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Private Military Companies and the Outsourcing of War: A Spark of Destabilisation to the Global Security

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Abstract

Private Military Companies (PMCs) are a relatively new actor in worldwide warfare. They are part of a multi-billionaire industry profiting over US$ 100 billion in revenue per year. Present in 50 different countries and boosted by significant world's events such as the advent of new wars, post-Cold War order, and 11th September attacks, the PMCs became an extension and an outsourced state-capacity of act coercively. These companies have grown in ability, capability, tactical and technical skills enabling them to fight wars in the name of states. Nevertheless, this growth also represents a great risk for security destabilisation, human security, and even small changes in the international order. Although PMCs cannot yet wage wars by themselves, the lack of regulation and accountability under international laws enable them to cause isolated but powerful damage, which can destabilise – even momentarily – the global security system, mainly when those companies are used by statemen to overcome political and public costs in democracies. Also, PMCs can be used by rogue or failed states. Blackwater case, in Iraq, taught the world how human security can be under threat when a profit-oriented company incorporates an influential military culture. Researchers and scholars are still assessing the lessons from Iraq and the operation of further coming companies in order to classify the position of PMCs in a future where national armies are reduced.

Keywords

International security system, PMCs, Blackwater, International order, Democratic Peace Theory

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Private Military Companies and the Outsourcing of War: A Spark of Destabilisation to the Global Security

I. Introduction

The Private Military Companies (PMCs) have become a highly profitable multi-billionaire business by outsourcing some state's capabilities and functionalities in terms of warfare, logistics, and its ramifications. The PMCs are present in 50 different countries (Singer, 2008) in all the continents. Studies have shown that, in 2003, the industry revenue was over US$ 100 billion a year[1]. Some analysts argue in favour of the privatisation of war, whereas others have been raising concerns on PMCs operations worldwide. These concerning factors can range from lack of transparency, accountability, failing in compliance with international law and treaties, threatening of state's sovereignty and undermining democracies around the world and, ultimately, shifting security stability within states and regional conflicts.

Due to this lack of regulation on Private Military Companies and gap where they operate, this paper will focus on whether those factors (but not limited to them) embodied with PMCs can generate any spark of destabilisation within the international security system (global security). It will study the perspective of the PMCs conflicting with the basic principle of the state's monopoly on violence since these companies are business-oriented and are not a state entity and may lead to some non-conformity when they are deployed generating threats to security.

Having outlined the main claim, this research will be divided into three topics. The first one is dedicated to explaining the changing character of war and discussing the nuances between the old and new conflicts in the literature, creating a fertile terrain for the PMCs. Furthermore, it will be addressing the privatisation and the outsourcing of war and show the most recent figures of this industry, offering a clear picture of the actual scenario in the world that will be analysed. Following, the sub-item will be tackling the international security system. The idea is to explore the contested concept of security in Critical Security Studies, the state's role, international order, emancipation, and human security in order to introduce the environment proposed by this academic paper. Also, this topic will distinguish with a different lens of analysis the possibility of looking in different layers to the referent object posing tow possibilities of security: to the states or individuals. Here, the idea is also to explore the post-1945 international order.

The second topic will discuss and present the conceptual framework of crucial terms worked on this paper that will lead to the actual stage of analysis. The first

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1   Yeoman B 'Soldiers of Good Fortune' [Online] Mother Jones 2019. Available at: Https://Www.Motherjones.Com/Politics/2003/05/Soldiers-Good-Fortune/ [Accessed 28 Jan. 2020].

term to be introduced is the security, followed by Private Military Companies, the "tooth-to-tail ratio" in the military operation and the discussion of the chain supply in compounds, logistics and warfare environment and its relation to third parties, to the countries and contractors. This topic will also discuss the concepts of democratic peace and the asocial war.

The last part will be dedicated to produce in-depth analysis of the Private Military Companies using the Blackwater case study as reference. American released documents on that case, media coverage, reports, books, and international analysts' interpretations were used to explore the emblematic case of Blackwater operation in Iraq as a source of destabilisation in a conflict.

Finally, the article will be concluded by trying to answer whether Private Military Companies - having Blackwater as the main case - can be a source of destabilisation to global security.

II. Literature Review: The Transformation of War as a Fertile Terrain for PMCs

Private Military Companies (PMCs) are the result of the changing dynamics and characteristics of war throughout history. Understanding their operations encompasses also comprehending the old and new wars. Although their causes, origins, motives, or goals are a source of contestation and discussions among the scholars, there is no consensus on those topics.

Nevertheless, numerous scholars shed light at the end of the Cold War as a game-changer in terms of war, represented by the decline of interstate war and the rise of civil wars focus on ethnic competition, criminal or illegal activities. This new war is fundamentally different from its predecessor characterised as more criminal, private, and predatory[2]. Whereas the old wars, which occurred in the pre-Cold War era, are generally stressed as more ideological, political, and collective[3], it is important to highlight the differences, keeping in mind that there are also some key terms to set apart the differences between the wars. In the old civil war, the causes were centred in collective grievances with comprehensive popular support and controlled violence. On the other hand, the new civil wars are focused on private loot, gain, greed with a lack of popular support and marked by gratuitous violence spread by militias, private armies, and independent warlords. For these actors, winning may not be the primary goal of a conflict[4].

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2   S Kalyvas "New" And "Old" Civil Wars: A Valid Distinction?' (2001) 54(1) World Politics 99.

3   Kalyvas (n 2) 99 et. seq.

4   Kalyvas (n 2) 99 et. seq.

As Kaldor[5] wrote the differences are in actors: old war was fought by regular states armies and new are confronted by a combination of state and non-state actors, such as regular armed forces, private security contractors, mercenaries, jihadist, warlords, and paramilitaries. Emphasis is put on goals: the old war was fought for geo-political interests or ideology, and new wars are fought for ethical, religious, or tribal identities. We should also mention methods: in old war the battles were decisive resulting in territories conquering yet in new wars the battles are rare and territory is captured by political means or control of the population. This is the case of Crimea, annexed by Russia, in March 2014 and claimed as part of the Federation, with its institutions and administration already embedded in this Ukrainian peninsula[6].

Questions are put to the fore concerning the forms of finance: while states widely financed the old wars, the new wars are funded by loot and pillage, taxation of humanitarian aid, kidnapping, oil, diamonds, drugs and people smuggling[7].

However, some scholars argue that the dichotomy between new and old civil wars tend to be ideologized, biased, or based on incomplete information[8]). Moreover, there is no piece of evidence that the recent conflicts are more violent or present a high level of atrocity leading to human causalities[9]. After offering the widespread adoption of characteristics used to define and describe the pre- and post-Cold War civil conflicts, Kalyvas[10] points out his criticism towards analysts of contemporary civil wars. According to him, this keeps relying on misrepresentation produced during the period of old civil wars. To Kalyvas[11] those theories of new and old wars should be done based on in-depth research, long-term observation, and ethnographic reconstruction.

On the other hand, defending the concept of a new war, Kaldor[12] expresses that the term "new" has to be interpreted as a research strategy and a guide for policymaking providing a framework for analysis. This paper sheds light on Kaldor's view of describing the 1990s conflicts as "new", offering a change on how to investigate these conflicts and the way policymakers and policy-shapers perceive them. Thus, understanding PMCs operations also involve contextualising within the new war's environment. In defining new wars, she likewise suggests that they occur in a place where authoritarian regimes are on the weakening. In those places, the discernment between state and non-state, public and private, external and internal, economic and

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5   M Kaldor 'In Defence of New Wars. (Stability: International Journal of Security and Development, 2(1), 2013).

6   General Assembly Resolution 68/262, Territorial Integrity Of Ukraine, A/Res/68/262, March 2014, Https://Undocs.Org/A/Res/68/262

7   M Kaldor 'In Defence of New Wars. (Stability: International Journal of Security and Development, 2(1), 2013).

8   Kalyvas (n 2) 99 et seq.

9   S Malešević 'The Sociology of New Wars? Assessing the Causes and Objectives of Contemporary Violent Conflicts' (2008) 2(2) International Political Sociology 99.

10   Kalyvas (n 2) 99 et seq.

11   Kalyvas (n 2) 99 et seq.

12   M Kaldor 'In Defence of New Wars. (Stability: International Journal of Security and Development, 2(1), 2013).

political and even war and peace are melting and, concomitantly, are the cause and consequence of violence in an environment of globalisation and technology. Hence, the exclusion of certain actors in competing at global level weakens the state's economy and its ability to produce revenue, leading up to a systematic corruption, criminality and ultimately resulting in the privatisation of violence[13].

