

**PRIVATIZATION OF THE GLOBAL
SECURITY MARKET: A SYSTEMIC INQUIRY**

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DECLARATION

I declare that the dissertation entitled “ **Privatization of the Global Security Market- A Systemic Inquiry**” submitted by me in partial fulfillment of the requirements for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. This dissertation has not been submitted for any other degree of this University or any other university.

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We recommend that this dissertation be placed before the examiners for evaluation.

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List of Abbreviations:

PMSC: Private Military Security Company

SAS: Special Air Service

BMO: British Mercenary Organization

MPRI: Military Professionals Resources Inc

EO: Executive Outcomes

ICRC: International Committee of the Red Cross

UN: United Nations

PSC: Private Security Company

DoD: Department of Defence

NGOs: Non Governmental Organizations

INGOs: International Non Governmental Organizations

UXO: Unexploded Ordnance

MAG: Mines Advisory Group

FMF: Foreign Military Finance

IMET: International Military Education and Training

OAU: Organization of African Unity

IHL: International Humanitarian Law

R&D : Research and Development

CBO: Congressional Budget Office

DRC: Democratic Republic of Congo

Chapter 1: Privatization of the Global Security Market: An Introduction

Janice Thomson in her 1994 historical narrative of the elimination of private military actors from the national and international stage asked a set of very interesting questions. Narrating the trajectory of how the institutionalization of sovereignty and modern state system has made private authorization of violence an illegitimate category, she asks...

.. is it conceivable that a company could be authorized to hire its own army as the mercantile companies were? Could a rich state like the United States form an army by recruiting, say, poor, unemployed Mexicans? (Thomson, 1994:146).

Ten years later in the 2001 Iraq war, the United States deployed several private military security companies, which hired personnel from other countries and performed combat, non-combat and intelligence functions for the United States Department of Defence. The open use of private forces on such a large scale to fight terrorism, which is also a form of private violence committed by non-state actors for political purposes; attracted stark reaction in the US domestic media. The story of the use of private violence however goes much deeper in the history of international politics.

Private actors playing role in regional wars sparked by big powers' interference is not a novel phenomenon in international politics. Mercenaries have had a long history and bad name in the global security parlance (Steinhoff and Peter- Baker 2008). The corporate wave of private military services - largely a post cold war development that came amidst the development of the new security agenda- has brought back the private actors to the global security market (Singer 2001-2) (Steinhoff 2008) (Kirchner and Sperling 2007). The objective of this research is to situate the present private security market in the larger systemic quagmire of international politics.

1.1: Expanse of the Industry

Presently, the Private Military Security Industry is one of the fastest growing industries in the world with markets being present in the US, UK, South Africa, Israel and France. However the US and the UK form the major group of market share of about 95%. Of this the US is the biggest user and provider of the services of these companies. The US Department of Defence (DoD) has entered into 3000 contracts with military firms in the period between 1994 to 2002. The estimated value of these contracts for combat and non-combat operations is about \$300 billion. In 2003, the total revenue of PSCs worldwide—including military and policing services in domestic and international markets—was over

US\$ 100 billion and is likely to grow to (at least) US \$202 billion by 2010. According to March 2011 estimates, the number of US troops present in Iraq and Afghanistan is 145000, whereas the number of contractors is about 155,000. This figure is however not corroborated by the US government; as the expanse of hiring is so vast that the US DoD officially accepts that it does not have the estimate of the exact number which may be higher than the March 2011 estimation. (The Economist 1999)

The UK is home to the second largest market of private force. However the British firms have always kept distance from frontline fighting and are hired largely for security functions; not military functions (Bearpark and Schulz 2007). These are thus generally called PSCs (Private Security Companies). Also there is a difference in the relationship between these firms and the UK government; from that of the close working relation that exists between US and its private firms. In the US these firms are more closely involved in US policy formulation as well as its maintenance (Leander, 2004). South Africa and Israel are also home to a number of private security companies. However, the South African firms are mostly the products of the post de-colonization attempts of the British to maintain its interests in the region. These are now increasingly hired even by African countries against each other, or by contending governments as well as foreign actors-including states and MNCs; producing a booming industry of conflict in the continent. More countries are now considering expanding their military basket by promoting growth of the private military industry in their countries. The Russian President, Putin while presenting his annual report to the State Duma in 2011 expressed the willingness of his government to establish private military companies, which he frankly expressed are “a way of implementing national interests without the direct involvement of the state” (Bogdanov, 2012). The Indian Military circle is also having to debate the value of such companies to the country’s security interests. In India the internal private security industry was experiencing a growth rate of 25% annually. However, after the Mumbai attacks of 26th September 2008, the industry has experienced an exponential growth not just in terms of the numbers of contractors but also in terms of the nature of services. Terra Force a private security company enabled to combat terrorist attacks is a case in point. It has been formed by Kushpal Singh (who has himself has been in the Indian Army) for his own real estate company DLF’s asset security in case of state security failure. This company has hired security experts from the Indian black commandos who

fought in the Taj Complex combat to Israeli military advisors and US Marine State Corps as instructors (Bennet, 2009).

On the other hand, there is China- the fastest growing economy in the world. With predictions of the Chinese economy taking over the Americans by 2020; China has also started rendering services of these industries to protect its 847,000 citizens working in 16000 companies across the globe, many of which fall in conflict zones of Africa and Asia. The Chinese security sector has already made an entry to this business opportunity with China estimated to become the next big market for PMSCs. China's major security company Shandong Huwai has opened its Overseas Service Centre in October 2011 for taking up military security contracts globally. The Chinese firms are explicitly banking upon the void which the US withdrawal from Iraq is going to create. Chinese PMSCs are also vying to take on Afghanistan aggressively to protect its commercial interests in the region. As China replaces US from world supremacy, the Chinese private forces are ready to replace the US private forces in the areas of strategic and economic importance in the world. China got its first private security firm in 2004, with ex- Chinese security personnel being the major staff pool. The Chinese PMSC industry however is premature and new as compared to the US and UK based companies which are well versed in the art of protecting and fostering imperial interests. (Erickson 2012).

