

Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa

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Abstract

The world today is characterised by the increasing commodification and privatisation of public goods, a decline in law and order, a demise in state centrality, and more worryingly, the fracturing of state military and security apparatuses. The state has lost its monopoly *of* and *over* organised violence. Beset by a plethora of threats, processes, and actors, the state has found itself increasingly incapable of monopolising violence emanating from above, below, and across the state. At the same time, the state has surrendered its role as the sole legitimate provider and guarantor of security to private security and military providing agents. The emergence of a *legitimised* private security industry, and of private non-state security providing actors, apart from the state, is a significant development for the state system and for international relations (IR). It challenges over three hundred years of accepted ontology regarding the state as having the sole legitimate right to force and violence. Military re-structuring, outsourcing, and privatisation affect the very core of the state: its foundations, its authority, and, most worryingly, its control. Whilst states have long made use of forms of private security, these were largely ad hoc, covert, transient groupings that, having served a purpose, dissipated as promptly as they formed. The Private Security Industry (PSI), Private Security Companies (PSCs,) and Private Military Companies (PMCs), on the other hand, embody an *industry* operating openly on the global market, organised along permanent

corporate lines, and showing signs of growth rather than contraction. They are the result of the *privatisation* of state functions (i.e. an actual process) rather than just being a form of private force. Given the prospective permanency of the PSI, PSCs, and PMCs, it is important to deliberate upon how this will affect the state and state system as we know it. Furthermore, it is instructive to interrogate what dangers and opportunities are empirically brought forth by their use and agency.

Introduction

The commodification of violence and the privatisation of security are accepted more widely today than at any other time in the history of the modern nation state. The growing trend internationally towards the privatisation of security and the outsourcing of state functions typifies the steady erosion of the state monopoly over all forms of organised violence. States, businesses, international organisations, non-governmental organisations, individuals, and communities have all turned to the private sector for their security needs. There are few if any (in the strictest sense) wholly state-owned or managed military-security structures that subsist in the inter-state system today.¹ PSCs and PMCs have come to acquire a *de facto* legitimacy and feature prominently in today's security setting. They have constituted themselves as credible alternatives to the insufficient or inexistent public means of regulating violence. Yet the emergence and expansion of the PSI, PSCs, and PMCs is problematic for a number of reasons, indeed it represents an anomaly in IR. The state, having the '*sole right to force*;² has formed the basis of our understanding for the past three hundred years.

The overarching aim of this paper is to interrogate how the increasing commodification of violence, as embodied by the PSI in general, and PMCs in particular, challenges the notion of the Weberian state. That is, whether the privatisation of security greatly undermines the very foundation upon which state authority rests, and if so, how. By extension it will be deliberated upon as to whether PMCs represent security actors of and for the state, or whether they

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represent autonomous agents who work above and beyond the state, and again how this reinforces or challenges the notion of the state monopoly over all forms of organised violence. It is important to deliberate upon how the PSI in general, and PMCs specifically, affect the state because the state remains the most basic unit of analysis in IR. Furthermore, security provision is at the heart of the state, it is its core defining characteristic, its *raison d'être*,³ an abdication of which holds great consequences for the state and state system as we conventionally know it. This paper contends that military functions should not be delegated to private agents. Empowering private sources of authority, in the form of PMCs, to perform critical national security and military tasks forever compromises state power and sovereignty. It also commodifies security as a public good, structurally altering and removing it from the public domain of accountability, legitimacy, and control.

The paper is divided up into two distinct sections. The first half serves as a conceptual interrogation. It seeks to establish the link between the state and security, the state and the PSI (and PMC's specifically), and the implications for the state of alternative security providing entities. It will outline why the 'Weberian state' is the starting point for the discussion and why it persists as the accepted form of ontology. The notion that the state is not a homogenous structure, that not all states have attained the Weberian shape, as exemplified by many African states, will also be explored. This is necessary as the PSI has had a differentiated impact upon states depending on their level of development and the durability of their institutional apparatuses. Establishing this observation is important for supporting the argument that empowering private agents in the military realm forever alters state power. The second half of the paper is empirically orientated. It moves on to consider the factors behind the emergence of the PSI and PMCs in particular, and what dynamics favour or perpetuate its existence. Specifically, it examines what role the end of the Cold War has played in the upsurge of the PSI, as well as to what extent changes in the market, type of security threats, and state (in)capacities, have pushed forth a private-led supply and demand security producing mechanism. It is important to note here that the PMC is impossible to analyse apart from the PSC and PSI. The industry is inextricably intertwined and therefore an analysis of any one sector must

consider the whole. It is hoped that through this study a greater understanding of PMCs and the PSI in general may be attained, specifically with regard to how it affects state authority and control.

Private Security and the Weberian State

The use of private armies is not an entirely new phenomenon on the international security landscape, nor is it a tool which states have previously neglected to draw upon. Private security in the past occurred in three main forms: the ‘freelance mercenary,’ or individual ‘soldier for hire’ type; the mercenary ‘free company’ also known as the ‘condottiere,’ and finally mercantile companies.⁴ The freelance ‘soldier for hire’ type refers to individual soldiers who independently market themselves on the black market to the highest bidder. This type of combatant was (is) ephemeral, not easily controlled, largely unobservable, and very hard to hold accountable.⁵ The ‘free companies’ or ‘condottiere’ form of non-state violence were essentially bands of fighting men who offered their skills jointly, as opposed to individually.⁶ Although they represented a more organised structure of violence, these structures were ad hoc and therefore also hard to monitor and control. Finally, the mercantile company represented the most pervasive structure of not only private security, but also private enterprise. Private security was a permanent feature of the mercantile company, deeply embedded in greater forms of private economic power and agency. Mercantile companies held the power to raise armies and navies, declare wars, garner trading rights, and establish ports and towns, all on behalf of their home states. In this way, they operated as “semi-sovereign entities”⁷ empowered with the privilege of war-making and violence. Collectively the hiring of private armies and/or foreign soldiers was termed, and became known as, ‘mercenarism.’ Mercenarism is defined as “the practice of foreign soldiers freelancing their labour and skills to a party in conflict for fees higher and above those of soldiers of the state in conflict.”⁸ More loosely, mercenarism may also be defined as “a professional soldier serving a foreign power.”⁹ The key defining characteristic here is that mercenaries or private armies represent forms of private, often foreign (but not always), non-state organised violence, for which they receive recompense. “Every empire from Ancient Egypt to Victorian England utilized

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contract forces.”¹⁰ The Roman Empire employed Teutonic tribesmen to extend border lines and rule terrain; the Byzantine Emperor hired the Grand Catalan Company to wage war with the Turks; the British utilised the Hessians during the American War of Independence; the British also made use of the Hudson Bay Company, the Dutch East India Company, and the British South Africa Company, all mercantile companies, to wage war, extract trade monopolies, and expand the motherland colonial empire.¹¹ The renting of non-state armies to do battle has also featured prominently in recent wars such as the wars of (de-colonial) independence, in Vietnam, in Afghanistan, in Kashmir, in Nicaragua, and more perniciously in a series of coup attempts in the Comoros, Haiti, and Suriname to name a few.¹² While utilising private armies or mercenaries to do battle featured recurrently, doing so was (and still is) viewed pejoratively. The reasons for this are both moral and political. Ethically the hiring of an individual to kill for pecuniary profit or “blood money,” detached from responsibility and accountability, is viewed as both immoral and inhumane.¹³ It also undermines the very foundations of state sovereignty and denigrates the organising principles of statehood. We return to these points later in the paper.