Starting from this perspective, Malešević[14] focuses on an essential topic to asses structural causes about the changing purpose and origins of contemporary warfare. Critically engaging with the theory of new wars, Malešević[15] claims that both civil and inter-state conflicts are in decline since the early 1990s. Hence, claiming the new wars as a proliferation may not be accurate from this thought, but it is precise to say that the new wars emerge as the logic of nuclear proliferation is weakened.

According to Malešević[16], alongside with new wars also emerged its confidence in technology and the cycle of transferring risks from elected politicians to military personal, from them to the enemy fighter and their civilians. The belligerence brought by new wars does not require popular mobilisation. Instead, it relies on media indirectly to achieve passive support to neutralise electoral surveillance. However, this tool is almost entirely played out by the United States, an authentic military empire present in 153 countries around the world. It has technical capabilities to impose its military wills throughout the globe and coercive pressure on uncooperative governments, as the government of Iran and Venezuela. Even so, this revolution in military affairs changed the causes and objectives of warfare[17].

Malešević's analysis leads us to a key-debate: the transformation of war. As Heng[18] states, the war has changed substantially. Not only due to globalisation, end of Cold War or societal changes themselves, but complex issues have been added to the security agenda and gained new dimension boosted by globalisation. War is a dynamic movement and involves different manifestations and forms. Comprehending war phenomena, encompasses understanding the increasing idea of risk management, reduction, or control of global risks. By the definition of risk, it is not only about the concept of a potentially dangerous situation, but also a proactive calculation anticipating scenarios. Thus, globalisation exaggerates the pre-existing risks and heightens the awareness of the vulnerability of impact in distant events and, ultimately, influencing policymakers' decisions[19].

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13   Malešević (n 9) 100.

14   Malešević (n 9) 99.

15   Malešević (n 9) 99.

16   Malešević (n 9) 102.

17   Malešević (n 9) 109.

18   Y Heng 'The 'Transformation of War' Debate: Through the Looking Glass Of Ulrich Beck's World Risk Society' (2006) 20(1) International Relations 70 et seq.

19   Heng (n 18) 75.

In this scenario, the war can reach new levels and possibilities unexplored before. One of these plausibility's is the privatisation of war, through the simple extension of a hegemonic system. By its very simplicity, such a process could, in fact, seem the most probable hypothesis in light of the omnipresence of American Law[20]. Likewise, in the Cold War, the 11th September attacks also raised the bar for a new form of threats, autonomy, resistance, and organised violence. In opposition, there is an international security regime that operates supported by various forms of public-private networking trying to provide humanitarian assistance, reduce vulnerabilities, resolving conflicts and strengthening capacities of civil actors[21].

Therefore, network war, as conceptualised by Duffield[22], is linked to the contemporary shifts in the ethos of social life. In this particular case, the changes are in the organisational structure of capitalism, the new phase of globalisation, and the architecture of states. Hence, as a result in this context, the organised violence, once the monopoly of states, has expanded into a complex networked system of states and non-states actors. Moreover, the modalities of organised violence have been privatised[23].

Gaining momentum since the 1990s, the privatisation of war in military affairs is described by scholars as an example of the victorious progress of neo-liberal strategies of privatisation against the previous logic of states monopolising responsibilities without generating cost-effective results. Thus, the services provided by private actors have become indispensable to some states' abilities to act military globally, for instance, the case of a superpower as the United States of America[24].

As far as 2003, the private companies were the second most prominent contributors to coalition forces in the Iraq war after the Pentagon, with 10,000 private military contractors on the ground, overpassing around 9,900 British troops. In the same year, it is believed that the United State spent US$ 30 billion on contracts to private companies. Moreover, half out of the dozens of these private companies in Iraq were UK's enterprises[25]. The intrinsic context has led to a current stage in which the US Army could not retain its ability to act without the support and services of private military companies[26]. Reports also suggest that there are up to 10,000 PMCs soldiers

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20 Mireille Delmas-Marty (translated by Naomi Norberg), Ordering Pluralism: A Conceptual Framework for Understanding The Transnational Legal World (Oxford, and Portland, Oregon: Hart Publishing, 2009) 17.

21 M Duffield, 'War as A Network Enterprise: The New Security Terrain And Its Implications' (2002) 6(1-2) Cultural Values 153 et seq.

22 Duffield (n 21)154.

23 Duffield (n 21) 158.

24 H Strachan, A Herberg-Rothe and H Münkler, *Clausewitz In The Twenty-First Century* (Oxford: Oxford University Press 2007) 220.

25 Traynor, I. Special Investigation: The Privatisation of War. [Online] The Guardian, 2019. Available At: Https://Www. Theguardian.Com/World/2003/Dec/10/Politics.Iraq [Accessed 3 Jan. 2020].

26 Strachan, Herberg-Rothe and Münkler (n 24) 220.

across Africa. The total global spending on private security has reached £200 billion, five times the UK's defence budget - the country is one of the major players in the private military industry[27].

The actual scenario challenges even the classical Clausewitz's theories on war due to the fundamental changes of conflicts in recent years. War no longer follows the symmetric confrontation between states. Instead, there are sub-states and private actors fighting no longer to achieve political order, but to secure profitable incomes[28].

Arguing that the well-known Clausewitz's quoted phrase of war as "a mere continuation of policy by other means"[29] has become obsolete, Strachan, Herberg-Rothe, and Münkler[30] state that wars mutate from within societies to trans-national conflicts, that is a hybrid of inter-state and civil war, in which the political will of the involved parties is hard to establish. Nonetheless, it is possible to affirm that Clausewitz's original theory of "war, therefore, is an act of violence intended to compel our opponent to fulfil our will"[31] is still applicable, even if some battle of symmetric confrontation among two equally equipped adversaries has been replaced by the massacre and asymmetric use of violence of complete different new actors[32]. One example of this is the 11th September episode, when terrorists used violence to fulfil their will of forcing their adversary, the United States of America, to remove its military, economic and cultural presence from Arab-Islamic countries. Knowing that the military superiority of the United States would make impossible an asymmetric confrontation, the al-Qaeda combatants relied on symmetric fight using a passenger aircraft as weapons.

Looking to the past, Strachan, Herberg-Rothe, and Münkler[33] point out that the total control of military affairs and monopolisation of warfare marked the beginning of rising states. On the other hand, the loss of the monopoly and the increasing privatisation of war could lead not to the state's decline, but to possibly to their end. In the past, the control of military affairs and warfare was the core element of order in Europe after the Thirty Years War (1618-1648). Up to nowadays, the monopoly of legitime violence is the core of state order.

This thought comes across to the investigation line in this paper on whether the PMCs could affect the actual international security system and, hence, the order.

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27   T Tahir, 'How World's Next Global Power Could Be A Private Army Of Mercenaries'. [Online] (The Sun, 2019). Available At: Https://Www.Thesun.Co.Uk/News/8479911/How-Worlds-Next-Global-Power-Could-Be-A-Private-Army-Amid-Fears-Russia-Is-About-To-Unleash-Mercenary-Battalions-In-Venezuela/ [Accessed 17 Jan. 2020].

28   Strachan, Herberg-Rothe and Münkler (n 24) 229.

29   C. Clausewitz. On War. (London: K. Paul, Trench, Trubner, 1918).

30   Strachan, Herberg-Rothe and Münkler (n 24) 229.

31   C Clausewitz, *On War* (London: K. Paul, Trench, Trubner, 1918).

32   Strachan, Herberg-Rothe and Münkler (n 24) 229.

33   Strachan, Herberg-Rothe and Münkler (n 24) 229.

Therefore, the next topic will explore the nuances of the international order and the global security system.

A. International Security: a look into the referent object. States or individuals?

The concept of war has been changing throughout history to actual terrain defined by some scholar as "new war". Therefore, it is necessary to expand the understating of the system in which the named "new wars" operate.

This research intends to shed light on the concept of security as contested, although there are many interpretations, disagreements and intense debate in the academia surrounding this topic among those who want to broaden or deepening the idea of security. However, as the terrorist attacks of 11th September were a game-changer in terms of war, the same new paradigm is applied to the concept of security. This is due, because the fact that most of the classical theories concerning security failed or offered a limited explanation on such event, not characterised in the explanatory patterns of those theories. Therefore, it is necessary to analyse security with different lens.