The growth of PMSCs is very closely linked to the dynamics of power in world politics. It is thus very important to understand the exact nature of these actors and their relationship with the state. The use of private force is in contradiction to the Weberian conception of state; where a state is supposed to have a complete monopoly over use of force. Across historical periods, private actors have performed military and security functions for monetary gains. However the nature and functioning of these actors has changed considerably. It is due to this aspect that the phenomenon of private actors using force has been followed by attempts to curb, limit and regulate their rule. It is interesting to note that in each period, there have been different formulations of the same principles of ethical use of violence but each time it also varies according to the power configurations between the political units of that particular period.

1.2. Who are Private Military Security Actors ? : Definitions and Concepts

This work rests on the thesis that a holistic understanding of the phenomenon of private use of force can only be developed by understanding the larger quagmire of international

processes. But its focus remains explaining the current phase of the use of private force manifested in the PMSC- Private Military Security Company and the whole analysis is directed at situating the PMSC market in the systemic context. It thus does not engage with the systemic factors before the period when chartered company- the first nascent form of today's PMSC arises. However the relation between forms of property extraction by political units and the private use of force shall be traced back to ancient history. In other words, this study is not a study of mercenaries, or secret hired troops or the private military and security firms, but that of the place of private allocation of force in the international history, its place and role in the shaping of the world order and its relationship to political units and the structures into which they develop. The study thus is a study of privatisation of military and security, its development into an industry and its relationship with the international system.

It also uses the patterns of use of private actors to derive analytical conclusions about the changing world order. Before, the outline and purpose of the work and the discussion on the present scholarship on the private use of force, some definitional and conceptual clarity is required. This section shall also serve as a guide and reference to understand the terms used and the rationale behind why certain terms are used in certain contexts.

The work draws a clear distinction between the actors characterised as using private force pre- 1856 period and the period thereafter. The word characterised have been used because in that period; though privateers within Europe were banned, the use of private force outside the European continent was not considered as privateering. The blanket extension of the pre and post 1856 classification could be thus misleading. Such a distinction has been drawn because there is basic difference in the nature and constitution of these actors in both the periods.

The mercenaries of the earlier period were untrained individuals with a good knowledge of warfare who could be hired on a contract or otherwise to fight for a fixed amount of money- irrespective of the result of the wars. They could also be pirates who looted ships for themselves and had autonomy over parts of the waters, taking down ships for gold and other riches; or pirates contracted to loot enemy ships. These mercenaries were thus not tied to any owner and took up other jobs in the period when there were no wars. The German village of Hesse Kassel was a village where people trained themselves in the art

of warfare and were hired out for fighting wars for other kingdoms. This practice was outlawed in the period after 1856 (Kinsey, 2006).

The next phase beginning from 1900s saw a complete revolution in the way private force functioned. Private forces now directly worked under the state, like state armies. The relationship which started by hiring from indirect sources like a chartered company gradually went on to become an association between the state and the private force. The association increased a step further when secret private arms were delegated the dirty work which state armies could not overtly take part in; as the secret Special Air Service (SAS) and British Mercenary Organisation (BMO) which were independent contracts given by the British for mission specific purposes. The integration of the state and the company however became complete with the US permanently contracting Military Professionals Resources Inc. (MPRI) through which it runs its training camp and PMSCs becoming part of the Military Industrial Complex¹ (MIC) in the US; which through R&D (Research and Development), lobbying and Department of Defence (DoD) downsizing became an integral part of US military to meet the needs of the military ambitions of Pax-Americana.

The present form of use of private force is thus called the PMSC or the Private Military and Security Company which has no parallel in history. It has soldiers on a permanent pay-roll like any other company, has branches in various parts of the country, though closely in contact with the home country, can take up contracts from other state and non-state actors, are considered as legitimate actors in conflict zones and are granted impunity from war crimes. The companies today have organised themselves under international self-regulatory associations like International Stability Operations Association and British Association of PSCs under sections like 501(c) [non-profit organisation] of the United States Internal Revenue Code.

¹ Military Industrial Complex is a phrase used to refer to the development of close working relations between the US government and the arms industry based on lobbying and corruption. Seen as a formidable union of defense contractors and the armed forces, it is seen as a threat to democratic process. On Jan. 17, 1961, US President Dwight Eisenhower in his farewell speech pointed out “In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists, and will persist.”

The services offered by these companies can range from laundering to launching heavy missiles through armed aircraft. Though not all companies offer all the services, the services can be summarily listed as under:

Providing armoured vehicles; Construction; Ground transportation logistics; Legal, Accounting and Compliance Services; Risk Management; Aviation, Logistics and Maintenance; Consulting Services; Human Development and Capacity Building; Logistics, Freight and Supply; Security; Aviation: Rotary; Demining and UXO removal; Information Technology; Medical Support Services; Security Sector Reform; Base Support and Logistics; Equipment; Intelligence, Services and Analysis; Product, Supplies and Manufacture; Shelter; Communications and Training; Fleet Management, Leasing and Maintenance; Language Services and Interpretation; Recruitment and Human Resources and Training.

Thus a country or even a non-state actor can wage a full scale war with the help of these PMSCs. The study of the growth of this industry is not important merely because it is generating more revenue, but because it points to a transformation in the role of the state as the sole unit with the capacity to wage violence. A closer engagement with the literature brings forth various issue areas at- academic and policy level which this rise brings forth.

1.3. Defining and Regulating Private Use of Force : Limitations and Impediments

The 1856 Treaty of Paris (which is considered historic in putting an end to private force in Europe) while dealing with the problem of privateers; defined them as anything from pirates on the seas looting ships, to filibusters hired by rival kingdoms to destroy enemy ships; but abolished their activity only during the time of peace. For in a time when state as a sole centre of all authority was not completely established, there was no clear conception of right or wrong violence. The treaty of Westphalia (Article LXVII) had also mentioned the abolishment of privateers; however neither the society nor the ruling class itself was ready to do away with this specialized class of warring experts. The 1856 treaty was however a success because major powers in Europe required organized mechanisms of violence to regulate their trade.

The revival of private use of force after colonial period occurred in the post cold war period, where the British used them as a secret arm to retain its commercial and economic interests in its erstwhile colonies. This period saw a series of civil wars erupting in Yemen (1962-1970) (1975-1992) and Angola (1975-2002) as well as in other African provinces which was actually a UK and US sponsored rout in the region to facilitate more interference for economic and political gain.