The use of private armies or contract forces has historically occurred during turbulent times, wherever there has been a breakdown of internal order, systemic upheaval or change, grand territorial expansion projects, and/or continental wars.¹⁴ Today’s privatised security entities in the form of PSCs and PMCs share both similarities and departures with the old style form of contract security providing forces. Privatised security today essentially refers to an *industry* that is exclusive and self sufficient of the state, trading in professional military and security services, equipment, training, logistics and know-how. They are businesses, profit-driven entities that market themselves on their ability to provide specialised state-like security services.¹⁵ PSCs may be defined as having the ability to provide a ‘proximate capacity’¹⁶ for violence, that is, they provide *defensive* security services, equipment, and training to (mostly) multi-national corporations, businesses, humanitarian agencies, and individuals.¹⁷ They operate in high risk environments for the protection of private property, assets, and/or individuals. Their provision of security is similar to that supplied or demanded within the domestic context by the police and enforcement

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security apparatuses.¹⁸ PMCs on the other hand possess an ‘immediate capacity’ for violence,¹⁹ that is, they offer more active *offensive* or *tactical* military and security services, equipment, advice, and training. They are more combat orientated and are mainly contracted by states or recognised governments to augment their national military capabilities and specialisations.²⁰ It should be noted here that the division between the services PSCs and PMCs offer is somewhat flexible; indeed, they are often affiliates of one another. Whilst there are definitive tasks that each Private Security Service (PSS) offers, they often intersect and crossover with regard to whether the services they provide are classified as defensive or offensive. Both the PSC and PMCs are corporate entities, that is, they are organised along corporate lines, they operate within general business codes and strictures, are registered for tax purposes, sign legally binding contracts, and operate on the **open** global market.²¹ In this way they differ from the previous forms of private security as embodied in the freelance mercenary and the condottiere. The freelance mercenary and condottiere were (are) ad hoc, transient structures that appeared and dissipated as conflicts arose and then wound down. Furthermore, neither the freelance mercenary nor the condottiere were tied to any one government, state, or accountable entity; they were (are) a force unto themselves and largely operated underground.²² A recent example that helps to distinguish between the old style form of mercenarism and today’s contemporary PMC may be seen in the recent and controversial unfolding attempted coup plot in Equatorial Guinea. An ad hoc conglomeration of South African, Armenian, and Angolan ex-soldiers, allegedly sponsored by Mark Thatcher, son of former UK Prime Minister Margaret Thatcher, and headed by Nick Du Toit, an ex-soldier and arms manufacturer from South Africa, planned to overthrow the current regime in Equatorial Guinea for pecuniary reasons.²³ These endeavours are distinct from the agency of a PMC for two main reasons. One, it is an ad hoc transient structure as opposed to the permanency of the PMC business entity. There is no overarching organisation or establishment that ties these men together, other than the task at hand. Two, their orientation is of a covert and destabilising nature working against the state system rather than as PMCs position themselves, as actors working for the state system. Their services have been specifically procured on the underground

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black market in contrast to the open tendering process PMCs undergo when pursuing clients. To emphasise, this paper recognises that there are distinctions to be made between mercenarism and the PMC, even though these distinctions are easily breakable.

Criticism and concern with regard to the PMC revolves around its likeness with forms of mercenarism. Indeed, PMCs retain the basic character of a 'soldier for hire' and of a non-state form of organised violence. They also exhibit many parallels with mercantile company structures. PMCs often form part of larger corporate consortiums and business networks: they represent a subsidiary of advanced extractive and mining firms, aviation and transportation companies, weapons and armaments producers, as well as communications, engineering, and manufacturing specialists (see Appendix A-C on pages 41-43, we return to this point in more detail later).²⁴ "The link is not that PMCs enlarge their activities to include other sectors, but the other way around...[it represents] a linking up of interests that is likely to create powerful structures which favour the reliance on private security."²⁵ In this way, through its inclusion in a web of diversified and powerful corporate enterprise, the PMC has been compared to the outdated mercantile company whose acquisition of trading and mining rights, in conjunction with its ability to wage war, bestowed upon it powers comparable to those of the sovereign state.²⁶ PMCs it is argued therefore do not represent a revolutionary development on the international security landscape. Rather they are re-constitutions of past forms of mercantile companies, and for this reason their agency is problematic.²⁷

If rulers and states have long made use of private forms of non-state organised violence, why does such great controversy surround the employment of PMCs, and why is it considered illegitimate? The answer has much to do with the rise of the modern nation state since 1648 and its acquired 'principles' of statehood that have evolved over the last three hundred years.²⁸ The hiring of foreign soldiers, private armies, or 'mercenaries' was, and still is, considered the antithesis to the founding of the modern nation state.²⁹ Indeed, "bringing non-state violence under control was one of the achievements of the last two centuries."³⁰ Mercenarism has been outlawed in a whole range of conventions, treaties, and neutrality laws. The paper will now turn to examining the

link between the state and security: why the state is deemed to hold the *sole legitimate* monopoly over violence and why therefore PMCs represent an anomaly in this accepted ontology.

The 'Weberian' State

There exists an intimate relationship between the state and violence, what Clark terms an “essentialist relationship.”³¹ Yet, this corollary between the state and security is neither inherent nor has it always been a feature of the international security system setting. As Mandel argues, “the contemporary organisation of global violence is neither timeless nor natural. It is distinctly modern.”³² “The state monopoly over violence is the exception in history rather than the rule...[indeed] the modern state is a relatively new form of governance”³³ The system that predates the founding of the modern nation state was characterised by disorder and conflict. It was essentially an arena of factional fighting, of religious and political vying units, rulers, and kingdoms.³⁴ The use of private armies, privateers, and mercenaries was the norm. They featured as standard players within this unruly setting. The incidence and cessation of the Thirty Years War (1618-1648) and the ensuing signing of the Peace Treaty of Westphalia, is widely credited with the formation of the modern nation state and the inter-state system.³⁵ As one commentator has observed, the Treaty of Westphalia in essence “codified the modern state system.”³⁶ These modern states distinguished themselves from earlier political associations by agreeing to two main properties: the belief in absolute sovereignty and in bounded territory.³⁷ The institution of absolute sovereignty granted each signatory state territorial integrity, the right to govern without outside interference (principle of non-intervention), but most importantly, the right to a monopoly of and over force within that delineated space.³⁸ Sovereignty, in essence, granted each state both internal and external autonomy attributes and rights that were unprecedented in the history of the international system. In this way, sovereignty “began as a theory to justify the King being master in his new modern kingdom, absolute internally. Only subsequently was it turned outward to become the justification for equality of such sovereigns.”³⁹ The discourse of statehood and the sovereign rights bestowed upon states were not innate or immediate, but rather evolved

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and were consolidated with the passing of time. The state as we find it today represents “a set of persistent and interconnected rules prescribing behavioural roles, constraining activity, and shaping expectations.”⁴⁰ The state has come to acquire both internal (empirical) and external (juridical) characteristics of being which are divided up into administrative, legal, extractive, and coercive categories.⁴¹ An example of an external or ‘juridical’ aspect of the state would be whether it is legally recognised and given sovereign status by other state entities, i.e. external statehood “is that quality that political societies possess in relationship to one another.”⁴² Empirical or internal aspects to the state are manifold, but perhaps the two core signifiers are an observable form of government or rule and an observable monopoly or organisation of force.⁴³ The coercive aspect to the state is regarded as both an empirical aspect to statehood and a juridical requirement of being a state. So, it is with the rise of the modern state that the idea that violence and force should be brought under control within those entities, by those entities, arose. The state essentially provided an organising structure and organising principles for a previously chaotic conflict-ridden international system. The core organising principle, and indeed the ultimate symbol of the state, became its capacity to administer, regulate, and control all instruments of violence, force, and coercion.⁴⁴ Herein lay the birth of the “essentialist relationship”⁴⁵ between the state and security that Clark speaks of. States in essence altered conceptualisations regarding force via “raising citizen armies [which] eschewed the use of mercenaries in practice and in law.”⁴⁶ The use of private armies went theoretically out of style.

The institutionalisation of the state and the state system essentially established a division between legitimate and illegitimate forms of violence. The state was singled out as the sole legitimate and recognised provider of security and coercion.⁴⁷ Indeed, this is the conceptual starting point which Weber utilises in his definition of that which makes up the whole which we call the state. Weber observes that “one can define the modern state only in terms of the **specific** means **peculiar** to it...namely, the use of physical force.”⁴⁸ The ‘Weberian state’ essentially alludes to the state’s “monopoly of the legitimate use of physical force in the enforcement of its order” within a given territory.⁴⁹ The Weberian state is, therefore, a ‘modern’ phenomenon. Weber’s reference to

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the state's coercive capacities is not only as a *core property* of the state, but also as its *core function*. As part of the 'social contract' that is struck between a ruler and the ruled, the provision of security is its most fundamental obligation and task.⁵⁰ Tilly argues that the state came to be accepted as it acted as a protective shield for those under its jurisdiction, what he terms a "security racket."⁵¹ Although Tilly's notion of the state as a security racket is elaborate, what is instructive here is his idea that the state solidifies the contract between a ruler and the ruled through the trading of protection in return for other services like taxes, revenue, and labour, i.e. the economic base of the state.⁵² "Security [provision] is a cooperative agreement between the specialists in violence and the economic producers [citizens]... a stable equilibrium holds and both economic and coercive resources are effectively mobilized towards [the ratifying of the state]."⁵³ It is through the state's security shield from both 'local racketeers and outside marauders' that it performs its most primary and essentialist function, and through which lasting state consolidation comes.⁵⁴ In this way, the state must first pass through a 'Tillian' form whereby the state operates as a security shield establishing a bond between itself and its citizens before it can attain a Weberian form, that is, a monopoly over the *legitimate* use of force.⁵⁵ In other words, the internal security contract must first be established before the state may *legitimately* claim its monopoly to the use of force. Every state recognises that it has an obligation to protect both the property and persons under its rule, that an internal forging of coercive and economic powers is essential to its existence, and that security provision is a measure of both state effectiveness and durability. A "clear sign of [the state's] ineffectiveness is in the emergence of private citizen protection associations."⁵⁶ Indeed, once this occurs, it has failed in its quintessential function and signifier of being.