Buzan[34] wrote that security requires some significant levels of analysis and issue sectors touched upon by international studies. Moreover, the concept of security brings those levels and sectors closer creating an integrative perspective of an individual, national, and global security, and of military, political, societal (concept developed in the early 1990s), economic and environmental security. According to Booth and Smith[35], Buzan's represented an improvement in terms of the level of analysis of security, since it discussed the changes in the policy environment faced by states in the early 1980s and also the individuals' role as a degree of analysis. However, still, Buzan focused on the state as the primary referent object of study since it stands between the sub-state level of security and the dynamic of it operating within the international system[36].

While Buzan's account for security fits to explain events raised by the 11th September, it does not match to elucidate the facts after the terrorist attacks. Analysing Buzan's work, Booth and Smith[37] expressed criticism on his focus on state rather than the individuals as the referent object. To the scholars, states are not reliable as the primary reference of analysis since not all of them are involved in the business of security (internal and external). Among the producers of security, it represents the

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34 B Buzan, *People, States & Fear: An Agenda for International Security Studies in the Post-Cold War Era* (2nd Ed. Colchester: Ecpr Press 2007) 283.

35 K Booth and S Smith, *Critical Security Studies and World Politics* (Boulder, Colo.: Lynne Rienner Publishers 2005) 32.

36 Booth and Smith (n 35) 32.

37 Booth and Smith (n 35) 33.

means and not an end. Finally, the states are remarkably diverse in their characteristics to serve as the basis for a comprehensive theory of security.

Ayoob[38] splits the degree of analysis into developed and underdeveloped states. In his view, there is a different crucial pattern between the Third World States and the Western developed countries when it comes to understanding security. According to him, there are two distinct variables in this case: the process of formation of the Third World States compared to the Developed States. There are also differences in pattern of elite recruitment, regime establishment and maintenance in the Third World states compared to the developed world. Whereas the security concerns of the developed nations devoted to the international system, Ayoob[39] points out that, in the Third World States, the late development and overdue decolonisation process resulted in lack of legitimacy in those countries. Furthermore, he also enlightens the low level of political and social consensus, which was achieved by European states centuries ago trough revolutions and internal wars. Therefore, those divisions within the social structure of Third World States has exacerbated the level and the intensity of internal threats to state structures.

However, according to Booth and Smith[40], Ayoob's views portray the state as the least bad option for third world nations. Nonetheless, in such part of the world, the state is the primary source of threat to the security of societies and populations. As emphasized by Posner[41] about Brazil where police combat crime, maintain order, or advance their own interests through extrajudicial killings.

Looking at the critical security studies, it is possible to find a coherent and most sustained critique and alternative to the traditional security studies. Critical security studies are explicitly a rejection of realism without generating an alternative theory. Instead, it poses as an alternative to realism, allowing a broader perspective on security studies[42].

One key issue to the critical approach to security is the emancipation concept. As noted by Booth[43], the world's source of threat to the well-being of individuals and nations interests not only derives from military affairs, but also from economic collapse, political oppression, scarcity, overpopulation, ethnic rivalry, the destruction of nature, terrorism, crime, and disease. Hence, in those situations, people are more threatened by the reckless policies of their government rather than some external

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38 Ayoob M, 'Security in The Third World: The Worm About to Turn?' (1983) 60(1) International Affairs 44 et seq.

39 Ayoob (n 38) 45.

40 Booth and Smith (n 35) 45.

41 Eric Posner, *The Twilight of Human Rights Law* (Oxford: Oxford University Press, 2014) 2.

42 Booth and Smith (n 35) 45.

43 K Booth, 'Security and Emancipation' (1991) 17(4) Review of International Studies 318.

force. Booth[44] also offers enlightening thoughts, in such a complex scenario of multiples sources of threat, by saying that order in the world affairs is dependent on at least minimal levels of political and social justice.

Therefore, the concept of emancipation comes in this context. The aim of it is to free people (as individuals and groups) from that physical and human coercion which prevent them from fulfilling what they would freely choose to[45]. To this author, emancipation, theatrically, is security and achievement of stable/true security that can only be found by people and groups if they do not deprive others also from it.

Nevertheless, there is an intense debate on how to approach security. Booth's account on human emancipation was highly criticised due to its focus on individual rather than the state, as proposed before by mainstream theorists on security. However, the work also consists of a powerful critique and an alternative for security studies[46].

Therefore, understanding the debate within the contested concept of security encompasses also passing through a different range of framework of analysis, such as feminist security studies.

The feminist work focusses on security as an intrinsically gendered assumption of traditional international relations. The central claim is that international relations are systematically gendered in its consequences, forms of identities, subjectivity, and the discipline is gender blind. Therefore, if the definitions of security are broadened encompassing economic and environmental issues, as explored before in this research, then women's security agenda must also be addressed[47].

In a critique to International Relations in the United States, Tickner[48] states that the discipline has been deeply influenced by rational choice theory, which shapes the behaviours of individuals in the market. The problem is that practice is more typical of men than women. In this sense, war and national security have been areas deemed that women have little to say.

In comparison with the international theory, perceiving the state as a unitary rational actor within inter-state relations, the feminist theory is sociological. It has its accounts for social ties, especially gender relations, which starts from the individual embedded in hierarchical social, political, and economic structures. This framework of analysis turns it into a normative and emancipatory theory achieving what the feminist called as "practical knowledge", the knowledge coming from every day's

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44   Booth (n 43) 319.

45   Booth (n 43) 319.

46   Booth and Smith (n 35) 45.

47   Booth and Smith (n 35) 45.

48   J Tickner, 'Feminist Responses to International Security Studies' (2004) 16(1) Peace Review 44 et seq.

practices of people's lives[49] In this regard, the feminists gather their voices with critical security scholars, as argued by Booth, in pursuing an emancipatory agenda[50].

The feminist critique points towards a different conceptualisation of security. As argued by Booth and Smith[51], only by showing where women fit into international relations, we can understand how the power really operates. They also affirm that looking at security from women's perspective alters the definition of security to such an extent that any traditional forms of security studies can offer analysis[52].

As Booth and Smith explained, the concept of security is genuinely contested, and it also requires the ideas of state, community, emancipation, and the relationship of those themes between the individual, the society, economics, and politics as equally contested. According to them[53], the result of deepening the concept of security leads to a scenario in which the referent objects are focusing on actors rather than states discussions. Furthermore, the massive extension and expansion of security have been provoking questioning on whether this undermines the utility of the concept[54].

Moreover, adding to the debate of security, two more concepts need to be analysed to fulfil a bigger picture of the term: international order and human security.

B. International Order: Rethinking the Post-1945 Order

The international order is one of the central studies of international relations, and it offers us a clear understating on how the international system works. According to Gortzak[55], the international order accounts for the rise and fall of great powers and, consequentially the distribution of capabilities in a struggle within the international system.

Great powers have historically competed for each other for the ability to shape the international system. Those on the rise are expected to impose their influence under this system creating its political order reflecting and promoting its national values and interests. Nevertheless, by doing so, they inevitably destabilise the system opening up a competition with their peers who are also willing to promote their values and interests in the international system[56].

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49   Tickner (n 48) 45.

50   Tickner (n 48) 47.

51   Booth and Smith (n 35) 47.

52   Booth and Smith (n 35) 48.

53   Booth and Smith (n 35) 48 et seq.

54   Booth and Smith (n 35) 48 et seq.

55   Y Gortzak, 'How Great Powers Rule: Coercion and Positive Inducements In International Order Enforcement' (2005) 14(4) Security Studies 664.

56   Gortzak (n 55) 665.

However, achieving such order comes also with different challenges embedded. For instance, weaker but rebellious states that do not have the capability or ambition of destroying the order imposed, fail to withstand with some or all the mandatory rules of this order. Gortzak claims that both the historical records and recent events showed how the strong response to those challenges could have significant consequences for international order and stability.

As the concept of security, the understanding of the actual international order can also be contested. To Munro[57] the legitimacy of post-1945 global order, also known as "liberal international order (LIO)" is in decline in the developing and middle-income nations. He argues that the answer to this decline is the result of organisational structures, written and unwritten rules. Institutions of that order have increasingly been failing to address the political and economic realities of the twenty-first century[58].

