growing liberalisation of force provision, some have suggested the private sector could assist the UN in carrying out its duties. Malcolm Hugh Patterson has conducted an in-depth analysis of the reforms required to allow for PMF involvement in peacekeeping missions. Patterson makes it very clear that he neither sees PMFs as the salvation of the UN nor ready to singlehandedly address the UN's peacekeeping woes. He also does not consider PMFs to be inherently bad. Rather, instead of demonising or lionising PMFs, he provides a practical, detailed, and considered structure for their incorporation into peacekeeping missions. Patterson acknowledges his suggestions may be contentious, but leaves ethical and political questions to other authors while proffering a way forward based upon international law and norms. Patterson's suggestions would undoubtedly cause consternation if applied, given they challenge existing systems and would require new administrative structures, but they are a very solid start and, to the reviewer's knowledge, represent the most comprehensive discussion of the topic.

PMFs and their professional associations, including the International Peace Operations Association, have advocated the expanded use of PMFs. Prior to its rebranding and multiple public incidents that seriously damaged the company's reputation, a senior Blackwater employee publicly suggested Blackwater could have provided services in the Darfur conflict. [6] *The Wall Street Journal* published an opinion piece suggesting the concept should be

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considered. [7] In many of these public propositions, PMFs' skills and utility as force multipliers have been stressed in contrast to national and international institutions' past failures relative to PMFs' possible benefits, in turn ignoring the logistical and administrative issues surrounding this method. Patterson's book does not suggest PMFs are a panacea for international peacekeeping. Indeed, he presents numerous PMF failures, and explains the issues associated with corporate actors carrying weapons and attempting to provide a public good. Patterson's unique contribution is his pragmatic evaluation of the existing arrangements for peacekeeping missions (including state of forces arrangements [8], the primacy of law, and other relevant matters) and his counter-proposal of how PMFs could become involved. The system Patterson outlines would involve multiple administrative bodies that could hire and fire PMFs, police PMFs' behaviour, prosecute illegal behaviour, and arbitrate disputes between PMFs and their clients.

Patterson provides multiple institutional proposals to facilitate and oversee PMFs in peacekeeping, all established under the authority of the UN. Specifically, Patterson suggests a 'Directorate for Military Contracting' either within the existing UN Department of Peacekeeping Operations or as part of a new 'Department of Field Support' area. This Directorate would seek and assess tenders for PMFs, and both create and administer criminal and disciplinary law frameworks for contractors. The question remains: should PMF soldiers serving under a UN banner be held equally accountable as representatives of the world?

Patterson suggests that a UN court system could replace the current scenario in which each state is ultimately responsible for its troops' actions. This often means that troops are subject to differing degrees of scrutiny and accountability. [9] Patterson suggests that, instead, the UN could establish a court system with an associated jail and asylum, where those convicted of wrongdoing could serve their sentences prior to returning to their home nation. This judicial body would not only have the ability to prosecute individuals, but also companies and company management and directors if the alleged criminal activity extends beyond the individual. [10] This may sound fanciful, but in Patterson's conceptualisation of a partially outsourced peacekeeping situation, those companies and individuals involved in the conflict zones would voluntarily consent to be bound by, and accountable to, UN military law. Patterson argues that this would remove the current concern regarding contractor avoidance of accountability and would temper the behaviour of those who may act inappropriately in a legal vacuum. Patterson suggests the court system could also include a tribunal for settling industrial disputes, to address the oft-cited risk of contractors abandoning their roles at inopportune times for financial, contractual, or other reasons.

In a further nod to the merits of the private sector, Patterson suggests that the private sector could undertake reviews of privatised peacekeeping missions to assess their efficacy and value. The UN, Patterson claims, is not particularly adept at conducting objective reviews of its own peacekeeping missions and lacks a uniform metric for failure or success of peacekeeping operations. He points to the literature in which reviews and critical assessments have had multiple points of reference leading to inconsistent performance reviews. Patterson also suggests that private consulting companies, due to their independence, could be engaged to assess critical reviews of peacekeeping efforts, although he notes that their interests and corporate links may cloud their impartiality. This is a controversial proposal, as it suggests privatising peacekeeping to some extent and then privatising the cost/benefit analysis to determine whether said privatisation has worked. Nonetheless, given Krahmman's argument that many governments do not have sufficient staff or expertise to adequately oversee outsourced contracts, this proposal is not without merit and should not be blithely dismissed.