W(h)ither the African State?⁵⁷

The perils of states failing in their quintessential security function are starkly highlighted when one looks towards the African continent.⁵⁸ Plagued by a host of intra-state instabilities, lawlessness, criminality, civil wars, ethnic clashes, recurrent coups d'état, armed insurgencies, factional fighting, military disloyalty, and ideational conflicts, the African continent exemplifies manifold

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forms of non-state violence and a clear absence of the state's monopoly over force and all forms of organised violence.⁵⁹ The Weberian form of statehood is in many ways unique to the European context. Not all states, especially not those in Africa, have followed the pattern of Tillian and Weberian state formation and state consolidation. Indeed, as Tilly argues, "the Third World of the twentieth century does not greatly resemble Europe of the sixteenth or seventeenth century."⁶⁰ African states have not undergone the standard process of internal territorial expansion and acquisition, nor have they undergone the process of forging mutual constraints between rule and the ruler as did their European counterparts. Instead, African states were constructed by colonialism, a process whereby the African continent was arbitrarily carved up into zones of foreign power influence and jurisdiction, separating and uniting diverse and incompatible social groupings under the rubric of 'state.'⁶¹ In this way, the very nature of the African state is contested and fragile. There exists no citizen-state affiliation as proved pivotal in the formation of European states. The fact that citizens have not seen themselves as stakeholders in the 'state building project' does much to explain the high intensity of below the state forms of violence, criminality, and instability.⁶² Whilst African states may possess the juridical aspects of sovereignty and of statehood they do not possess the more highly rated internal attributes of statehood such as representation, legitimacy, reciprocity, and most importantly, a monopoly over force. African states did not begin as a security shield.⁶³ They did not gradually extend protective security over their territorial expanses nor did they forge a cooperative arrangement between the specialists in violence and its economic producers. They essentially bypassed the Tillian stage of state development and inherited the Weberian form of statehood, that is, they inherited a military-security apparatus from the outside rather than creating one internally.⁶⁴ "The notion that Africa was ever composed of sovereign states classically defined as having a monopoly on force in the territory within their boundaries is false. Most post-colonial states did not make any effort to extend the administrative [legal, extractive and coercive apparatuses] of government much beyond [the urban dwellings]."⁶⁵ In this way, the military-security apparatus has long been devoid of any true affiliation with its people (and therefore lacks legitimacy), and has long been

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used to ensure *regime* security rather than *state* security.⁶⁶ Military-security providing apparatuses also lack the economic base that is meant to come with the forging, between state and citizen, of an economic base that is meant to ensure its upkeep. With violent challenges from below, from across, from above, and from the military-security apparatus itself, many African governments have turned to the PSI as a means to uphold and defend the state. Destabilising conditions have created both a demand and a market opportunity for Private Security Services (PSS).

Private security is not a novelty on the international security landscape. It has undergone many changes, permutations, and alterations over the centuries but it still exists in one form or another. PSCs and PMCs represent contemporary forms of private security. Private security is the antithesis to the founding principles of the modern nation state and inter-state system. Let us turn to examining specifically how the PSI, PSCs, and PMCs challenge the notion of the Weberian state. What dangers exist for the state with the commodification of violence? Indeed, does the rise of the PSI, PSCs, and PMCs represent state retreat or state extension?

The Private Security Industry and the State

Westphalia codified not only the state-security system, but also the conceptual framework of the social scientist. The accepted ontology for the last three hundred years has been that the state is the *sole legitimate monopoly of force* and that the state is the *sole legitimate security actor*. What then are the ramifications for the state with the unshackling of such givens?

The state has constituted the sole unit of analysis when it comes to war making and state making; indeed, it is deemed an *exclusive* role.⁶⁷ The PSI, PSCs, and PMCs embody security actors other than the state thereby eradicating the *sovereign* requirement of activity in this realm. They are not security actors in the sense of being another form of non-state organised violence, though they are. Their agency is conceptually much greater than that. They embody other security *providing* entities that have *legitimately* been accepted beside the state.

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They are qualitatively and structurally distinct.⁶⁸ By providing state-like military and security services, PSCs and PMCs attain state-like agency in the sense they perform a *core* state sovereign function. This significantly challenges the notion of both the Tillian state and the Weberian state. The privatisation of security not only displaces the state as the security shield but also *de-monopolises* the *legitimate* use of force.⁶⁹ Privatising security essentially undermines the state building project as it compromises the state-citizen affiliation that is forged under the 'security racket.'⁷⁰ It also erodes the economic base that maintains the state security shield as that financial investment then goes towards private protection associations. In other words, the state actually becomes more inadequate through its and its citizens reliance on private security providing entities.⁷¹

By privatising the security function, the decision-making process is privatised as well. "Government agencies are no longer the exclusive mechanism for executing foreign and military policy,"⁷² thereby undermining the "civil-military institutional balance,"⁷³ that is, civilian control over the military. Private actors are now able to determine security threats and solutions (previously set by accountable national entities), which may or may not accord with the public good.⁷⁴ Private agents do not necessarily have an invested stake in the nation building project nor are they fettered by notions of national interest. The privatisation of the decision-making function represents a significant indicator of the withdrawal of the state therefore.

The state not holding a monopoly over the coercive instruments of violence raises serious questions with regard to accountability and transparency.⁷⁵ The PSI, PSCs, and PMCs represent private acts of violence unbridled by the state and international law. PSCs and PMCs are not accountable in the same way as national armies and security apparatuses. Their activities and decisions are not subject to the same political process of deliberation or prosecution.⁷⁶ Security is essentially moved out of the public arena of debate and scrutiny. This in essence leads to the de-politicisation of violence.⁷⁷ Indeed PSC and PMC employers are not covered by or bound to accept the Rules of Engagement, the Geneva Convention, or international humanitarian law.⁷⁸ This raises significant problems when it comes to war crimes and deciding whom should

be held accountable: the state of origin or the contracting party. If it falls upon the contractor who may be an non-governmental organisation (NGO), an international organisation (IO), or even a transnational corporation (TNC), international and domestic law face significant loopholes. The *private hiring* of *private actors* presents fundamental anomalies for an international system whose legal framework remains largely state centric.

The privatisation and commodification of violence also leads to the creation of a private security market which is beyond *direct* state control.⁷⁹ Regulation, monitoring, and control by the state over the private security enclave is limited by their now structurally de-privileged position in the power relationship. The state essentially has no monopoly over the hiring of PSCs, or even more worryingly PMCs for that matter, nor does it have any insights into their inner workings.⁸⁰ The creation of the PSI privatises the sovereign function augmenting private agent power, control, and influence *over, above, and beyond* the state even if these entities work for the state. Leander argues that utilising PSI providers “tends to consolidate the private control over violence”⁸¹ as it turns security into an indispensable commodity. Indeed, the PSC and PMC may be seen as racketeers who fuel demands for their services by creating perceived threats of insecurity simply through their agency.⁸² The result is a solidification of private violence provision and a solidification of a privatised security industry whereby it becomes a *permanent* structure in the international system. In this way, a reliance on PSS “alters the capacities of states to decide who is entitled to what kind of force...and what decisions are implemented.”⁸³

The privatisation of security also leads to a situation whereby the public security actor is pitted against the private security actor. Not only does this create rival security-military structures but it also alters the balance of power between public and private actors.⁸⁴ As Mandel argues, “an unintended consequence of security privatisation may thus be to militarise the official government police forces to keep up with prevailing coercion thresholds” in turn promoting a highly militarised society.⁸⁵ Another spin-off could result whereby “military and police forces abdicate responsibility for the security of the state and its citizens in favour of the profit motive.”⁸⁶ This in essence undermines that forging of a nation-state ethos. More worryingly, the privatisation of military functions

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unveils classified national security information and know-how.⁸⁷ Specialist knowledge is transformed into privatised knowledge, thus compromising state authority and even potential state security. This makes little sense from a national security point of view.⁸⁸ As Frederic Lane argues, “the very activity of producing and controlling violence favoured monopoly because competition within that realm generally raised costs instead of lowering them.”⁸⁹

PMCs by their nature infringe upon the established rights of sovereign states. It is “ironic [therefore] that states have needed to resort to private sources of military force to restore their own sovereignty”⁹⁰ but doing so speaks to the very weakness of state institutions that have resulted in the hiring of PMCs and PSCs. Given their use and existence, do PMCs represent state retreat or state expansion? Are we witnessing the ‘end of the [Weberian] state’ as Strange argues⁹¹ or are we witnessing an ‘expanded capacity’ of the Weberian state as Weiss argues?⁹² Does the emergence and employment of PMCs represent a mere transformation of the state’s capacity to govern, or are we witnessing the final stages of state erosion?⁹³