Munro also points out that some structures, which regulates some rules of international order, such as the United Nations (UN), Security Council, World Bank and International Monetary Fund (IMF) are led by North Atlantic world plus Japan setting the global agenda and have not changed since the 1940s. On the other hand, developed and emerging countries are subjected to those rules, norms, and standards having no role in shaping it. Furthermore, the scholar also claims that marginal changes were made in the international order not reflecting the shifts in global power relations, such as the rise of China and India over the last quarter-century of history[59].

Looking especially into security, to Glaser[60] almost any international interaction qualifies as an international order, so long as its members accept the sovereignty norm. Therefore, all the basic categories of security arrangements, such as hegemony, the balance of power, collective security, concerts, and security communities, are deemed as international security order or partial order. In this sense, the security order may vary depending on the degree of competition and cooperation among the states. Moreover, power and coercion play central roles.

As seen in the contested concept of security, Glaser noted that many scholars have been employing the LIO more broadly, whether it is to promote democracy, combat to terrorism, fight against climate change, protection of human right, commitment to the economic growth of developing countries, curb nuclear proliferation regimes or weapons of mass destruction, trade agreements, or pursuing economic or security

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57   L Munro 'Strategies to Shape the International Order: Exit, Voice and Innovation Versus Expulsion, Maintenance and Absorption' (2017) 39(2) Canadian Journal of Development Studies / Revue Canadienne D'études du Développement 310.

58   Munro (n 57) 310.

59   Munro (n 57) 310 et seq.

60   C Glaser, 'A Flawed Framework: Why the Liberal International Order Concept Is Misguided' (2019) 43(4) International Security 55 et seq.

goals (or even both)[61]. These multiple usages of the international debate have led to a discussion among scholars and analysts to whether international order is a mean or an end. Glaser[62] argues that this should be understood as a means, not an end. Therefore, speaking from the U.S. foreign policymaking perspective, he suggests a shift thinking from LIO to grand strategy. According to him, liberal international order provides little analytic leverage, certain arguments are theocratically weak and is a source of significant confusion about the evolution of global politics. On the other hand, as a framework of analysis, it should be applied the grand-strategic lens, defined by him as broad policies – military, diplomatic and economic, improving the study of issues raised by LIO putting in a broader context of current geopolitical challenges[63].

C. Human Security: A New Framework of Analysis

The concept of Human Security may have been changing since its creation in the late 1990s. To Glasius[64], the primary account for understanding human security is a notion as the opposite to state security with an argument that is indivisible. Therefore, the global rich have not just a moral but also a practical interest in the security of the poor. More broadly, human security encompasses elements such as economic security, food security, health security, environmental security, personal security, community security, and political security.

This term has been connected to some shifts of paradigms. Glasius[65] points out that human security introduced a getaway from the state security paradigm emphasising the transnational nature of threats in a global era. Also, it added to the protection of the individual citizens extend it to every human being.

From this perspective, another debate was raised: rights or wrongs of humanitarian interventions and whether or not those interventions may be characterised as a state sovereignty violation. Human security, as stated by Glasius[66], is not a right to intervene but a responsibility to protect, which eventually, if necessary, can extend beyond border.

Although recognising the value given by the human security concept, which highlights particular issues within the international system enabling short-term gains,

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61 Glaser (n 60) 56 et seq.

62 Glaser (n 60) 57.

63 Glaser (n 60) 82 et seq.

64 M Glasius, 'Human Security from Paradigm Shift To Operationalization: Job Description For A Human Security Worker' (2008) 39(1) Security Dialogue 32.

65 Glasius (n 64) 36.

66 Glasius (n 64) 36.

Christie[67] presents his criticism of the idea. According to him, human security has lost any true critical potential and has become a new orthodoxy.

Christie[68] recognises that human security offers a framework to communities to talk about security in a manner which was not possible when security was understood as a state-linked capability. However, he notes that, despite its essential accounts, human security has been consistent with a broader international process of global interventionism to alleviate poverty. Moreover, it has been used to justify the expansion of the roles of traditional actors and justify technologies of governance and social control[69].

D. Conceptional Framework Analysis: PMCs as a Potential Threat to the International Order

The term security, as explored by this research in the previous topic, can be highly debatable within academia. For the purpose of analysis of security matters, this research will use Buzan, Waever, and Wilde[70] military-political understanding of security as survival in the international system and it might be conceived whenever an issue is presented as an existential threat to a referent object (traditionally but not limited to state, encompassing government, territory, and society). That is, in this case, a Private Military Company (PMCs), as the initial hypothesis of this research, may also be a threat to the international security system, defined by Buzan, Waever, and Wilde[71] as firmly rooted in the traditions of power politics.

It is noteworthy mentioning that the nature of security threats justifies the use of extraordinary forces opening a way for the state to mobilise or even take special powers to mitigate the existential threat[72]. The authors explain that existential danger can only be understood concerning the character of the referent object in question. In terms of politics, those threats might be translated as constituting principles of sovereignty, recognition, legitimacy, or governing authority[73]. Those points lead us to the original focus of analysis of this paper, since PMCs, hypotactically, could also violate sovereignty, face lack of legitimacy or threat governing authority.

Nevertheless, as discussed in the previous topics, the concept of security itself is quite complex. Therefore, for the analysis purpose, this research shares similar views

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67 R Christie, 'Critical Voices and Human Security: To Endure, To Engage Or To Critique?' (2010) 41(2) Security Dialogue 169.

68 Christie (n 67) 170.

69 Christie (n 67) 169 et seq.

70 B Buzan, O Waever and J Wilde, *Security: A New Framework for Analysis* (Boulder, Colo: Lynne Rienner 1998) 21.

71 Buzan, Waever and Wilde (n 70) 21.

72 Buzan, Waever and Wilde (n 70) 21.

73 Buzan, Waever and Wilde (n 70) 22.

as Booth and Smith[74] that there is no doubt that the concept of security needs to be challenged and contested, especially when its traditional definition is linked to the natural philosophy of enquiry presented by the world of international security, as studied by this research. Perhaps, a hybrid combination of the traditional thinking of security combined with contested views of the term is a powerful tool as a framework of analysis looking for answers' trough different perspectives. As Baldwin[75] said, the answers for today's problems are not in the findings of the old generation of security scholars. However, they presented some of the right questions.

Moreover, the emergence of new wars literature, as visited in the previous chapters, indicates the ways of which security was shifting, and how policymakers were paying increasing attention to the internal condition of states[76].

From this perspective, the discussion needs to incorporate the privatisation or the outsourcing of war. Coker[77] classifies the current moment as a postmodern war, where postmodern society can use war as a political instrument and the commercial ethos is challenging the traditional professional purpose of the armed forces. In this context, according to him, war is outsourced to the private sector in form of private mercenary companies. Coker[78] notes that politics are increasingly becoming privatised, and it is no more power shared with business, but the commercial ethos is challenging the philosophy of the public service.

In this scenario, the logic of the markets has been incorporated into the state's ethos and government thinking. Coker[79] highlights Britain's case in this context. In 1996, the British army refrained of intervening in a refugee crisis in Great Lakes, in Africa, due to staying "within budget". In 1999, the country took the same decision concerning the outbreak of the civil war in Sierra Leone. The UK was one of the first countries to adopt the market model of outsourcing activities previously undertaken by states to private companies. In the 1990s, the country hired private companies to perform tasks such as ship refitting, management of non-military stores, the servicing of designated aircraft and engineering support at training stations. The United Kingdom also opened air charter contracts to tender as well as the movement of army equipment by air. Labour Party classified the movement as concerning national security issue.

There is also a discussion surrounding analysts and scholar referring the Tooth-To-Tail Ratio (T3R), the comparative relation between the number of combat arms forces

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74   Booth and Smith (n 35) 58.