The indiscriminate use of private force led to an outrage in the international community resulting into the Geneva Convention taking serious note of this problem. The fourth Geneva Convention of 1949 reflected an attempt to regulate this menace. However, as the nature of these new actors was not completely understood, they were still termed as mercenaries. The Article 47 of Additional Protocol adopted on June 8, 1977 denied a mercenary the right to be a combatant or a prisoner of war. It defines a mercenary as any person who:

- (a) is specially recruited locally or abroad in order to fight in an armed conflict;
- (b) does, in fact, take a direct part in the hostilities;
- (c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
- (d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
- (e) is not a member of the armed forces of a Party to the conflict; and
- (f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.

Though the definition covered the functions for which these private corporations were hired, by not defining the very nature of their organization it left several gaps in curbing organized private violence by powerful states. Post the end of cold war; US started a new wave of establishing military training camps across the world with the help of PMSCs. To take the example of Africa, 50 out of the then 53 countries on the continent had US military training camps held by PMSCs. This wave led to another series of bloody wars in the 'Middle East' and Africa.

Another attempt at pinning down the illegality of these actors was the UN general assembly's 72 nd plenary session year which defined a mercenary as a person who is:

A mercenary is also any person who, in any other situation:

- (a) Is specially recruited locally or abroad for the purpose of participating in a concerted act of violence aimed at:

- (i) Overthrowing a Government or otherwise undermining the Constitutional order of a State; or
- (ii) Undermining the territorial integrity of a State;
- (b) Is motivated to take part therein essentially by the desire for significant private gain and is prompted by the promise or payment of material compensation;
- (c) Is neither a national nor a resident of the State against which such an act is directed;
- (d) Has not been sent by a State on official duty; and
- (e) Is not a member of the armed forces of the State on whose territory the act is undertaken.

The UN while taking into account that one of the reasons for these wars was the bid of the US to establish favourable regimes in these regions with the active assistance of mercenaries; shifted the burden of offence equally on the one who hired locals to fight to topple regimes. As a result only 10 countries, most of them themselves ravaged by this menace signed the convention, thereby leaving it to be just another law on paper. Germany was the only western country to have signed the convention. The other 9 countries were Angola, Congo, Republic of Montenegro, Morocco, Nigeria, Poland, Romania and the Republic of Serbia.

The second section of the UN definition refers explicitly to the role of external powers, but again it does not explicitly refer to the changed nature of these actors who pass by as corporations providing services like any other corporations in the market. The inability to draw a legal definition which catches the real essence of the present form of mercenarism is also one of the major problems of international law. However, big powers have abused all possible international laws against use of private force to further their imperial interests. The US did not stop the militarization of Africa through privateers despite the African countries having signed the convention. The report of the UN Special Rapporteur on the Mercenaries on the other hand in its report submitted on 29th August 1995 writing about the use of private force to curb self-determination spoke about mercenarism in Croatia, Azerbaijan, Cuba, Africa and even Afghanistan. No where analysing the biggest players in the game and the forces behind these actors. The report also laid stress on the role of training in exacerbating conflicts but the American PMSCs and the question of their accountability was conspicuous by its absence. The report was an exhibit of the UN's inability to take action when it comes to the US.

The US in its turn continued pumping in arms and funds to destabilize the continent of Africa. Just after three years of the above mentioned report, a calamitous war broke out in the heart of Africa. This war started with the invasion of the Democratic Republic of

Congo by Rwanda and Uganda with the US backing. The US pumped in 3million dollars into arms and military training through its professional private companies which explicitly gave training to militias in Rwanda and Uganda to attack the DRC. These drills included training of fighting on the DRC's terrain. When Angola, Zimbabwe and Namibia joined the war on the side of the DRC, the US again supplied 1.5 million \$ worth arms and 5000 \$ to Zimbabwe and Namibia respectively thereby militarizing the continent without the direct involvement of its army i.e. through private actors. This was clearly mercenary behaviour if read in context with the Hague Protocol and UN Convention on Mercenaries. The US however is not party to the convention and being the sole superpower wields a power over international organizations as well. To narrate the African story in detail , the condition of perpetual war in Africa is maintained as it favours the exodus of resources from the continent to the US. By making these countries war torn and debt ridden, the US controlled IMF and WB direct the economic policies of these countries in favour of the US based MNCs. For example, the World Bank has threatened the African Council of economic punishment if tries to redistribute the land in Africa. Currently, in South Africa 87% of land is owned by the 12% of white population, the British, the Dutch, the Anglo-Americans and US based Multi National Corporations like DeBeers, Monsanto etc; reducing the country's 61% black population to a dire state of poverty. This re-writing of national laws has happened in all regions where the US has intervened. The order 39 in the context of Iraq, which turned the Iraqi Constitution upside down to move 100% profits of Iraqi economy overseas; is another stark example in the series. The point however remains, that the US has post the cold war applied a three pronged approach to fulfil its grand strategy- creation of military unrest, economic control through IMF and WB; and capital exodus through privatization and its MNCs. The first factor of creation of military unrest rests increasingly on the PMSCs. It is this factor that this work tries to correlate with the larger picture of international politics. .

A positive development has been the 2008 Montreux Document which has accepted the presence and problem of the PMSCs. Unlike the earlier UN instruments of regulation it does not evade the problem of the use of private force by playing with words. It does not ban the use of PMSCs as no states that can afford them are ready to let go off this weapon for pursuing their national interests covertly. At the same time by agreeing with their necessity it gives this kind of military operations a relative legitimacy. The success of the document has been that all major players including the US, UK, UAE and South Africa,

who use PMSCs, have become signatories to it. This has been a major shift in the behaviour of the US as it had earlier refuted all international laws by deterring the prosecution of the Blackwater guards (a PMSC hired by the US in Iraq, held on charges of openly shooting and killing 14 Baghdad civilians) in the Nissour Square Massacre to becoming a signatory to the document. There can be two reasons of this change. Firstly, the US has become so dependent on these companies that it requires that they be accepted as legitimate actors for its future military activities. Secondly, with the US influence waning (an argument which shall be defended later in the work) and rise of PMSCs in other power quarters hostile to the US; it requires that a code of conduct is established as it is not the sole actor anymore. The 2008 'Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict' can be called the present day Paris Declaration Respecting Maritime Law of 1856 due to the similar systemic conditions in both periods.