Strange argues that “once the security structure is redefined...then the central role of the state crumbles.”⁹⁴ In other words, the selling off of state assets amounts to a loss of its empirical organising principles. This has an eroding effect on the state as the state no longer needs to build up its institutions or foundations.⁹⁵ NGOs, IOs, TNCs and individuals all make private use of the PSI: they are themselves non-state, private actors. The PSI is a transnational, inter-dependent supply industry and network beyond any one state’s domain, use or control.⁹⁶ Clearly, the state is in retreat and being dwarfed by private structures occurring alongside and above it. Perhaps if we consider that relying on private security providing entities has a polemic impact upon states depending on their origin, formation, and development, it is understandable why some commentators see the rise of the PSI as the end of the state, whilst others see it as the extension of the state. Whilst many developed, typically Weberian, states use PSCs and PMCs as a cost-effective enhancement measure thereby representing an expansion of the state’s capacities, many developing states, including African states, have relied on them as fillers to their *security vacuum* problems, thereby representing a glaring retreat of the state.⁹⁷ In both contexts,

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however, the states' foundations and powers are steadily eroded because exclusivity in the security realm is removed. PMCs and PSCs effectively step "into a gap between the public's demand for law and order and the government's incapability to render such services."⁹⁸ This glaringly represents the withdrawal of the state.

Weiss denies that the existence of the PSI, PSCs, and PMCs necessarily represents state retreat, however. He argues that PSC and PMC employment embodies an expanding role for the state to act, rather than a diminishing one, what he terms 'the catalytic state.'⁹⁹ The rise of the PSI provides fresh opportunities for the state to reconfigure its services and functions, so that PSCs and PMCs serve as a tool for conducting more efficient security and military policies.¹⁰⁰ Indeed, many PSCs and PMCs are para-public, that is, they are joint ventures between state and private enterprise.¹⁰¹ Linked to the government through personal and professional ties – retired ex-soldiers – many companies are affiliated with the state. Furthermore, the majority of PSS providers are "nominally tied to their home states through laws requiring registration and licensing"¹⁰² which means they come to embody an expanded capacity of the state to act through private agents. In this way PSCs and PMCs have become a "type of state agent,"¹⁰³ a symbiotic relationship which accrues mutual benefits to both the state and PSI providers. In an official UK government report it was noted that the PSI provides the state with notable industrial, export, and foreign exchange rewards.¹⁰⁴ The PSI in turn depends on the state for its very economic survival. Whyte has pointed out that "markets are embedded in states,"¹⁰⁵ that is, the functioning of the global economy, and therefore the PSI, rests upon the state as the most basic unit of interaction.¹⁰⁶ The state retains its capacity of law maker giving it considerable weight when it comes to licensing or de-licensing private companies and businesses. The state clearly faces governance problems with regard to the rise of the PSI, but whether this constitutes 'the end of the state' will largely depend on how, ironically, states deal with it. Though clearly an indication of its inability to deal with the plethora of actors, threats, and processes, an integrated national, and international legal and regulatory framework will ensure that PSC and PMC potential excesses are eliminated.¹⁰⁷ As Zarate argues, "as a possible solution [to the state retreat potential] SCs must

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continue to be tied to states.”¹⁰⁸ The whole structure of international relations, therefore, remains firmly rooted upon the state.¹⁰⁹

The state no longer wholly fulfils its Weberian form. PSC and PMC agency severely constrains the state in areas once under its jurisdiction. In this way the state is in retreat; there is a steady erosion of state powers and capacities that once signified its being. State retreat is more significant in the security realm than any other because it is at the core of the state. Once the military and security functions are de-centralised it forever alters that empirical, juridical, and social fabric of the state. The extent to which states outsource their military functions ranging from absolute (African states) to partial (developed states) will ultimately determine that states ‘end’ or mere ‘extension.’ It is true that PSCs and PMCs act on behalf of states thereby embodying security actors of and for the state but two correctives arise. One, the state is not the only employer and two the PSI is a private structure apart from the state. Let us turn to examining from whence the PSI, PSCs, and PMCs have arisen, i.e. what factors have inspired their emergence and existence.

The Context of Privatised Security

A reliance on PSCs and PMCs has become so extensive in the past decade that it begs the question, why? Why have new forms of militarism emerged alongside the old? Under what conditions has the privatisation of security been allowed to develop? This paper argues that the confluence of four interconnected dynamics led not only to the PSI rise, but more importantly, to the acceptance of the PSI.¹¹⁰ In brief these were: one, a broad normative shift in international relations towards privatisation and the outsourcing of state functions. Secondly, and inextricably bound up with the shift in market forces, was the growing and glaring malfunctioning and weakening of the state with regard to fulfilling its social contract. Thirdly, the changed international security context in terms of the end of the Cold War and the changing typology of security threats created new security demands and, therefore, new market opportunities. Lastly, and tied to the third, an incapacitated United Nations (UN), combined with a reluctant international community, characterised by ‘Somalia syndrome,’ facilitated the search for alternatives. “The steady concentration of power in the hands of states

which began in 1648...” has undergone severe erosion. As Clark argues, “the changing social contracts within states are part of the changing logic of state functionality in a globalised setting. Neither can be explained in separation of the other.”¹¹¹ Let us turn to examining how this resulted in the rise of the PSI.

The state’s non-delivery of rudimentary security is linked to other dimensions of state failure and a broader normative shift in IR.¹¹² Where once state power was based on military strength, economic performance and economic competitiveness swiftly began to outpace such preoccupations. Over-burdened by the inherent difficulties of state maintenance as well as enormous pressures emanating from the market, states have been forced to trim their administrative, legal, extractive, and coercive apparatuses.¹¹³ Caught between the necessity of remaining competitive in the international economy, and the necessity of providing basic amenities and services to their citizens, states embarked upon projects of “external governance.”¹¹⁴ The externalisation of state functions and services was a means of both dealing with their inefficiencies and handling market pressures. Reflective of a wider neo-liberal or neo-conservative normative shift in international relations towards trans-nationalism, de-regulation, privatisation, and outsourcing,¹¹⁵ the state began to ‘roll back’ its organisation.¹¹⁶ This belief pushed forth by businesses and international financial institutions (IFIs) such as the World Bank (WB) and the International Monetary Fund (IMF) held that private enterprise is a more cost-effective and efficient means of carrying out certain tasks. IFIs stressed the importance of adopting austerity packages aimed at privatising public works and commodifying public goods.¹¹⁷ These included the privatisation of telecommunications, transportation, infrastructure, education, healthcare, water and sanitation, and lately security: all areas that were once the exclusive domain of the state.¹¹⁸ As such, the privatisation of military and security functions are simply the latest additions in the gradual procession of the externalisation of state functions.¹¹⁹ Indeed, as Singer observes, “the privatised military industry has thus drawn on precedents, models, and justifications from the wider “privatisation revolution” allowing private firms to become potential, and perhaps even the preferred, providers of military services.”¹²⁰ This, indeed, heralds a new epoch for the state and a change from its traditional form. The dual processes of trans-nationalism and privatisation

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are unprecedented in the history of the modern nation state. These processes have effectively resulted in the structural alteration of power between the state, corporations, and the market.¹²¹ The state is found to occupy a structurally “de-privileged” position in the security realm.¹²² As Held and McGrew argue, privatisation in conjunction with trans-nationalism “reflects real structural changes in the scale of the modern social organisation...operating across all primary domains of social power including the economy, military, politics, technology, and the cultural.”¹²³ In this way, the state’s diminished capacity to meet its citizens’ demands both due to and compounded by market fundamentalism, provided a market opportunity for the birth of PSS. PSS essentially developed a “modus operandi compatible with the needs and strictures”¹²⁴ of the twenty first century. They have interpreted insecurity as a market issue for which they are the corrective, effectively “re-packaging violence in pseudo-market frills.”¹²⁵ The expansion and accumulation of private ownership in terms of property, assets, and goods has also favoured the use of private security enterprises.¹²⁶ This brings us back to the abovementioned creation of a private industry structure that is self-promoting and self-sufficient beyond the state (see page 41). A confluence of market forces and state deficiencies therefore created a conducive setting for the rise of the PSI.