75   D Baldwin, 'Security Studies and the End of the Cold War' (1995) 48(1) World Politics 141.

76   Christie (n 67) 172 et seq.

77   C Coker, 'Outsourcing War' (1999) 13(1) Cambridge Review of International Affairs 95.

78   Coker (n 77) 102.

79   Coker (n 77) 102.

and the number of supporting troops in a military organisation. The scale is crucial since it increases or decreases the combat power of an army, and it is considered a statics source for justification and allocation of resources[80]. In the case of the United States, the most powerful military force in the world, the downsizing of the army gained momentum after the end of the Cold War. Furthermore, the American national and military strategy changed significantly, for instance, employing civilian contractors in Iraq and Kuwait as part of the force to conduct noncombat operations, assuming many logistical and life support activities[81]. Nowadays, PMCs provide not only combat operations, but also tail military functions such as logistics, transportation, food services, or humanitarian relief operations[82]. To Carter, Jr[83] is highly unlikely that the future will reverse course. Moreover, the nature of warfare and technology has changed, reaching a point that lesser combat troops are needed[84].

The United States Army reduced or even eliminated the second support forces creating an imbalance in the T3R and, according to Carter, Jr, generating threats to the effectiveness of the army[85]. Britain went for the same path privatising the "tail", the logistic support which sustains an army in the field. Afterwards, the British government opened up itself to the so-called "teeth", the weapons used by the military themselves[86].

On the other hand, the United States also gave steps into the privatisation of war. In 1998, it asked DynCorp to supply American troops to an observer mission in Kosovo, to observe the withdrawal of the Serbian forces. The decision was deemed by defence analysts as a first step from the "privatisation of war" to the "privatisation of peacekeeping", since the move avoided political risks of having Americans losing their lives while serving in Balkans. In addition, it was the first time that an American private contractor replaced the national army force in combat where there was no formal cease-fire agreement[87].

The privatisation scenario brought back the mercenaries. They are not exactly new. In the past, mercenaries had fought in Italy in the 14th and 15th centuries and in Napoleonic wars[88]. However, nowadays, they are part of the contemporary developments, amid the logical extension of globalisation, technology, and liberal

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80 J Carter Jr, 'The Tooth to Tail Ratio: Considerations for Future Army Force Structure'. [Online](Apps.Dtic.Mil,1997). Available at: Https://Apps.Dtic.Mil/Dtic/Tr/Fulltext/U2/A326318.Pdf. Accessed: 16 February 2020, p. 3.

81 J Mcgrath, 'The Other End of The Spear: The Tooth-To-Tail Ratio (T3r) In Modern Military Operations'. [Online] (Apps. Dtic.Mil.,2007) Available at: Https://Apps.Dtic.Mil/Dtic/Tr/Fulltext/U2/A472467.Pdf [Accessed 16 Jan. 2020] 66.

82 M Fulloon 'Non-State Actor: Defining Private Military Companies' (2015) 37(2) Strategic Review for Southern Africa 29 et seq.

83 Carter (n 80) 27.

84 Mcgrath (n 81) 74.

85 Carter (n 80) 27.

86 Coker (n 77) 103.

87 Coker (n 77) 107.

88 Coker (n 77) 105 et. seq.

economic doctrine and have thrived in the post-Cold War world. Coker highlights that the market for private military assistance is booming. From Azerbaijan to Zaire, they have been disorganising and, sometimes, demoralising military forces helping second-rank dictators to remain in power or Third World countries trying to protect their mineral deposits. Some are going to war business themselves in an apparent intent of transforming it into a business and making profit[89]. In this context, the Private Military Companies can also be divided into four categories: the Combat Offensive PMC, the Combat Defensive PMC, the Non-Combat Offensive PMC, and, ultimately, the Non-Combat Defensive PMC[90].

Also adding to this debate of the creation of a booming space to private military companies, there is the fact that governments are losing their exclusive monopoly of violence. In some countries, the state cannot provide its citizens with even minimum standards of security and, in a deeper context, weak states have been targeting its citizens or removing the protection from them[91].

As stated by Booth[92], in historical terms, there is a steady but uneven acknowledgment that the costs of using military force are rising, while the benefits are declining. This statement comes across with Coker's claim that wars have frequently changed, and they will again[93].

Therefore, it is plausible to predict that governments in continents like Africa will have several reasons to outsource military services to the private sector in the future. Lately, wars have been unprofitable, and private companies can offer better deals at low prices. In the government's handling of military affairs, the cost can be higher, since there is an intensive workforce to manage and governments like the backup system and exorbitant teeth-to-tail ratios. On the other hand, companies tend to keep a minimal number of troops in the field and small backup in reserve to keep costs at a lower level. They also manage to do this by raising insurance premiums[94]. Coker sums up this logic by saying that everything is a factor of the price of labour, which is regulated by the market, not by the governments.

Coker argues that in the West, where such costs cannot be sustained anymore, much of the "tail" has been privatising to preserve the professional "tooth." As an example, there is Brown & Root, hired by the United States to manage everything, from water purification to the process of returning bodies to the American soil[95].

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89   Coker (n 77) 96.

90   Fulloon (n 82) 29 et seq.

91   Coker (n 77) 109.

92   Booth (n 43) 324.

93   Coker (n 77) 96.

94   Coker (n 77) 108 et seq.

95   Coker (n 77) 108.

At the same time, the international order established since the post-1945 events also may be on the brink of change from the way it is currently conceived. The global disorder is already a major security concern to the United States, as the USA 2018 National Defence Strategy highlighted:

> Today, we are emerging from a period of strategic atrophy, aware that our competitive military advantage has been eroding. We are facing increased global disorder, characterized by a decline in the long-standing rules-based international order—creating a security environment more complex and volatile than any we have experienced in recent memory. Inter-state strategic competition, not terrorism, is now the primary concern in U.S. national security. (Dod.defense.gov, 2019, p. 1)

This statement comes across with the original analysis of this research as PMCs may act or help destabilise the international security system as it is understood right now, especially when those companies are working in favour of the so-called rogue states. The USA 2018 National Defence Strategy claims that both revisionists powers and rogue regimes have "increased efforts short of armed conflict by expanding coercion to new fronts, violating principles of sovereignty, exploiting ambiguity, and deliberately blurring the lines between civil and military goals"[96]. Furthermore, it also mentions the rapid technological advancements and the changing character of war, as defended in this research, by new technologies and non-states actors with sophisticated capabilities of mass disruption[97].

The miscalculation by the defensors of the liberal order led to overapplication of human security around the globe, especially after the Global War on Terror. As pointed out by Christie[98], at least, it was expected that continuing advocation for human security would ensure the calculations of the impact of subsequent military responses, entailing an assessment of the costs to the lives of people on the ground in Afghanistan an Iraq.

Interestingly enough, the American National Defence Strategy report cites Russia as one of the main concerns to the USA interests translated as keeping the liberal international order post-Cold War. In fact, Russia has been relying heavily on Wagner Group, a so-called PMC (since there are disagreements between analysts due to shadowy Wagner Group's acting protocol) loyal to Kremlin's ambitions, expanding its footprints and influence in Ukraine, Syria, Sudan, the Central African Republic and, according to reports, possibly to Libya and certainly in Venezuela[99]. That is, Wagner Group could, indeed, undermine the American interests as it did in Ukraine. Although,

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96 Dod. Defense Government. [Online] Available At: Https://Dod.Defense.Gov/Portals/1/Documents/Pubs/2018-National-Defense-Strategy-Summary.Pdf, 2019. Accessed 10 January 2020 p 4.

97 Dod. Defense Government [Online 2018] (n 96) 4.

98 Christie (n 67) 174.

99 N. Reynolds. Putin's Not-So-Secret Mercenaries: Patronage, Geopolitics, And the Wagner Group (Carnegie Endowment for International Peace, July 2019).

the company has a limited capacity to wage war by itself, it can create enough trouble to impede Western decisionmakers to prevent an appropriate and robust response. Outside the geopolitical spectrum, Wagner Group is likely to worsen problems of corruption, human rights, and the rule of law wherever they operate as stated by Reynolds[100]. Furthermore, numbering between 3,600 and 5,000 fighters in secret locations, the company has been reducing the political risk for Russia's president, Vladimir Putin[101].

Reynolds's[102] accounts lead us to a collision course with the Democratic Peace Theory. Owen[103] explains that the theory speaks about the fact that democracies seldom if ever go to war against each other. Liberal democracy is a state that shares liberal ideas where the liberalism is the dominant ideology, and citizens have power over war decisions through free speech or regular elections of the decisionmakers empowered to declare war. In this sense, Owen states that liberal ideology and institutions work to bring about democratic peace. Also, liberal running governments have harmonious relations with fellow democracies.