In 1856 we see the British finally entering into a treaty curbing the use of private force as its ability to monopolize this force within Europe declines. Also the need to expand markets outside requires respite from wars at home. Thus if one looks at the systemic condition of power configuration of Europe and compare it to that of the condition of the US in the world system a similar pattern arises. The hegemon codifies the practice of use of private force in order to mitigate the challenges to its hegemony and at the same time regulates its use so that private force is not used by other powers against its own interests. Britain however had the rest of Europe to expand its search of resources, for the US hegemony in 2008 the entire world was a system where its hegemony is being challenged. The 1856 treaty and the Montreux Document thus are tactical compromises to retain the primacy in the Order.

1.4 Theorization of Private Use of Force in IR :

Though a relatively new phenomenon in the study of international relations, the topic has attracted a lot of attention in IR scholarship. However given the nature of the topic most of the work relates to its implications, regulation and make ethical enquiry into the phenomenon of PMSCs. The available literature can be broadly divided into five broad themes:

History of War and Military Operations:

It has been established that private players in the security market are not a new phenomenon including domestic police having been provided by quasi-official agencies (Abrahamsen & Williams 2007: 133). Zamparelli (1999) shows how US has relied on private security contractors since the Vietnam War. In the UK for example there are 10 private security actors for every one state police personnel. The \$ 49.8 billion domestic private security industry of the US is forecasted to rise at 4.9 percent through the present to 2014.(Private Security Services 2014)

The United Nations (2007), draws a parallel between PMSCs and mercenaries, however many) analysts see PMSCs as a new phenomenon with more substantive shift that they have brought to global security governance.

Charles Tilly (1985) takes a historical view of the role that war has played in the process of state making. Wars were earlier instruments to check competition so war- makers dispossessed accumulators but as war making became complex and costly, promotion of capital accumulation became necessary. Thus state as a political unit has a historicity which has been absent in most IR theorists while theorizing the state. Today as political authority is shifting from the state towards the market, security discourse and practice are also shifting.

Arnold gives a detailed account of the post-colonial use of mercenaries as a scourge for the third world. Another fascinating aspect is that of the power of implementation. Leander (2005) says that though decision making power still lies with the states, the approach towards execution which lies with the PMSCs which also determines a lot in military operations. The framework of modern military operations includes a contract – which includes the power to terminate it in the hands of private actors making them immensely powerful in the time of war and the power to interpret it. The requirement of expertise also leads a lot more negotiation of power than the power to make the contract. Thus the nature of the military operations in turn also influence the way security and thus polity make a shift towards private involvement.

Westphalian State and the Use of Private Force:

The principle of monopoly of states over violence and the increasing use of private force remains a central question to the literature which looks at the domestic factors of security

privatization. Stranger argues that though this trend deepens the gap between military activities and public opinion it is also true that, Iraq war would have been unsustainable without private militaries (Stranger 2009). PMSCs are used by strong states to increase military capability, by weak governments to “stabilize” their regions (which they can’t do on their own) and by international agencies in countries with particular security challenges in post conflict conditions to train soldiers and provide other such services. (Taylor 2011). Kinsey and Isenberg however take broader calculations by states employing private militaries into account. They attribute this to the general faith in privatization, the need for a large variety of deployment of people with varied capabilities in the changed nature of military missions, the curb put on the number of military personnel by domestic legislation. This also includes shift from armies by conscription to voluntary armies which are much more costly. Apart from that, casualty of private security contractor means less criticism at home. Lastly, use of some weapons and technology require expertise which has to be hired from the private sector (Kinsey 2009) (Isenberg 2009). They however also state the problems that deployment of private force entails which includes non- accountability in case of war crimes, commercialisation of security and separation of war projects from the national project..

The academic debates about terminology of the private security actors fails to establish the relation between the domestic politics of strong states using these companies and the new way of nomenclature which tries to wash off the “mercenary” history of these actors. Fallah (2006) goes much deeper and points the post-colonial anxiety against mercenary activities. The new corporate actors are legal registered companies which work only at the behest of the state and thus not called mercenaries. This problem of nomenclature also persists in the sphere of law making.

David Shearer on the other hand sees PMSCs as not a bad phenomenon at all as it is largely under the control of ‘legitimate’ governments; but fails to look at the patterns of power- political and economic, which directs it (Shearer 1998). There is also a lot of literature on this shift and its nature. Kirchner and Sperling (2007) attribute this to the perceptions of security in the 21st century. They make a distinction between the states in the Atlantic basin and the states in the Pacific basin. The Westphalian state structure they argue is intact in the latter while in the former falls into the “post-Westphalian” state system where the state’s wall of defence has been perforated. Such states, they argue face a lack in terms of conceptualising- what is threat and in which way it will manifest itself;

and thus they adopt non-traditional security measures (including non-state sponsored armed groups) leading to a security system not centralised in the state. (Kirchner and Sperling 2007: 23) Also, holding states as the object of, and state armies as a referent of security is problematic and far from the truth. All military affairs are not those of security and all matters of security are not military affairs.

Law and Regulation:

Bringing private corporate actors under legislation first requires classifying them. The UN calls firms offering offensive services as PMCs (Private Military Companies) and firms that are used only for defensive purposes such as protection of property or officials as PSCs (Private security companies). Another classificatory system suggested by Singer is what he calls the ‘tip of the spear’ or the front line method which means classifying on the basis of service provided. He thus has three categories *military provider firms* (type 1), *military consultant firms* (type 2) and *military support firms* (type 3). Holmquist however, problematises both these approaches on the grounds that the perception of what is defensive and what isn’t, changes with the context. Also, these distinctions become blurred once we see the forces performing on the battlefield and thus, laws should not be made by taking into consideration the activities but the effects of the activities of corporate military actors (Holmquist 2005).

Holmquist (2005) lays down two central challenges at the heart of law-making in case of private military actors (a) the question of state monopoly- state as a centre of juridical legal legitimacy and (b) security sector reforms which raise the issue of the type and nature of the state and whether equitable distribution of security is possible in case of private companies. Mercenary activity is illegal under the 1907 Hague conference, 1977 Geneva Protocol II, 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries, the 1977 Organization of African Unity (OAU) and the Convention for Elimination of Mercenarism in Africa. There is no dearth of laws against the use of mercenaries but the most pertinent question is whether PMCs can be classified as mercenaries for the purpose of International Humanitarian Law (IHL)? (Fallah 2006) argues that the present IHL structure both binds and protects PMSCs and the legal framework is thus contradictory.