The proliferation in typology of security threats offers another explanation for the rise and growth in alternative security providing entities. One of the clearest signs of state retreat for Susan Strange is a decline in the substance of security, or as she puts it, “the retreat of the state...is accompanied by a decline in the rule of law.”¹²⁷ A changed international security setting as a result of the ending of the Cold War, as well as changes in the character of war have created fresh security challenges for the state.¹²⁸ The bi-polar rival structures that had upheld weak and fragile states, as well as suppressing ingrained ethnic, religious, and other ideational tensions, when unshackled, proved vicious.¹²⁹ Large-scale ethnic cleansing, genocide, civil war, and intra-state conflicts featured prominently in the period following the end of the Cold War.¹³⁰ They still dominate the international security system landscape today. Sources of insecurity were no longer emanating from the conventional inter-state dimension, but more uncontrollably, from below the state.¹³¹ Non-state forms of organised violence

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such as terrorist organisations, criminal syndicates, gangs and networks, and general above and below the state lawlessness, as a result of social fragmentation and economic disparity, all befell the state.¹³² Such a plethora of sources of insecurity effectively dwarfed the state's national military and security structures.¹³³ Evolving security threats and needs highlighted not only the state's incapacity to deal with them, but also worked to explain the rise of alternative private security agents who were able to fulfil that security vacuum. The state's diminished capacity in producing its promise of security effectively created both a 'top-down' and 'bottom-up' demand for PSS.¹³⁴ States lost not only their monopoly over legitimate violence but also their ability to monopolise violence, and herein the PSI has flourished.

A changed international security setting characterised by low-intensity wars and intra-state instabilities, has been met with a general unwillingness, reluctance, and inability from IOs, such as the UN, and its major backers, to intervene in these protracted conflicts towards their resolution.¹³⁵ Plagued and haunted by the "Somalia effect,"¹³⁶ states have increasingly withdrawn from humanitarian operations and peacekeeping interventions. Lack of political will combined with public opinion apathy, and a fear or intolerance of loss of lives, have all added up to non-intervention. This has created a security vacuum on the international level whereby there is a demand for protection but no state or states are prepared or equipped to meet that need. Where the UN does act, it itself and many of its peacekeeping missions are plagued with a host of inefficiencies.¹³⁷ Founded on principles of neutrality, consent of warring parties and intervening forces, voluntary troop and resource contribution, and the possibility of a Security Council veto, the UN is deemed a bureaucratic marshland.¹³⁸ Abiding with such doctrines has slowed the organisation and its missions down, making it a costly and incompetent affair. Private Military Companies (PMCs) offer to step into this security void and fulfil an important role abdicated by states in the assurance of international peace and security. An altered international security setting, therefore, has allowed PMCs to market themselves as important agents in a changing world order: "the new world disorder has given birth to security companies (SCs) which act as surrogates for state power."¹³⁹

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Two additional factors are credited with stimulating the formation of PSS. Both the ending of the Cold War in general, and the ending of Apartheid in South Africa specifically, created large pools of 'down-sized' or 'demobilised' specialist soldiers, resources, and expertise.¹⁴⁰ Provided with a market opportunity, many ex-soldiers worldwide regrouped and organised themselves into business entities. In this way, a surplus in supply is interpreted as an additional driving force. This explanatory factor, however, is transient. It may have been instructive in explaining the initial emergence of the PSI, but the PSI as we find it today continues to burgeon for reasons directly related to insecurity and market forces.¹⁴¹

States have cumulatively lost their role as the underwriter of security both internally and externally. Private non-state entities have essentially, and successfully, interpreted the state's inadequacies in the security realm as a market issue, a weakness for which they market themselves as the corrective. We are essentially witnessing the "trans-nationalisation of legitimate organised violence"¹⁴² with the rise of the PSI. This represents both fresh opportunities for the state as well as grave dangers.

Dogs of War or Potential Peacekeepers?

Concerns about PMCs stem not so much from issues about proficiency but more from the broader set of ramifications that come through their agency. The main concern of the paper has been how the commodification of violence affects state authority and in order to fully appreciate this one must look at how PMCs have fared practically. Some perceive PMCs from the old mercenary 'dogs of war' point of view, but this can only be valued with regard to how they have performed. Similarly, those who view PMCs as agents for the state in the realm of peacekeeping must examine the implications that their agency has for the state. the private security forces of yesteryear engaged in activities of a destabilising nature. This earned them their repellent reputation. These stemmed from coup plots, clandestine and incumbent fighting, conducting foreign policy by proxy, to the looting of natural resources.¹⁴³ Their activities by nature sought to challenge existing orders. This type of private security providing entity or mercenary unfortunately still prevails in the international

relations security landscape. PMCs, however, are distinct from these ‘wild geese’ mercenaries by both agency and organisation.¹⁴⁴ To date, PMCs have acted as restorers of the state reinforcing the sanctity of the state system rather than as challengers to the state seeking to undermine it.¹⁴⁵ Additionally, PMCs have worked only for legitimate or recognised governments and have not represented belligerent groups or other forms of non-state organised violence.¹⁴⁶ Opinion favouring the use of PMCs for peacekeeping has, thus, gained momentum in the past decade given UN and state reluctance as well as the perceived PSS legitimacy.

Privatising peacekeeping offers many advantages. They are quicker to dispatch, flexible, have clear chains of command, have pre-determined contractual objectives, have their own equipment, logistics, supplies, and resources, and are in theory a neutral intervening force.¹⁴⁷ This all adds up to greater efficiency and cost-effectiveness. For example, the Executive Outcomes (EO) mission to Sierra Leone cost US\$35 million for a 21-month engagement period during which the rebels were defeated and forced to the negotiating table.¹⁴⁸ The UN mission that took over cost US\$47 million for an 8-month period, during which the ceasefire agreement broke down and insecurity returned.¹⁴⁹ In total, the UN mission to Sierra Leone has cost US\$600 million a year over a seven-year period.¹⁵⁰ EO operations in Angola and Sierra Leone were able to turn the tide of war and create a stable climate in which negotiations and elections could proceed.¹⁵¹ Similarly, Ronco (a US PMC) was able to consolidate the Rwandan state border and bring about rural security following the 1994 genocide.¹⁵² PMCs continue to play important ancillary roles in the peacekeeping sphere such as creating safe havens for humanitarian operations to proceed, clearing transport routes and de-mining, and setting up camps and camp infrastructure.¹⁵³ Such humanitarian work is a further discernable characteristic between mercenarism and the PMC. More crudely, an undeniable ‘advantage’ for using PMCs for combat roles is that private deaths do not elicit as impassioned a public response as the loss of civilians or soldiers.¹⁵⁴ Demands for peacekeeping are not abating, nor is the commitment towards peacekeeping showing signs of increase. In this way, PMCs represent a useful conflict management tool. More generally, PMCs are able to bridge that divide where

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weak states have “legitimate needs, but inadequate capabilities.”¹⁵⁵ Yet, the advantages in the peacekeeping field are countered with significant disadvantages.

Whilst PMC activity may result in ‘re-monopolisation’ of violence and force for the state, it is ultimately of a tenuous nature. Harking back to Tilly and Weber, only the state can successfully bring violence, coercive force, and stability under its control. Employing external expertise is not a lasting way of building up internal state capacities.¹⁵⁶ It does not seek to re-establish the social contract between state and citizen, it does not seek to address the root cause of instability, nor does it seek negotiation in the quest for peace. Coercive force is made the defining characteristic for achieving peace, a situation where violence meets violence.¹⁵⁷ This is the antithesis to peacekeeping. A caveat must be made at this juncture. PMCs are not institution builders, they are not nation builders, nor are they socio-economic development specialists. This is a role for the state and IOs.¹⁵⁸ PMCs merely create a conducive environment in which all the aforementioned may occur. As Singer observes, “the key to any durable peace is the restoration of legitimacy [through] the return of control over organised violence to public authorities.”¹⁵⁹ PMCs embody a useful potential in *bridging* the gap between disorder and order and not in *fulfilling* it.

PMCs, however, have engaged in less than honourable activities. Various PMCs have been linked to the proliferation of small arms and light weapons (SALW) worldwide, contravening various UN arm embargoes and undermining the demilitarisation agenda in general.¹⁶⁰ One PMC, the now defunct Executive Outcomes (EO), has used indiscriminate weapons in their tactical field operations, namely the cluster fuel air bomb, which is viewed as immoral under national military codes and international conventions pertaining to the conduct of war.¹⁶¹ A few PMCs have even abdicated fulfilling their contracts with their employers by switching sides (EO in Angola), under-performing (Brown & Root in the Balkans), or withdrawing altogether (Gurkhas in Sierra Leone).¹⁶² More perniciously, a few PMCs have acted as covert proxy agents for their home states. Dyncorp, a US PMC, has engaged in counter-guerrilla warfare, reconnaissance, and fire fights with Columbian rebels, as many speculate on behalf of the US government.¹⁶³ The notion of ‘plausible deniability’ is conveniently harnessed here by acting through private force.¹⁶⁴ This directly undercuts state sovereignty

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and the principles of statehood. Moral military conduct and behaviour are not assured with the use of private firms. Even more worryingly, because their agency remains legally unrecognised, they are hard to hold accountable under international law. Whilst they can be held accountable for the violation of corporate codes and business practices this does not necessarily equate with being held publicly accountable. Their activities fall outside the bounds of many existing national legal frameworks. Examples of PMC impunity denigrate respect for the state system thereby echoing the 'dog of war' stereotype.