Ongoing Strength of Normative Opposition

In *Mercenaries: The History of a Norm in International Relations*, author Sarah Percy examines the historical development of the international norm of opposition to mercenarism. Percy argues that this has become a 'puritanical norm', [11] which means that, despite potential benefits of the use of mercenaries or their modern successors, emotions cloud impartial assessment; individuals and organisations are unable to see any benefit due to the strength of opposition. Because of this norm, providers of new forms of privatised force continue to try to establish their legitimacy, almost in a Sisyphean manner, as each attempt to raise their profile is met with condemnation they must again counter. The identification of the anti-mercenary norm as puritanical by an academic researcher is important, as it confirms what many private security proponents already state—that people and organisations are opposed to such firms, despite their apparent skill and potential use, due to ideological positions that are at times inconsistent

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with modern events. Percy's exhaustive survey supports other arguments that refer to normative issues surrounding PMFs, but have little to offer beyond the discussion of Weberian state control over violence.

Percy argues that PMFs are not the mercenaries of centuries past. It is now less likely that any professional company would consider using private force to topple governments, due to the questionable legal and ethical nature of the activity. In addition, the instantaneous capability of modern media means such efforts would be unlikely to go unnoticed and, as recent incidents have shown, can cause public backlash against parent companies. Given their corporate nature, it is ultimately not in PMFs' best business interests to draw adverse public attention. Many national governments, international institutions, and civil society groups find any form of privatised force an affront to democratic ideals. This is despite their occasional hiring of PMFs to facilitate their own foreign activities. [12] The excesses of history's mercenaries are well documented and some of PMFs' historical predecessors indeed acted as self-interested free agents. There are, however, more professional companies providing services along PMF spectrum.

Indeed, as Percy's research suggests, within the publications that examine mercenaries, privatised military firms, and private security companies, much is made of the moral and political norms PMFs may challenge. Many authors have discussed the ethical issues surrounding the privatisation of force, which has come to be considered the domain of the state, as the emerging norm of opposition to the privatisation of force attests. In explaining to the reader the historical development of this norm while also undertaking insightful analysis, Percy's insightful prose provides more than just mere repetition of the arguments against privatising force.

Conclusion

The privatisation of military force is a topic that often elicits strong responses and prompts passionate debates within governments, international institutions, and the general public. To a proponent of privatised force, it provides states with the ability to outsource military functions to enable their own forces to perform only key functions. It could also allow the international community to prevent bloodshed when nations do not commit their own forces. At their worst, some argue that PMFs challenge the social contract, break down the role of professional national service personnel, and reduce democratic accountability and oversight. This trio of books constitutes a significant contribution to the topic, and should prompt further objective analysis of the role and suitability of private companies in performing defence-related services for both nations and peacekeeping for the international community. In the reviewer's opinion, the three titles reviewed constitute essential reading for any person interested in further reading after P.W. Singer's *Corporate Warriors*.

References

[1] All three books reviewed in this article use different names for these companies. For this review, all of the companies providing these services are referred to as PMFs.

[2] Executive Outcomes was a South-African company that became involved in multiple conflict zones during the 1990s, most notably in conflicts within Angola and Sierra Leone. Executive Outcomes was the most prominent PMF for much of the 1990s, much as Blackwater was the most prominent PMF in recent years. See *Corporate Warriors*, pp 110-115, and *Mercenaries*, pp 206-216.

[3] MPRI has received considerable attention due to its possible involvement in training the Croatian Army in 1995 and 1996, prior to the Croatian Army's successful efforts in Operation Storm, which saw the Croatian Army achieve a decisive victory. See *Corporate Warriors* pp125-127, *States, Citizens and Privatization of Security*, pp 146, 151, 207, 266 and *Mercenaries*, pp 61, 215 & 226.

[4] Krahnemann, p 240.

[5] Krahnemann, p 239.

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[6] David Isenberg, 'Dogs of War: Blackwater to the rescue in Darfur?', 8 August 2008. Available at: http://www.upi.com/Emerging_Threats/2008/08/08/Dogs-of-War-Blackwater-to-the-rescue-in-Darfur/UPI-26991218225853/. Accessed 10 January 2013.

[7] Max Boot, 'A Mercenary Force for Darfur', *Wall Street Journal*, 25 October 2006. Available at: <http://online.wsj.com/news/articles/SB116173782126202804> . Accessed 10 January 2013.

[8] Status of forces agreements are the rules established between nations to confirm what a foreign nation's military personnel can and cannot do in a host nation. The agreements covering US forces in Korea and Japan are available online as examples.

[9] Patterson, p 195.

[10] Patterson, p 196.

[11] Percy, p 4.

[12] Percy, p 5.

About the author:

Thomas Messer has studied international relations, political science, and strategic affairs at the Australian National University and the University of Queensland. Thomas' interests include Asia-Pacific security, counterinsurgency, international diplomacy, international norms, and privatised military firms.