Rise of PMSCs- The Rationalist- Constructivist Debate:

The inquiry into the relationship between power and wealth i.e. state and market requires first and foremost, deriving the knowledge about where the actors themselves locate the centre of their power. Scholars differ on whether and why the hegemon's emphasis on military supremacy is extended to the limits of offence or kept limited to check external incursions (Keohane 1984). But those who argue that the US sees its military as integral to its power in the world derive this understanding from a close examination of US defence policy during the transition period after the end of cold war, which further evolved over the 1990's (Homolar 2011). This picture of the self-evaluation of the American government about its power is claimed to have been derived from 'intense political struggle' between end of cold war and the start of the global war on terror. It marks three important milestones in the American strategic policy making- the formation of the contours of a new policy consensus; stabilization of these hegemonic ideas as an underlying strategic rationale and finally consolidating this hegemonic condition as a status quo to resist the changing policy priorities of different presidential administrations. The data on the process of domestic consensus making marks a shift in security strategies in favour of privatising security. However most scholars have collected data only from defence reviews by executive and legislative branches of the American government.

The aspect of power of the hegemon is also has an important role. Homolar like Leander lays emphasis on the epistemic power of private actors i.e. the power to shape the agenda and the understanding of the actors. Leander lays emphasis on the contestation of power between two agents- the state and the private military actors. In this understanding state also becomes one of the agents contesting for power.

The Rational Choice Theory model, looks at material factors of power constitution. Keohane who uses functional theories to measure co-operation and thus also discord in international security argues that hegemony (here, monopoly over power) can facilitate co-operation but is not a necessary or sufficient condition for it. So, if institutions constituting international regimes run from Keohane's set of calculations, we have to look at factors beyond the hegemon's actions. This implies moving beyond Leander's epistemic (agenda setting) or structural (technological know-how) to structural factors that constrain the movement of actors in the game. Thus we move to a systemic explanation of the phenomenon.

Other works that use systemic models of explanation, especially realism and neo-realism, defends the basic analytical category of international relations - the state. There are two ways in which this is done- (a) by saying that historically non-state military actors have been employed by the states and the current security privatization is thus an accepted normal practice (Shearer 1998)

(b) by quantifying the very category of state monopoly by stating that states are just political units which have a genesis at a particular point in the temporal scale of international history. War on the other hand is much more pervasive. Thus though states have largely been successful as political units to monopolise force, the project has never been complete. However, the assumption is a useful hermeneutic device to understand international politics. (Thompson 1994) (Tilly 1985)

This dialogue between the two strands of literature informs the method of this work. However, the Marxist analysis is adopted to look at systemic material factors guided by constitutive function of power to understand the logic and functioning of PMSCs.

Commodification of Security- Ethics and Economics:

Ismia Jeffery (2009) draws the link between globalisation and privatisation of security and one more step in neo-liberalism's privatisation agenda. She argues that this business runs in compliance with the neo liberal logic of labour flexibility. Recruits for these companies come mostly from the global south serving as cheap labour ready to work under most terrible conditions of work and under least regulation. For Moller (2005) privatisation is the name of the game in our times and privatisation of security being an integral part of it is fraught with contradictions and problems.

Bjork and Jones point to the reconstruction part of the private security contracts in Iraq to lay bare the use of political and military coercion for extraction of profit. They establish that PMSCs' presence in reconstruction process leads to exacerbation of conflict especially the way US is pushing its companies there (Bjork and Jones 2005). Kevin Obrein (1998) reaches a similar conclusion in case of Africa. Elke Krahman attributes this complexity to the commodification of security (Krahman2007).

“The replacement of the concept of ‘threat’ with ‘risk’ since the 1990s has permitted private firms to identify a growing range of unknown and known dangers which cannot be eliminated because its causes are complex and unknown, but require continuous risk

management.” (Krahman2007) He builds his premise on Beck’s theorization of risk as a commodity in modern society. Heikki Patomaki (2008) takes a critical realist position and attributes the “pathological” conception and privatization of security to two nodal points: the fall of Bretton Woods system and the rise of US imperialism.

1.5 Rationale of the work:

The role of private military security companies has emerged as a major challenge to the Weberian definition of state having the legitimate right to use of force. Most literature on the subject is centred on the debate- about its ethics, its novelty, its regulation under international and domestic law, erosion of state etc. However it is also true that the host nation benefits from these companies in terms of cheap availability of means of force, and it means fewer casualties of the national armies, which has invited a lot of opposition to their involvement by countries like the US. It also means more legitimate but accountability free involvement in the areas of conflict for home nations. This work thus argues that this is more a phenomenon of state- market nexus, than that of retreat of the state or it is retreat of the state for more profit with lesser accountability at the international table.

The objective thus is to analyse the factors in the present context that are making it imperative for a state or several states to delegate its military functions to corporate firms.

The work tries to answer the following questions:

1. What explains the rise in the use of private military security companies by some major powers especially the US?
2. Is the development of private military security companies a development that would erode state’s power or is it a case of state’s strategic use of corporates to facilitate its evasion of international laws and regulatory practice?
3. Are we moving towards an understanding of state which is leasing out functions but not autonomy to sustain itself on the present international regime which is fast becoming more multilateral in nature?
4. Does the present international system require privatization of security functions to sustain itself?

The work proceeds in line with the following hypothesis.

1.6 Hypothesis:

Central hypothesis:

The present use of private force directs us to draw lessons of how the growth of private security market is a result of evolution of a state- market complex which is a fall out of the international structure driven by the hegemony of finance capital.

Related hypothesis:

- (a) The sphere of allocation of force in terms of private and public is guided by the patterns of property extraction that has been followed in the system of states.
- (b) There has been a break in the pattern of organization of private force post the sovereign system of states was evolved in Europe.
- (c) In the post sovereign period private force has been employed by big powers to transcend to the condition of unipolarity as also to mitigate the challenges to its hegemony. Thus there exists a relation between polarization of power and reconfiguration of security in terms of their public- private authorization.
- (d) The thriving of private military security companies is in compliance with the post cold war project of the US to align the areas of the global south to its own economic and security interests.