Many, if not all, PMCs form an intrinsic part of larger corporate webs of companies and industries. As Appendix A-C shows, this network of subsidiaries and affiliates covers a comprehensive array of mining, manufacturing, production, consulting, transportation, security, engineering, services, communications, and infrastructural sectors.¹⁶⁵ This collaboration of corporate firms represents a powerful linking up of diverse economic interests that have essentially led to the creation of hegemonic corporate empires.¹⁶⁶ The Branch-Heritage Empire (Appendix A) is a case in point. At its core it is a mining and extractive company (Heritage Oil and Gas and Branch Energy) that operates in Angola, Sierra Leone, Uganda, Kenya, and Tanzania to name a few.¹⁶⁷ By extension it co-owns Diamond Works (a mineral extractive firm active in Angola and Sierra Leone), the then Executive Outcomes (a PMC disbanded by the SA government in 1998), Ibis Air (a transportation company operating throughout Africa and the Middle East), and Bridge Resources International (a construction and development firm operating throughout Africa), again to name a few.¹⁶⁸ This structure of private enterprise is trans-national; it is above and beyond any one state's direct control, influence or monitoring. The accrument of key segments of national economies worldwide represents the amassment of private power, while economic development occurs away from the public good towards private interest.¹⁶⁹ In this light, PMCs are viewed as contemporary dogs of war capitalising on current state incapacities and instabilities to their and their affiliates' private advantage.¹⁷⁰ This accrual of private power cannot be underestimated: it fosters state dependency, wears away the state's capacity to make independent decisions, and ultimately undercuts exclusive state governance. Not only is the Branch-Heritage Group an empire unto itself, so too are its

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subsidiaries (Appendix B and C). Plaza 107 and the Strategic Resource Corporation have branched out into their own spheres and in turn have ingrained and empowered their economic might as well as the overall economic power of the Branch-Heritage structure.¹⁷¹ Structurally, private enterprise is feared to surpass the state, and whilst this may not necessarily equate with corporate state takeover, it still represents an ominous development for the modern nation-state as we know it. Nowhere is this more evident than within the African context.

Corporate networks have come to part-own the state in Africa. Both the Angolan and Sierra Leonean governments are experiencing the long-term drawbacks of sub-contracting their state security functions. Both states, wracked with intra-state instability, civic lawlessness, the looting of natural resources, and violent challenges to the state, have sought security through PMCs. Unable to provide financial payment to the PMC for its services, these two governments have resorted to payment through mining and mineral concessions.¹⁷² In Angola, EO was paid over US\$40 million a year in diamond and offshore oil exploration and extraction concessions.¹⁷³ They made use of these concessions through their affiliates Diamond Works and Branch Mining. Similarly in Sierra Leone, EO/Sandline was compensated for their service through the selling off of 30% of the country's diamantiferous land to Diamond Works.¹⁷⁴ This concession is worth an estimated US\$200 million.¹⁷⁵ What this essentially represents is "the long-term mortgaging of a country's natural resources...undermining the right to independent development" and ultimately state sovereignty.¹⁷⁶ PMCs interwoven within these larger corporate empires have worryingly come to resemble the semi-sovereign mercantile company entities in their acquisition of state assets *and* functions.¹⁷⁷ PMC corporate empires have the economic base and the means of violence: two core properties of the state. "The relationship with exploitative industries has led many to construe [that PMCs are part of] a new brand of mercantile company" and therefore a new dog of war.¹⁷⁸ Within the African context these corporate empires are feared to be the "shock forces of re-colonisation,"¹⁷⁹ "leading the vanguard for neo-colonialism of the twenty-first century."¹⁸⁰ Through a "Faustian bargain"¹⁸¹ of resource and land ownership for services rendered, a mission creep

type of neo-colonisation of the state is theorised to occur.¹⁸² There are clear empirical dangers and opportunities that arise with the use of PMCs. The key to harnessing its perils and promoting its attributes can only come through regulation and clear rules of engagement being set. This must and can only come from the state. The licensing and legal regulatory frameworks that both the USA and SA have implemented have established clear guidelines for the PSI which makes it easier to distinguish between the shady type of firm versus the more legitimate type of firm.¹⁸³ Left unto themselves or market forces, PMCs, PSCs, and the PSI in general, will be prone to the unregulated excesses widely feared and exemplified above.

Conclusion

This paper's main sentiment is that the existence and acceptance of the PSI, PSCs, and PMCs forever alters the social fabric of the state regardless of the numerous benefits and advantages that they may bring. By privatising a sovereign function and transferring this sovereign power to private entities, the state is forever expatriated as the sole legitimate right to force and organised violence. An important precedent has taken place. PSCs and PMCs simultaneously strengthen the state as they disassemble them.¹⁸⁴ PSCs and PMCs have played a pivotal and *enabling* role for the state when it comes to dealing with rising needs, threats, and demands, but declining capacities and capabilities. They have ironically been the market solution to market induced complications and pressures faced by the state. They have acted as props for the crumbling state, as the streamlined solutions to a burdensome sovereign function, thereby embodying an expanding capacity of the state to act through private agents. This is acknowledged. However, it is still problematic. Whether a state utilises a PMC to fulfil a sovereign function it can no longer perform (i.e. African states), or whether a state utilises a PMC to streamline its sovereign function, it still comes down to the same conclusion: the de-monopolisation of violence contains inherent dangers with regards to excess, lack of transparency, lack of accountability, and ultimately lack of control.

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Clapham argues that the Weberian state “can only be legitimized through its provision of public goods to its populations; without these goods, it degenerates into a mere conspiracy for oppression and extortion.”¹⁸⁵ The privatisation of security and the commodification of violence represent a significant abdication of the state’s responsibility to fulfil its social contract. Military and security provision has been at the core of the state. It is the one realm which concretely forged and solidified the contract between rule and ruled. With the rise of PSCs and PMCs this contract undergoes not only erosion, but also displacement to the private sphere, thereby undermining the very basis of state legitimacy and authority. This undeniably undermines the state building project which holds great consequences for the inter-state system. The existence of PSCs and PMCs more worryingly decreases the need to build up state institutions perpetuating ‘the state in crisis,’ and by extension, a reliance on private security providers. Allowing the entrenchment of a privatised security structure that occurs above and beyond the state in conjunction with other forms of private enterprise radically alters the power relationship between state, market, and company. The state occupies a structurally de-privileged role within the security realm. PMCs as *security actors* represent new players on the international security setting. They have acquired a de facto legitimacy that has not been met with proper conceptual interrogation or system-wide regulation. It would be short-sighted and dangerous for states and IOs alike to make use of them without considering how the commodification of violence affects the state and inter-state system as this is the most basic unit of analysis.

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Endnotes

- 1 Mandel, R. “The Privatization of Security,” International Students Association, CIAO, March 2000. Access Date May 28th 2004, p.4 <<http://www.ciaonet.org/isa/mar01>> Here military-security structures in the ‘strictest sense’ refers to a complete state monopoly over all forms of violence be it domestic security (police, prisons), external security (sea patrols, surveillance, armament production, equipment maintenance), and