The liberal ideology also assumes that individuals are fundamentally pursuing self-preservation and material well-being. Therefore, freedom is essential to achieve this goal, and peace is required to achieve freedom in democracy, which is pacific and trustworthy. On the other hand, coercion and violence are counterproductive. Thus, this assumption concludes that all individuals share an interest in peace, and war should only be a mean to bring that peace. On the contrary, non-democracies may be dangerous since they seek other ends[104].

Having said that, in a case of threat of war with the state that the liberal opposition considers a fellow democracy, liberals take the proper measures to prevent hostilities using the free speech guaranteed by law. Therefore, illiberal leaders are unable to rally the public to fight and fear that an unpopular war would lead to their failure in the next election[105]. That is, liberal societies do not cast their democratic right to vote to wage war. Triggering of unpopular wars represents a political risk to the statemen and decision-makers.

In revision perspective of the Democratic Peace Theory, Owen argues that no one is sure why democracies do not fight one another and do fight non-democracies. Moreover, the causal mechanism behind the democracy is unknown, and there is no certainty whether peace is genuine[106].

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100 *Ibid.*

101 *Ibid.*

102 *Ibid.*

103 J Owen 'How Liberalism Produces Democratic Peace' (1994) 19(2) International Security 87.

104 Owen (n 103) 88.

105 Owen (n 103) 89.

106 Owen (n 103) 88.

However, to overcome the Democratic Peace Theory and waging war, some statesmen use modern solutions, such as the technology to minimize human losses in armed conflicts. Advanced societies must rely on this practice if they want to retain their ability to act. These named post-heroic societies are unable to bear the heavy losses during the war. Hence, the answer to solving this equation is to rely on technological superiority or the deployment of mercenaries, which include those who are not part of the electorate of the warring government[107].

Theoretically to classify the modern industrial societies and the service-based economies as the post-heroic societies, sacrifice and honour are not their central importance, since they are not particularly ready to war as posed by Strachan, Herberg-Rothe, and Münkler[108]. They can feel some short-term excitement caused by the media. However, the deception with the government becomes public knowledge. Suddenly, the fast-paced enthusiasm collapses, and the government needs to worry about his re-election. Therefore, the use of private military companies reduces these problems. There may be political risks, but the pressure on the government's accountability in case of substantial losses is eased, if those wounded or killed are not from its domestic voters. That sort of pressure increases the privatisation of war as specified by Herberg-Rothe and Münkler[109].

Talking about the Age of Asocial War, Merom says that fighting democracies must synchronize two sides: the battleground and at home[110]. Therefore, powerful democracies have failed in counterinsurgency wars because they have been unable to solve the former dilemma. On the one hand, educated middle class expediently opposed sacrifice when they perceive a non-existential war. On the other hand, this class developed an altruistic opposition to the indiscriminate brutality[111].

However, liberal democracies are capable of learning, and they learned what caused their failure in the past. Thus, they managed, even sometimes with flaws, to overcome these obstacles. One of those lessons is that the battlefield should be as far as possible from society at home. Furthermore, liberal democracies were permitted to fight the Asocial Wars. On top of that, the Revolution in Military Affairs (RMA) technology helped to reduce forces on the ground[112].

Outsourcing relying on allies, proxies and PMCs are also pointed out by Merom as a tool used by democracies to keep society at home far from the conflict and, more

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107   Strachan, Herberg-Rothe and Münkler (n 24) 222.

108   Strachan, Herberg-Rothe and Münkler (n 24) 228.

109   Strachan, Herberg-Rothe and Münkler (n 24) 229.

110   G Merom 'The Age of Asocial War: Democratic Intervention and Counterinsurgency In The Twenty-First Century' (2012) 66(3) Australian Journal of International Affairs 370.

111   Merom (n 110) 369.

112   Merom (n 110) 366 et seq.

importantly, from its risks and costs[113].

Thinking in a worst-case scenario, the future wars could be pictured as warlords, who have turned war into a lucrative enterprise, fighting from one side. At the same time, PMCs carrying out humanitarian intervention on behalf of some state. This would be the rewinding to the conditions pre-existing in Europe between the fourteenth and seventeenth centuries[114]. However, Coker argues exactly the contrary saying that we are unlikely to return to a neo-mercantilist economic outlook[115]. In his view, transnational companies never sought to challenge the states, since they depend on it to guarantee their quasi-monopoly, which generates the maximisation of profits and rely on governments to contain the outbreak of civil unrest. Coker sees the future of PMCs and states as merely a partnership between public and private sectors and not a replacement of the public by private. Quoting Clausewitz, he states that war is unlikely to become a trade[116].

Nonetheless, the same Coker, when he wrote his article in 1999, said, what was missing, was an international code of practice, regulation of the trade, which was likely to be introduced soon. However, almost 10 years later, the non-binding Montreux Document was launched as part of an international effort by the Government of Switzerland, the International Committee of the Red Cross (ICRC) and the consensus of other 17 states, to promote the respect of international humanitarian law and human rights law whenever PMCs and security companies are present in armed conflicts (International Committee of the Red Cross, 2019).

Sharing worries on the same issue as Coker, the document states that PMSCs[117] have mainly been left without oversight by States, and no specific international regulations are in place for them. The Montreux document also says that International humanitarian law applies to PMSCs. However, there was a clear need to spell out the rules for them and offer practical advice on how to deal with their business. (Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict: Montreux 17 September 2008, 2008).

In this sense, the document, which was endorsed by states, is a clear message that PMCs might be understood as a threat by nations, reversing Coker's claiming that transnational companies never sought to challenge the states. Therefore, why would 17 states, the ICRC and the Government of Switzerland push forward a guide with international obligations to PMCs if the private companies were not perceived as some degree of threat?

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113 Merom (n 110) 375.

114 Strachan, Herberg-Rothe and Münkler (n 24) 229.

115 Coker (n 77) 112.

116 Coker (n 77) 112.

117 Acronym for Private Military & Security Companies (PMSCs).

Up to 2019, there are no international regulations on PMCs. Mainly, because under the Geneva Convention, there is just a mention to "mercenaries," a non-applicable term for PMCs and the United Nations Convention against the Recruitment, from 1989, treats about financing and training of mercenaries as the same problem. Moreover, unilateral efforts to manage PMCs face challenges due to the globalised nature of the industry. PMCs are often created, dissolved, merged, branched, moved from one location to another, making it more challenging to track down and regulate[118].

However, noteworthy mentioning, there is the International Code of Conduct for Private Security Service Providers' Association (ICoCA). Nonetheless, this is not a mandatory international treaty or regulatory organism, but an association with multi-stakeholders trying to promote, govern and oversee implementation of an international code for PMCs to respect human rights and international law. In the association, there are seven governments, 91 PSCs[119], 33 civil organizations, and 35 observers[120]. The voluntary code of conduct is not an answer to the culture of impunity that PMCs operate. Instead, it is used by the companies to legitimise existing industry practices and prevent the introduction of legally binding regulation. Furthermore, ICoCA does not have clear sanctions against companies that are against its principles, and the capacity to independently monitor its members in the field is minimal. Also, the ICoCA has no power to decide on a complaint or bestow any reparation. In practical terms, possible victims of PMCs human rights violations are not able to seek redress through ICoCA[121].

Although not agreeing with Coker's diagnoses on the future of PMCs, this research shares a common ground with his concerning of private military operation, that is lack of regulation. Coker[122] pointed out some alarming issues on PMCs operation, such as the international community need of ensuring that the private actors adhere the same standards of international law by which national army must abide. Secondly, since the private armed forces are frequently not part of regular troops and usually lack connection, ethics to the civilian population of countries where they operate in, regulation is essential. After all, some of the PMCs personnel have been discharged from prior military services because of disciplinary problems, therefore, regulation is vital.

PMCs are growing enormously in power. Reports also suggest that some PMCs are even able to wage cyber warfare and could have the ability to collapse countries and

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118 Globalpolicy.Org. (2019). Regulation and Oversight Of Pmscs. Available At: Https://Www.Globalpolicy.Org/Pmscs/50211-Regulation-And-Oversight-Of-Pmscs.Html. Accessed 15 Feb. 2020.

119 Acronym for Private Security Company.

120 Icoca.Ch. Membership | Icoca - International Code of Conduct Association, 2019. Available At: Https://Www.Icoca.Ch/En/Membership. Accessed 16 Feb. 2020.