1.7 Outline:

The work is divided into chapters which try to understand the phenomenon of mercenarism –one layer at a time. The validity of the hypothesis will be evaluated in the last chapter.

The first chapter goes back to the earliest available records of private use of force throughout the globe and tries to derive a comparative picture of the scale of its use. It then looks at the explanations forwarded by the various schools of thought about why and how mercenarism disappeared from Europe. The chapter then goes on to raise certain questions from the analysis and its implications for international politics. It then tries to establish a relation between the systems of property accumulation by the states in

particular periods and the way they organized force. It tries to look at the larger systemic compulsions with which the organisation of force had to fall in line. It also theorises the movement of the use of private force outside the continent using the variable of property. The next chapter follows the European mercenarism into Asia and tries to explain the transformation and reappearance of mercenary activity under the aegis of the Westphalian sovereign state. It covers a vast historic period from 1600 to the present to get a coherent sense of the transformation of these actors and their changing relation with the state. Extending the analysis with the variable of property and the employment of private force for its expropriation; it continues to draw the pattern between changes in conceptions of property i.e. 'capabilities' and the corresponding change in the organization of private force. The path of organization of force is traced via the paths of property expropriation in the system of states; and the path of organization of private force is traced through the paths of "illegal" expropriation of property. It introduces the concept of generative structure to understand the political economy of the use of private force. It draws a comparative picture of the use of private force employed by the US and the UK to assess the hypothetical premise of the relationship between power polarity and the hegemonic behaviour in terms of resort to private force.

The fourth chapter summates the analysis by developing a systemic account of the present world order looking at each aspect – power, anarchy and the sovereign state integral to the other systemic explanations of world orders in IR theory. Assessment of present power configurations has been made and a case for a shift towards multilateralism has also been made. It does so by discussing the structural hierarchy governed by capability-wise power distribution in our case economic power which forms the governing mechanism for organization of force.

It moves on to uncovering the actual working of the principles of anarchy and sovereignty in international politics and their relation with the world order. The debate about the integral relationship between state monopoly of force and state sovereignty is then brought into the picture and the concept and practice of state sovereignty is revisited.

While doing this, the role of the US as a hegemon, its grand strategy and its fall has been discussed through various IR scholars. By assessing the role of private force in the US imperial project the thesis of state market complex has been made and the central hypothesis of the work is validated. The last chapter as stated earlier brings together the conclusions drawn from the research. The final chapter condenses the entire analysis, evaluates the hypothesis and draws important conclusions from the work.

Chapter 2: Private Allocation of Military Functions: Learning from History

There are few strategic arguments against the state use of mercenaries, and it is hard to explain in strategic terms why states do not use mercenaries frequently.

Stephen D. Krasner (Krasner, 1989)

2.1 Introduction:

The phenomenon of Mercenarism or of involvement of private actors in warfare did not always seem as strange and wrong as it seems today. Since the inception of human cities and growth of civilizations around them, mercenarism grew to become the second oldest trade of the human world. From the Egyptian Pharaohs to the Greeks, and from the Mughals in India to the Han Emperors in China, all took support of the private force to sustain their growing military needs. At the height of their use, mercenaries were treated as heroes in the royal courts of Britain, Italy and Prussia; the pirates amongst them being the major power holders over the seas. The battle of Novara and the battle of Marignano also called as “Italian Wars” in the years between 1494 to 1559 are examples of the great wars fought by mercenaries (Thompson, 1994). Especially, the West has recorded a consistent and ascending use of private actors in military functions until the nineteenth century saw a complete dip in the activities of mercenaries on the European territory. Over a period of about three centuries before the nineteenth, the state and non-state use of mercenaries gradually declined and was completely de-legitimated.

This period also saw another very significant development in political history- the birth of a sovereign nation state. The sovereign nation state meant completion of the project of monopolization of force and the right to tax its citizens; along with other sovereign powers over the people and property within its boundaries. Eventually, their use was delegitimized and then arose the citizen armies, which recruited citizens as their soldiers who fought for the protection of their nation rather than for money- which became secondary. How this transition was made, why it was made and how it helps us to

understand the role of property and its effect on the generation of structures of power is the objective of this chapter.

The chapter is divided into six parts. The present, part lays down the map of how the chapter envisages the study of requisite lessons about history of private allocation of force. It also discusses an alternative way of accessing these histories. Force will be used here interchangeably with military functions carried out by public and private actors; unless a clear specification is made. There was no such clear cut distinction between the two in the past, as privateers were often used by the rulers or had to give a share of their plunder to them. In the present context however, there can legally be no use of force outside military functions sanctioned by a state or a group of states. What we today call a difference between war and crime is in fact the difference between legitimate and illegitimate use of force (Percy, 2007). The definition of a mercenary as per the 1977 Protocol I, additional to the Geneva Conventions of 1949 is the baseline of this work to begin this exercise. This is because it is helpful to study the organization of force in history against the backdrop of this definition as the past clearly challenges our conception of the distinction between war and crime- between what has become legitimate and illegitimate use of force. Though the narrative in this chapter does not move to the 1977 dateline, this definition serves as an important and useful yardstick to start with.

The second section is where, the comparative evaluation of the presence of mercenary activity, scale of the presence of mercenary activity and the transformation of its nature; will be done.

The third section of the chapter looks at the available ways in which the history of mercenarism has been accessed, interpreted and used to derive conclusions about the phenomenon of mercenarism and its impact on political history and vice-versa. The fourth section classifies and narrows down these available histories to seek what these explanations imply for international relations theory. It also evaluates the insights and problems related to each of these perspectives. The third and the fourth sections are thus related and feed into each other.

In the next section is an endeavour to establish a link between the use of private force and property extraction by states will be done. This idea shall be developed in the chapters

that follow to come up with a coherent relationship between private force, property and structures of power in international politics.