- over forms of criminality, lawlessness, piracy etc. i.e. that the state relies *only* upon itself for all those elements that add up to the provision of security.
- 2 Weber, M. "Politics as a Vocation," in Gerth, H.H. & Mills, C.W. (eds) *From Max Weber: Essays in Sociology*. Oxford University Press: New York, 1946, p.77.
 - 3 Poggi, G. *The State, Its Nature, Development, and Prospects*. Polity Press: Cambridge, 1990, p.190.
 - 4 Zarate, J.C. "The Emergence of a New Dog of War: Private International Security Companies, International Law, and the New World Disorder," in *Stanford Journal of International Law*, Volume 34, Issue 75, 1998, pp.81-84.
 - 5 Brooks, D. "Messiahs or Mercenaries? The Future of International Private Military Services," in Adebajo, A. & Sriram, C.H. (eds) *Managing Armed Conflicts in the 21st Century*. International Peace Academy, Frank Cass Publishers: New York, 2001, p.130.
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 - 7 *Ibid.* p.84.
 - 8 Musah, A-F & Fayemi, K. *Mercenaries: An African Security Dilemma*. Pluto Press: London, 2000, p.16.
 - 9 Cook, T. "Dogs of War or Tomorrows Peacekeepers?" *The Culture Mandala*, Volume 5, Issue 1, 2002, p.1.
 - 10 Singer, P.W. "Corporate Warriors: The Rise and Ramifications of the Privatized Military Industry," *International Security*, Volume 26, Number 3, Winter 2001-2002, p.5.
 - 11 Zarate, J.C. "The Emergence of a New Dog of War..." *Op cit.* pp.82-84.
 - 12 "Private Military Companies: Options for Regulation 2001-2," Green Paper by the United Kingdom Foreign and Commonwealth Office, 12 February 2002. Access 10 May 2004, p.9 <<http://www.fco.gov.uk/files/kfile/mercenaries,0.pdf>>
 - 13 Lynch, T. & Walsh, A.J. "The Good Mercenary?" *Journal of Political Philosophy*, Volume 8, Number 2, 2000, pp.133-135.
 - 14 Van Bergen Thirion, C.J. "The Privatisation of Security: A Blessing or Menace?" SA Navy, Defence College Research Paper, 1998. Access March 2004, p.6 <http://www.mil.za/CSANDF/CJSUPP/TrainingFormation/DefenceCollege/ResearchPapers1998/privatisation_of_security.htm>
 - 15 Singer, P.W. "Corporate Warriors..." *Op cit.* p.7.
 - 16 Whyte, D. "Lethal Regulation: State Corporate Crime and the United Kingdom Government's New Mercenaries," *Journal of Law and Society*, Volume 30, Number 4, December 2003, p.595.
 - 17 Makki, S., Meek, S., Musah, A-F, Crowley, M. & Lilly, D. "Private Military Companies and the Proliferation of Small Arms: Regulating the Actors," International Alert Report, 2002, p.4. For example PSCs are often found in the guarding/patrol sector, reaction units, gated communities, risk management sector, and so forth. They tend to be confined to specific security areas dealing with criminality: their capacity to deal with wider insurgency is limited.
 - 18 Brooks, D. "Messiahs or Mercenaries..." *Op cit.* p.129.
 - 19 Whyte, D. "Lethal Regulation: State Corporate Crime..." *Op cit.* p.595.
 - 20 Makki, S., Meek, S. & Musah, A-F. "PMCs and the Proliferations of Small Arms..." *Op cit.* p.4.

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- 21 Singer, P.W. "Corporate Warriors..." Opcit. p.7.
- 22 Ibid. pp.5-8. Some condottieres remained faithful to their 'contractors' and even went on to rule independent Italian provinces and regions thereby 'institutionalising' themselves as political actors. Note these forms of mercenarism, though outlawed, still occur.
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- 25 Leander, A. "The Commodification of Violence, Private Military Companies, and African States," CCPRI, February 2003. Access 10 May 2004, p.10 <<http://www.ccpri.dk/publications/Wp/WP%202003/2-2003.pdf>>
- 26 Zarate, J.C. "The Emergence of a New Dog of War..." Opcit. pp.90-91.
- 27 Ibid. p.77 & p.90.
- 28 Singer, P.W. "Corporate Warriors..." Opcit. p.6.
- 29 Cook, T. "Dogs of War or Tomorrow's Peacekeepers?" Opcit. p.4.
- 30 Green Paper: UK Government Foreign and Commonwealth Office. Opcit. p.20.
- 31 Clark, I. "The Security State" in Held, D. & McGrew, A. (eds) *The Global Transformations Reader: An Introduction to the Globalization Debate*. Polity: Cambridge, 2003, p.184.
- 32 Mandel, R. "The Privatization of Security." Opcit. p.3.
- 33 Singer, P.W. "Corporate Warriors..." Opcit. pp.5-6.
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- 37 Loc.cit.
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- 39 Ibid. p.151.
- 40 Ibid. p.148.
- 41 Skocpol, T. "Bringing the State Back In: Strategies for Analysis in Current Research" in Evans, P.B. Rueschemeyer, D., & Skocpol, T. (eds) *Bringing the State Back in*. Cambridge University Press: Cambridge, 1987, p.7.
- 42 Held, D. "The Changing Structure of International Law: Sovereignty Transformed?" in Held, D. & McGrew, A. (eds) *The Global Transformations Reader: An Introduction to the Globalization Debate*. Polity: Cambridge, 2003, p.162.
- 43 Ibid. pp. 162-165.
- 44 Hutchful, E. "Understanding the African Security Crisis," in Musah, A-F. & Fayemi, K. (eds) *Mercenaries: An African Security Dilemma*. Pluto Press: London, 2000, p.211.

- 45 Clark, I. "The Security State." Opcit. p.184.
- 46 Avant, D. "From Mercenary to Citizen Armies: Explaining Change in the Practice of War," *International Organization*, Volume 54, Number 1, Winter 2000, p.41.
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- 48 Weber, M. "Politics As A Vocation" Opcit. p.77.
- 49 Weber, M. *Theory of Social and Economic Organization*. Free Press: New York, 1964, p.154.
- 50 Avant, D. "From Mercenary to Citizen Armies..." Opcit p.44. The 'social contract' refers to the view that with citizenship come certain entitlements and rights that the state is charged with providing; that in return for citizen taxes, loyalty, and labour, the state provides basic amenities like education, transportation, infrastructure, healthcare and protection. Here protection is both internal (police) and external (military). See Lazar, H. & Stoyko, P. "The Future of the Welfare State," *International Social Security Review*, Volume 51, Number 3, 1998, pp.3-7.
- 51 Tilly, C. "War Making and State Making as Organized Crime," in Evans, P.B., Rueschemeyer, D. & Skocpol, T. (eds) *Bringing the State Back in*. Cambridge University Press: Cambridge, 1987, p.171.
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- 55 Musah, A-F. "Privatization of Security, Arms Proliferation and the Process of State Collapse in Africa," *Development and Change*, Volume 33, Number 5, 2002, p.915.
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- 129 Malan, M. "The Crisis In External Response," in Cilliers, J. & Mason, P. (eds) *Peace, Profit and Plunder: The Privatisation of Security in War-Torn African Societies*. Institute for Strategic Studies: Pretoria, 1999, p.39.

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- 130 Loc.cit. Examples range from the Rwandan genocide, to the Former Yugoslavian intra-state conflicts, to the Somali war-lord struggles and so forth.
- 131 Clark, I. "The Security State" Opcit. pp.177-178.
- 132 Singer, P.W. "Corporate Warriors..." Opcit. p.9.
- 133 Mandel, R. "The Privatisation of Security" Opcit. p.2.
- 134 Ibid. p.12. "Top down" refers to the states outsourcing of functions, and "bottom up" refers to societal groups/private enterprise resorting to private security entities.
- 135 Singer, P.W. "Corporate Warriors..." Opcit. p.10.
- 136 Malan, M. "The Crisis in External Response." Opcit. p.43. The Somalia effect, also known as Somalia syndrome, refers to the failure of the humanitarian intervention which quickly became a task of nation building (mission creep) and encountered the loss of US lives (body bag syndrome). Devoid of any national/strategic interest in many of today's conflicts, political will and public support has waned which has resulted in downsized humanitarian operations and peacekeeping interventions.
- 137 Ibid. p.48.
- 138 Musah, A-F. & Fayemi, K. "Africa in Search of Security" Opcit. p.2.
- 139 Zarate, J.C. "The Emergence of a New Dog of War..." Opcit. p.81.
- 140 Singer, P.W. "Corporate Warriors..." Opcit. p.9.
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- 142 Kaldor in Clark, I. "The Security State" Opcit. p.178.
- 143 Musah, A-F. & Fayemi, K. "Africa in Search of Security" Opcit. pp.5-6.
- 144 Cook, T. "Dog of War or Tomorrow's Peacekeepers?" Opcit. p.2.
- 145 Zarate, J.C. "The Emergence of a New Dog of War..." Opcit. p.153.
- 146 Singer, P.W. "Corporate Warriors..." Opcit. p.7.
- 147 Singer, P.W. & Olin, J.M. "Peacekeepers Inc" Opcit. pp.4-6.
- 148 Whyte, D. "Lethal Regulation: State-Corporate Crime and the UK's New Mercenaries." Opcit. p.587.
- 149 Loc.cit.
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- 153 Brooks, D. "Mercenaries or Messiahs?" Opcit. pp.130-133.
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- 156 Musah, A-F. "Privatisation of Security and Arms Proliferation in Africa" Opcit. p.931.
- 157 Malan, M. "The Crisis in External Response." Opcit. p.56.
- 158 Green Paper: UK Government Foreign and Commonwealth Office. Opcit. p.18.
- 159 Singer, P.W. "Peacekeepers Inc." Opcit. p.7.
- 160 Musah, A-F. & Fayemi, K. "Africa in Search of Security" Opcit. p.26. Sandline (UK PMC) supplied arms to the Kabbah regime and rebel supporters in 1998, going against a UN imposed arms embargo; Brown and Root (US PMC) along with IDAS (Belgian PMC)