121 Waronwant.Org. Mercenaries Unleashed - The Brave New World of Private Military and Security Companies, 2016. [Online] Available At: Https://Waronwant.Org/Sites/Default/Files/Mercenaries%20unleashed%2c%202016.Pdf [Accessed 20 Jan. 2020].

122 Coker (n 77) 109.

steal their resources[123]. Increasingly, weapons and power are being handled by the private sector, instead of the state. As a result, the state authority can be undermined and trust between government broken[124]. PMCs were even called as "of the biggest security threats of the 21st century" by the Sean McFate, professor of strategy at the National Defence University and Georgetown University in a recent interview[125].

In order to address the threat of PMCs, the next topic will analyse the Blackwater episode trough a case study method. This method was chosen since the case study is appropriate when studying political science, besides, it is valuable at the stage at which candidate theories are tested[126]. Blackwater represents the uniqueness of a case to analyse to whether PMCs can destabilise the international security system.

E. Analysis: Blackwater Portrayed as a Threat to Security

The Blackwater case is one of the most emblematic involving a PMC and presents a vast possibility of analysis to understand whether a PMC can pose a threat to the international security system. This research found analysis, technical reports, and scholars' findings on Blackwater operations in Iraq that helped to produce an in-depth evaluation. Based on these pieces of evidence, reading and comparing it to the previous literature, it is possible to ascertain that, at some degree, PMCs, when operating in a space with lack of regulation, can cause some destabilisation to the international security system. The Iraq war is also a valuable scope of analysis since it was the most massive deployment of PMCs in the history of warfare, including more than 60 firms contracting 20,000 private personnel[127]. Furthermore, the Iraq war worked as an incubator not only for American PMCs but also to the British PMCs[128].

As a Combat Defensive PMC, Blackwater was founded in 1997 by the former US Navy Seal Erik Prince and provided military security for governments, corporations around the world, and personal security detachments to military and diplomatic missions. Blackwater won its first security contract in 2002 for six months for US$ 5.4 million by the CIA[129] to secure the agency assets in Kabul, Afghanistan[130].

In early 2003, Blackwater won even more contracts to act in the Iraq war with a primary mission of providing military security. In the same year, Blackwater won

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123 T Tahir, 'How World's Next Global Power Could Be A Private Army of Mercenaries' (The Sun, 2019).

124 O Gafarov, 'Rise of China's Private Armies' Chatham House, 2019. Available At: Https://Www.Chathamhouse.Org/ Publications/Twt/Rise-China-S-Private-Armies (Accessed: 17 March 2020).

125 T Tahir 'How World's Next Global Power Could Be A Private Army of Mercenaries' (The Sun, 2019).

126 M Hammersley, P Foster, R Gomm and H Eckstein, *Case Study Method* (London: Sage 2000) 119.

127 M Welch 'Fragmented Power and State-Corporate Killings: A Critique of Blackwater In Iraq' (2008) 51(3-4) Crime, Law and Social Change 354.

128 Waronwant.org. Mercenaries Unleashed - The Brave New World of Private Military and Security Companies (2016).

129 Central Intelligence Agency of the Federal Government of the United States of America.

130 Fulloon (n 82) 29 et seq.

another contract to secure the Coalition Provisional Authority (CPA) at the cost of US$ 27 million proving CPA with a team of 36 protection specialists, two k-9 crew, and three MD-530 Boeing known as "little birds." By the end of 2004, the PMC had won more than US$ 1 billion in federal contracts in Iraq[131].

During the years operating in Iraq, Blackwater was involved in a series of incidents, as when the company personnel was ambushed in coordinated assault in Fallujah in 2004 by Sunni insurgents during the transportation of foodservice equipment. The convoy was shelled with grenades and responded with small arms fire triggering a firefight. In August 2004, Blackwater also involved in combat in Najaf, where the company operatives, peacekeepers and US Marines triggered a four-hour battle against the Shi'a uprising to protect a US army facility. During this battle, contractors made several attempts to contact US Armed Forces for intervention. However, Blackwater "little birds" flew to pick up wounded and drop off more ammunition. In 2015, a company's helicopter also dropped CS gas, a riot-control substance (similar to tear gas) onto civilians gathered. On the ground, Blackwater armoured vehicle also released gas temporally blinding the drivers. Those episodes have raised concern over the use of such gas against civilians, which should have an exclusive prerogative of usage by the US army, although even the corporation refrains from using it once this method is banned as means of warfare by an international convention on chemical weapons. The company alleged that the gas was released by mistake[132].

Fulloon explains that, with Blackwater personnel engaging in combat, the actions of the company increased its credibility and perception that Blackwater could accomplish its security contracts regardless of the physical dangers. However, the most controversial incident, which caused an international outcry, was in 2007, when Blackwater personnel shot dead 17 unarmed Iraqi civilians claiming that these people had fired upon their convoy as they were in a hostile zone of Nisoor Square in Baghdad[133]. The episode, also known as "Baghdad's bloody Sunday"[134], left fourteen other Iraqis seriously wounded. Several eyewitness Kurds and forensic shreds of evidence rejected the Blackwater personnel claim that guns were pointed to them[135].

The former Iraqi prime minister Nouri al-Maliki condemned the Nisoor Square deaths and said that the "incident was nothing short of a direct challenge to his nation's independence. The Iraqi government is responsible for its citizens, and it

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131 Fulloon (n 82) 29 et seq.

132 Welch (n 127) 358.

133 Fulloon (n 82) 29 et seq.

134 Scahill, J. Blackwater Founder Remains Free and Rich While His Former Employees Go Down On Murder Charges. [Online] The Intercept, 2014. Available At: Https://Theintercept.Com/2014/10/22/Blackwater-Guilty-Verdicts/ [Accessed 19 Jan. 2020].

135 R Goga, 'Privatization of Security in The 20th Century. From Mercenaries to Private Military Corporations' (2018) 63(1) Studia Universitatis Babeş-Bolyai Studia Europaea 261.

cannot be accepted for a security company to carry out a killing"[136]. This statement can be confronted by the scope of the literature reviewed in this research, especially through the lens of emancipation and human security.

Due to the close ties within the USA government, Blackwater personnel involved in the case were not immediately prosecuted. Later, after public outcry, US Congress pressured the Pentagon to hold the Blackwater employees accountable. The defendants had their trial in the United States in a rare moment of accountability of an outlaw private war industry[137]. The sniper, who triggered the shooting, received the life sentence for murdered. The other members of the company were convicted and jailed for 30 years for voluntary homicide and use of machine guns to produce violent crimes[138]. Despite the condemnations, Scahill says that it does not change the fact that those in power - the CEOs, the senior officials, the war profiteer - will walk freely and will likely do so for their entire life[139].

Welch claims that prosecuting PMCs employees can be difficult looking at the legal side since they are not accountable under the Uniformed Code of Military Justice nor are they even defined by international laws. Moreover, he argues, there is also a lack of political will for it[140].

In Iraq, the Blackwater personnel fired their weapons, killed, and injured far more often than its counterpart in the war, the DynCorp. Between 1st January 2005 and 31st December 2007, Blackwater fired their weapons in, at least, 323 incidents causing 62 deaths and 85 serious injured victims, whereas its counterpart DynCorp fired their weapons in 54 events, killing 11 people and leaving one serious injured[141]. This is because Blackwater maintained a relatively bellicose military culture putting a strong emphasis on norms to encouraging its security crew to exercise personal initiative and proactive use of force motivating its personnel to use the violence quite freely against anyone suspect of posing a threat[142].

Fitzsimmons states that the deployment of a company, such as Blackwater with a strong military culture, is dangerously risky because their personnel is more likely to inflict more deaths and serious injuries[143].

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136 E Prince, *Civilian Warriors: The Inside Story of Blackwater And The Unsung Heroes Of The War On Terror* (1st Ed. New York: Penguin, 2014).

137 J. Scahill. Blackwater Founder Remains Free and Rich While His Former Employees Go Down on Murder Charges (The Intercept, 2014).

138 Goga (n 135) 262.

139 J. Scahill. Blackwater Founder Remains Free and Rich While His Former Employees Go Down on Murder Charges (The Intercept, 2014).

140 Welch (n 127) 359.

141 S Fitzsimmons 'Wheeled Warriors: Explaining Variations in The Use of Violence By Private Security Companies In Iraq' (2013) 22(4) Security Studies 708.