2.1 Comparative History across Regions and Time: A Story Less Told

There is another startling deficiency in the literature around which the analysis of the mercenary activity is centered. The centre of this analysis is Europe- the presence of private actors in control of means of force and their relation to the process of European State formation. It is also argued that the presence and thus the need for elimination of mercenaries, to an extent, gave the European state some of its integral characteristics. Given that this model was made to be the ideal of state formation, in the rest of the world, in the centuries that followed, the enquiry into the nature and end of European mercenarism is indeed, important. However, this directs one to lot more important inferences about the state structures that we now have.

It means firstly, that the non- European countries have, or are having to inherit systems of organizing violence which do not reflect the needs of, or have not emanated from the requirements of their society, polity and their place in the scheme of the ‘ inter-state’ or the ‘inter-regional’. This point can also be termed as the ‘atavism’ that reappears in the countries of Africa or the countries of the Middle East and Afghanistan; where despite coercive efforts and pouring in capital; the earlier forms of organizing violence- like community based war groups, still exist. Also, these groups do not seem as out of place to the locals, as it seems to the Western world. Can solving the riddle of systemic conditions, that make possible a successful transformation to other modes of organizing violence than mercenarism- such as giving the state the monopoly over violence by social contract, give us the key to understand the conflicts of our world better? Secondly, can it help us to imagine other possible ways of organizing violence in the same international structure? Thirdly, developing an insight into the presence of private actors in control of force in the rest of the world would help us develop a comparative perspective and be the guide of understanding the present trends of rise of mercenaries; as well as mapping the trends of the future.

The history of humans as a history of human civilizations across the regions of the globe is interesting because, we see that even with very little contact civilizations centred around rich and prosperous cities had broadly the same systems of government and the system of organization of violence (Chua, 2007). One very interesting question that arises

out of this is- how we see broadly the same city culture developing across continents at the same periods of time and as to why with greater contact the relative homogeneity in organizing polities disappeared post the European interventions?

The trajectory of organization of violence if it has to be understood, cannot be understood in the Hobbessian way as that of anarchical violence. Hobbes's state of nature is misleading and the social contract more often than not, illusory. On looking closely, the system of organization of forces in the state of nature do not present themselves as one devoid of any regulation whatsoever i.e. even before the concept of citizen armies had not been developed.

The earliest historic record of mercenarism is in 484 BC Greece, when Xerxes I, the Persian invader employed Greek mercenaries. The Greek emperor Cyrus in turn invaded Persia with a hired army of ten thousand mercenaries in 401BC. (Yalichev, 1998) In Africa, Egyptians and Syrians also hired Greeks and Nubians as mercenaries against the Persians who in turn hired the Arabs. These wars occurred in around the Late Bronze Age i.e. 500- 400 BC.

From the times of Alexander to the late Roman times contracted armies served the empire. In medieval times the Byzantine Empire relied on the Vikings and made a unit called the 'Varangian Guard' to serve as the personal corps of the royal house. It should be noted that employing foreign soldiers reduced the chances of treachery and rebellions. One of the Varangian Guards, Harald III, later on went to become the king of Norway. (Yalichev, 1998)

Parallel to the developments in Europe, the "warring states" in China had establishments under specialized teachers who produced military advisers and generals for the kings in the seventh century. Mercenaries were used by the Qin (from where China got its name), the Han and the Tang dynasties. The mercenaries were used to fight against invasions from the civilizations in the steppe. (Chua, 2007)

By the time of William the Conqueror of England, mercenaries were predominant in deciding the course of war. In Italy the "condottieri" or the contractor grew to fame and respect in the Italian city-state. Leonardo da Vinci's famous portrait of the "condottieri" made in 1402 wearing a glistening iron armour adorned with the head of a lion on it, was a tribute to the glory of the mercenary then. By the fifteenth and sixteenth centuries

the trade of mercenaries became the most prolific one in Europe. Often opposite sides hired mercenaries from the same groups to fight each other. This period was also marked by the wars between mercenaries for areas of influence over the seas. With the development of naval fleet and commerce, increasing overseas trade heightened the role of mercenaries- mostly pirates who guarded or looted ships as per their contract. German mercenaries from the famous Hesse-Kassel (a town under the Holy Roman Empire, now under Germany, was a town of mercenary fighters) were recruited during the American Revolution by the English side. Fighters on the other side as well hailed from more than just the Americas. The privateers harassed British shipping during the War of Independence, thus helping the American side.

By 14th century, the peasants in China started learning and mastering the art of war against Samurais. They grew to fame by the 15th century and dominated the war market for about 3 next centuries. They were expert assassins and never gave away the names of the one who hired them.

Another famous mercenary group emerged in the 15th century Kii province of Japan, followed by the rise of the Saikashuus who stood in support of a sect of Buddhism and defeated all advances against it. (Yalichev, 1998)

18th century India also records the hiring of mercenaries, for the special service of the Mughal Emperor Shahjahan. The number of these troops can be estimated by the fact that an entire city was built for them called 'Firangabad' which in the present day a part of the Old Delhi settlement. (Originating from the word 'firangi' meaning foreigner). (Yalichev, 1998)

As the nineteenth century approached, mercenarism in the European continent went down; however what needs to be noted is that European mercenaries didn't. The trading companies hired mercenaries for war, more from their home countries in the earlier stages, and then from the locals as well. As mercenary activity declined in Europe, it increased in Asia and Africa- firstly, due to colonialism. (Thompson, 1994)

Avant states that putting an end to mercenarism in Europe was not a problem for Britain as, 'its major task in the (last) part of the nineteenth century was in India rather than in Europe (where using foreign soldiers was less of an issue).' (Avant, 2000 : 63)

Second reason was the economic interests of the west in the 'third world'. During the cold war period the US trained a lot of mercenaries giving them cutting edge training in military warfare and intelligence collection in Afghanistan - what later came to be called as the 'northern alliance' (these warlords who still have a hold over the Panshib valley again worked as mercenaries for the US in the latest war over the Al- Qaeda in search of Bin- Laden post the 9-11). After the collapse of Soviet Russia, the US left the country with trained fighters, but without economic and political stability, which led to increased warlordism in the country. These groups and the others which were much less trained, but had access to the flush of weapons entering into the country became the warlords of Afghanistan. Today the country is full of warlords who live in their own gangs, controlling different areas of the country- Taliban being the most notorious one. The case reiterates the need to be cautious with the use of the word mercenaries, though here they should be understood as private actors in charge of force.