- supplied weapons and services to the opposing factions in the Democratic Republic of the Congo against a UN arms embargo. See also Musah, A-F. "The Privatization of Security and Arms Proliferation in Africa" Opcit. p.923.
- 161 Vines, A. "Mercenaries, Human Rights and Legality," in Musah, A-F. & Fayemi, K. (eds) *Mercenaries: An African Security Dilemma*. Pluto Press: London, 2000, p.174.
- 162 Leander, A. "The Commodification of Violence..." Opcit. p.6. It is important to note that this example is somewhat flawed: EO, the then 32nd Battalion for the SA military, previously worked for UNITA the rebel group, but post Cold War and the ending of apartheid, the 32nd Battalion privatised itself into EO to work for the recognised Angolan government, the MPLA.
- 163 Singer, P.W. "Corporate Warriors" Opcit. p.37. Dyncorp acts in an official capacity for the USA in Colombia in its fight against drug cartels and smuggling operations, but such aforementioned activities go beyond this official role.
- 164 Loc.cit. The notion of plausible deniability provides a cover for states who employ private forces as political pawns to affect the internal situation of another state while retaining official neutrality.
- 165 Musah, A-F. & Fayemi, K. "Africa in Search of Security" Opcit. p.1.
- 166 Cilliers, J. "Private Security in War Torn Africa" Opcit. pp.2-7.
- 167 Pech, K. "Executive Outcomes – A Corporate Conquest" Opcit. p.89.
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- 173 Pech, K. "Executive Outcomes – A Corporate Conquest?" Opcit. p.86.
- 174 Musah, A-F. "The Privatisation of Security and Arms Proliferation in Africa" Opcit. p.912.
- 175 Loc.cit.
- 176 Clapham, A. "The Mercenary Issue at the UN Commission on Human Rights, The Need for a New Approach," International Alert Report, 2001, p.15.
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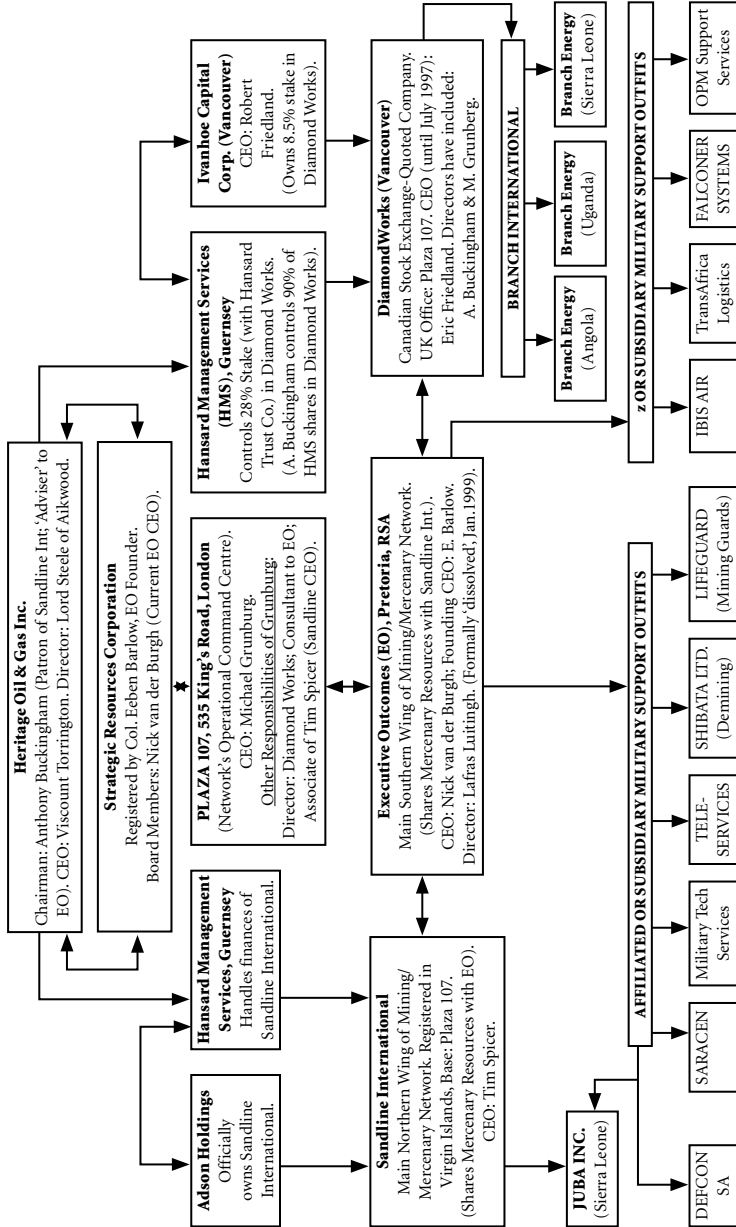
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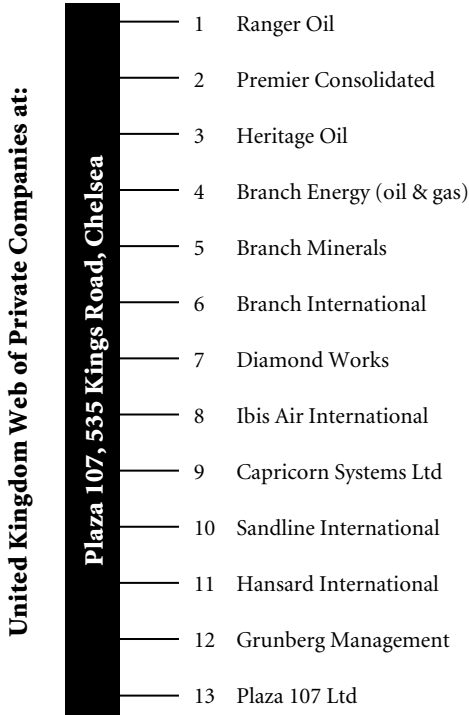
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Appendix A: Anatomy of Interlocking Mining and Mercenary Network



Note on Sources: Diagram composed by Editors from diverse sources including Editor's own research. *Africa Confidential*, Vol. 39, No. 10, 15/6/98; *Jane's Intelligence Review*, Sept 1997; Vol. II of UK Foreign Affairs Select Committee Report on Sierra Leone, March 1999 (London: HMSO).

Appendix B: Plaza 107, UK Web of Private Companies



Source: Pech, K. "Executive Outcomes – A Corporate Conquest," in Cilliers, J. & Mason, P. (eds) *Peace, Profit and Plunder: The Privatisation of Security in War-Torn African Societies*. Institute for Strategic Studies: Pretoria, 1999, p.88.

Appendix C: Strategic Resource Corporation (SRC), South African Web of Private Companies

South African Web of Private Companies 1995 & 1996

Strategic Resource Corporation (SRC)	1	Executive Outcomes cc 1989 CC 1993, (Pty) Ltd 1995
	2	Cross Swords Holdings (Pty) Ltd
	3	OPM Support systems (crime & intelligence)
	4	Saracen (security – Angola/Uganda/SA)
	5	Ibis Air / Ibis Ltd
	6	Capricorn Systems – 50%
	7	Branch Mining Ltd (Angola – 40%)
	8	RANGOL Medical (Pty) Ltd & Stuart Mills
	9	Trans Africa Logistics (Pty) Ltd – 100%
	10	Military Technical Services (MTS)
	11	Gemini Video Productions (music & videos)
	12	Advanced Systems Communications Ltd (telecommunications)
	13	Shibata Ltd – 60% (demining)
	14	New Africa Informatics (Pty) Ltd
	15	Livingstone Tourists (tourism)
	16	The Explorer (travel & tourism)
	17	Steelpact & Falconer Systems (equipment)
	18	Aquanova Ltd – 33.3% (Zambia, exploration equipment)

Source: Pech, K. "Executive Outcomes – A Corporate Conquest," in Cilliers, J. & Mason, P. (eds) *Peace, Profit and Plunder: The Privatisation of Security in War-Torn African Societies*. Institute for Strategic Studies: Pretoria, 1999, p.87.

**Appendix D: Outline of services provided by
Private Security Companies (PSCs) versus
Private Military Companies (PMCs)**

PSCs	PMCs
Commercial Security Protection (guarding).	Combat (participation & planning, force multiplier).
Risk Analysis (evaluation of investments).	Military Advice and Analysis (threat analysis, response analysis).
Kidnap Response (negotiation and hostage expertise).	Military Training and Assistance (tactics, restructuring of forces).
Investigation and Intelligence Gathering (extortion, fraud, contamination).	Procurement (purchase/production/supply of weapons, equipment).
Crime Prevention Services.	Logistical Support (de-mining, delivery, transportation, maintenance).

PSC – PMC CROSSOVER

Humanitarian protection, operations, support, delivery of aid.

De-mining.

Military and Police Training.

Hostage Situation advice and/or Rescue Operations.

Fisheries Protection/Protection against pirates.

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