142 Fitzsimmons (n 141) 707.

143 Fitzsimmons (n 141) 738.

Despite this carnage and scratched credibility, the contracts between Blackwater and the CIA have not come to an end[144]. Furthermore, there were accusations against the Blackwater CEO Erick Prince, deemed as a secretive right-wing Christian supremacist, and also for his implications in fraud committed against the federal government for phony billing[145]. Despite the odds, Blackwater became the most powerful army of mercenaries.

After the incident in Iraq, a report of the Office of the Special Inspector General for Iraq Reconstruction (SIGIR) said that the USA State Department and the Department of Defence signed a memorandum agreeing on a joint development, implementation, core standards, policies, procedures, accountability, oversight and discipline for PMCs in Iraq[146]. Furthermore, in 2009, a joint audit of Blackwater contract and task for Worldwide Personal Protective Services in Iraq found some irregularities. The USA Department of State - Bureau of Diplomatic Security (DS) recommended more stringent oversight of Blackwater's cost and performance in Iraq. The report found noncompliance policies such as monthly invoices paid without adequate review and supported documentation; Blackwater property erroneously identified as government assets, and excess of travel costs[147].

Blackwater case also can be analysed by the economic perspective. The company owned two aviation service companies operating over 50 aircraft and helicopters and a ship about 56 meters long for naval training. Blackwater also ran a factory that produced special armoured machines and offered an intelligence service called Total Intelligence Solutions, under the leadership of a former CIA official[148].

Even after the worldwide backlash for its performance in Iraq, the company (rebranded formerly as Xe) won a US$ 100 million contract to secure American bases in Afghanistan, a remarkable achieving for a company worldwide known for its negative image. For the contract itself, Blackwater bid a full US$ 26 million lower than the next bidder, a significant amount since the contract was US$100 million[149]. The low bid was possible because, due to close ties to George W. Bush administration, Blackwater was tremendously benefited with contracts in Iraq building a comparative advantage over its rivals.

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144 Goga (n 135) 262.

145 F Pervez, 'Blackwater: Can't Stop, Won't Stop' Foreign Policy In Focus, 2010. [Online] Available at: Https://Gold.Idm. Oclc.Org/Login?Url=Https://Search.Proquest.Com/Docview/746785187?Accountid=1114. Accessed 18 January 2020].

146 Warren, D.; Bianco, M.A. Opportunities to Improve Processes for Reporting, Investigating, And Remediating Serious Incidents Involving Private Security Contractors In Iraq. (Office of the Special Inspector General for Iraq Reconstruction, SIGIR 09-019, April 30, 2009). SIGIR 09-019, Arlington,VA.

147 Joint Audit of Blackwater Contract And Task Orders For Worldwide Personal Protective Services In Iraq. (2009). [Online] Office Of The Special Inspector General For Iraq Reconstruction. Available At: Https://Apps.Dtic.Mil/Dtic/Tr/Fulltext/ U2/A508739.Pdf [Accessed 19 Jan. 2020].

148 Goga (n 135) 260.

149 F. Pervez. Blackwater: Can't Stop, Won't Stop (Foreign Policy in Focus, 2010).

The Blackwater growth, even after Iraq scandal, can be justified by the USA grand strategy keeping the presence in more places than before, and maintaining bases and troops in over 100 countries. Companies like Blackwater operate beyond the reach of military laws, allowing them more considerable discretion in inflicting disproportional force to pacify areas and, ultimately, helping the USA military ambitions of keeping troops on the ground, reducing public costs and political risks[150], as examined before in the literature.

Blackwater also represents the concerns in terms of the difficulty to prevent PMCs from committing atrocities since their ability to be rebranded, merged, or branched to avoid tracking down. Since the negative publicity, Blackwater has changed its name to Xe Services and, currently, and since 2011 operates under the name of ACADEMI with a new board of directors[151]. In their website, there is no mention to the former brands. The company poses itself as offering "managed support services that enable our clients to operate successfully in remote locations". ACADEMI is still a huge company operating with four regional offices in Dubai, Lagos, London and Washington D.C, offering four U.S. training facilities, client-based training, scenario-based training, supply chain logistics, construction, life support, and other services. ACADEMI also says it is committed to its Code of Business Ethics and Conduct and is a permanent member of the International Code of Conduct for Private Security Service Providers' Association[152].

Coming across with the response to the posed question by this research, a report by NGO War on Want analysing the rise of PMCs states that these companies are able of acting in different areas, increasing human rights abuses, flourishing weapons trade and causing political destabilisation, once they are operating in a legal vacuum[153].

Furthermore, Fulloon claims that PMCs have the ability to alter the strategic military landscape of a conflict significantly, whether in a combative or non-combative role, as a national defence force would do. Citing Serbians, Croatians, Sierra Leoneans and Angolans[154]. The author also emphasizes that they all learned how the involvement of PMCs in combat or non-combat could shift the balance of the conflict with the right conditions. Also addressing lessons learned in Iraq, Singer[155] explains that the entrance of the profit motive onto the battlefield opens up vast, new possibilities and raises several troubling questions for democracy, ethics, management, laws, human

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150 Ibid.

151   Right Web - Institute for Policy Studies. Academi Llc (Formerly Xe And Blackwater Worldwide) - Right Web - Institute for Policy Studies, 2019. [Online] Available At: Http://Rightweb.Irc-Online.Org/Profile/Blackwater_Worldwide/#_Edn16 [Accessed 19 Jan. 2020].

152 Academi.com (2019).

153 Waronwant.org. Mercenaries Unleashed - The Brave New World of Private Military and Security Companies (2016).

154 Fulloon (n 82) 29 et seq.

155 P Singer, *Corporate Warriors - The Rise of The Privatized Military Industry* (Ithaca, N.Y.: Cornell University Press 2008) 260.

rights, and national and international security. According to him, it is time to begin answering these troubling questions.

III. Conclusions

As this research has shown through the three main topics, the PMCs have the potential to destabilise, at some degree, the international security system. It is clear that these companies have a relative capability of causing a disturbance, especially when hired to fight within or to rogue and failed states. A miscalculation or an intentional move may trigger even longer wars or major conflicts. Therefore, looking through the specific lens of security framework, PMCs are posed as a threat to human security, the emancipation and, also can change substantially the course of events, as examined previously in Iraq.

Nevertheless, PMCs do not seem to have reached yet the power and capability themselves to change entirely the current arrangement of the international order and, ultimately, waging interstate war shifting the global security system. However, the actual movement of the state outsourcing some of its functions, following a neoliberal economic doctrine of reducing cost and generating efficiency, may change in the future the current conception of states as it is known nowadays. And, from this perspective, the global order could be shifted. It is clear that PMCs and the outsourcing of war is an ongoing process and, being so, all the outcomes are possible.

The nature of war has changed benefited by the technology advances and the Revolution in Military Affairs (RMA), reducing troops on the ground for instance. The post-1945 order has been challenged lately by the emerge of new great powers, such as China and India. Therefore, the state also may be involved in this process of outsourcing its monopoly on violence with PMCs allied with the statemen's mindset of reducing their political risks whilst pursuing national interests abroad.

Despite this phenomenon, which encompasses a multidisciplinary approach gathering warfare studies, politics, international relations, and economy, there is also the need for change in terms of law to hold accountable unlawful PMCs. It is worth mentioning that not all the PMCs operate in a shadowy manner. There are some exceptions. Nonetheless, a comprehensive regulation to PMCs would certainly compel those companies to follow duties, responsibilities, ethical conduct, and respect international and humanitarian laws. Perhaps due to the lack of political will – since PMCs could benefit the politicians' electoral ambitions – this international regulation may never occur. On the other hand, PMCs can freely exercise their work, undermining states, regions, lives, and operating in an obscure market, which still needs to be understood and analysed in-depth.

Although it is proved that PMCs may cause some sort of destabilisation within the international system, still lacks understanding on the extent of the damage they could produce and should be addressed in future investigations. Mainly since the gaps in the law allow PMCs to operate, the real war power of these companies remains unknown. Scholars and researchers very often rely on estimates of PMCs capabilities and a very few information which comes to light after public scandals, such as the well-armed and equally military dangerous Blackwater.

Since the nature of war has changed throughout the history, further research should incorporate not only the topics of the traditional literature of International Relations, such as military capability, power, and international order, but also the waging of cyberwar and how PMCs will act using these tools not yet addressed in previous studies.

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