Thirdly, post the cold war mercenaries were also used to train local factions by the developed countries to fight against unfavouring regims. A lot of coups and toppling of governments were organized with the help of these actors. Companies such as Executive Outcomes and Sandeline International were actively involved in the civil wars of Angola and Yemen. This was accompanied by a lot of bloodshed and devastation of economy that followed. The African resource rich continent got ravaged by high mercenary activity by covert support from the governments of their countries in the west especially the UK; and after WWII, the US. Thus the stage of mercenary activity has completely shifted to the global South and the disappearance of mercenary activity in the North, can thus be misleading.

2.2 Shifts from Mercenarism to National Armies: Available Explanations

What is peculiar about the majority of contemporary work on the history of private allocation of force or military functions is that there are largely two patterns of how these histories have been evoked. There are histories of transformation of mercenary activities, which see a break followed by concentration of organization of forces in the hands of the state. On the other hand, there are works which talk about histories of continuity i.e. works which find a common thread running through the evolution of how violence has been reorganized in history. These can be classified under various schools of thought in IR theories as follows.

2.2.1.. Realist/Neorealist Explanation: State Autonomy - Whatever It Takes

Realists firstly do not give much credence to the independent role of private military actors from rulers and emperors in ancient societies to the modern state leaders across history. Writing from a realist position, Posen argues that the history of political units is a history in which political units have to alter the organizing principles of violence in order to stay ahead in the competition for survival vis-à-vis its competitors. Arguably, shift towards a national army was a strategic decision according to him. Posen thus forwards the earlier stated mainstream argument of how the rapid march of Napoleonic citizen force post the French Revolution created hysteria amongst other powers that followed suit and mobilised national armies.

However, neo-realists do not agree with the strategic benefit of a mass national army and wonder why states still facilitate it. (Krasner, 1989). Krasner gives a twofold explanation for the end of mercenarism in the early modern period-

- (a) Utilitarian : privateers became too dangerous for hiring states of Europe to control
- (b) Institutional: which he derives from Thomson – that states were made increasingly responsible for the actions of their citizens who were by then not just subjects of the state. States were thus to be held responsible for violence committed by their citizens inside or outside their sovereign territory. The state’s sovereign power over people even outside the boundaries of its territories was a concept of citizenship which was just being developed.

Krasner sees non- use of private force as an ‘institutional constraint’ on available policy options. The institution he is talking about is the institution of sovereignty. With sovereign state in place concentration of violence in the entity of the state became a necessary condition for the state to establish its suzerainty. According to his analysis thus, private use of force should come back as the state system becomes more secure; but it does not due to constraints of the ‘institutional structures that do not produce an optimal result for at least some powerful actors’ in the contemporary international system (Krasner, 1989 : 92).

For Posen however, it was the efficient pattern of military organization that the French Revolution exhibited, that made other states imitate its example of a mass army. Thus, he argues for the strategic superiority of mass national armies in that particular historical context. Also fighting a mass army required building up one's own mass army. So for neorealism nationalization of force was firstly, a product of imitation.

Secondly, it did not take a lot of time for states to realize the motivational potential that nationalism facilitates increasing 'intensity of warfare' and 'specifically the ability of states to mobilize the creative energies and the spirit of self-sacrifice of millions of soldiers' (Posen, 1993:81).

Third point, in challenge to more materialist explanations forwarded by Tilly discussed later in the chapter, realism argues that though there is truth in the fact that 'the politically motivated mass army was a response to a "techno-logical" problem'; it was only to the extent that it triggered the states to adopt a military strategy that would be rewarded in the system of states. In other words, changes in military technology did not determine the military practice completely as historical sociologists would argue, but the drive to security in an anarchic system did.

2.1.2. Social Constructivism: A History that Follows Norms

Social Constructivists make a similar argument as Neorealists, in that they also see the fall of mercenarism as a tipping point in the process of reorganization of force. However their agential variable is situated not in the state but in the society. Sarah Percy's work has been an extensive one in this area.

Percy sees the end put to the use of mercenaries as a puzzle central to the heart of how we choose to look at the relations of the international. Contradicting most of the work done before her on the subject, she argues that state sovereignty was not an instrument of end of mercenarism; rather states could and did put an end to mercenarism after they had gained sovereignty. She admits that certain transitory shifts can be traced back to the fifteenth and seventeenth centuries, when 'an early history of mercenary dislike and the moral and practical problems (were) raised by independent mercenaries' (Percy, 2007: 7).

This led to a series of measures that made the independent mercenary disappear by the end of the seventeenth century. However, the real normative blow came with the second

shift, which took place in the nineteenth century, when even the state selling of military units to other states or recruiting other nationals was stopped.

For Constructivism the norm against the use of mercenaries is as old as mercenarism itself; and thus they argue it should not be treated as epiphenomenal. They point to the fact that private use of force not being resorted to despite the condition of anarchy, is due to the existence and development of a strong normative bias against such indiscriminate use of force in human societies. Constructivist theory of security sees three levels affecting organization of security –one, formal institutions of security or security regimes; second what is called “world political culture” and third is the patterns of amity and enmity constituted by identities of state. Mercenarism, thus, it argues enacts itself according the world political culture which is comprised of the rules of sovereignty, International Law, norms of proper enactment of statehood etc (Katzenstein 1996). Norms for Social Constructivism are thus not intervening but constitutive variables that have shaped and constrained state military reorganization for centuries and continues to do so till date.

This strand of argument states that mercenarism holds a crucial secret to debunk what we understand as the mainstream realist IR today. This she does by revisiting the historical roots of the point from which the realist scholars derive their explanation of the disappearance of mercenarism. The realist explanation states that the French victory in the Napoleonic war which was a result of the introduction of a disciplined light infantry comprising of citizen soldiers, generated a capability crisis in the security systems of other involved powers of Prussia, France, Britain and America. They thus quickly followed suit as competitive securitization was a need for survival. This is how in realist terms the “national army” came into being as it was a better way of assuring survival in the power dynamics of the post French Revolution Europe. This period is known as the period when European militaries were revolutionized, in international military history. Percy, however re-reads history to debunk the realist version and forwards a norm based explanation for the end of mercenarism.

2.1.3. Neoliberal Institutionalism: Interdependent Interests

Cerny (2004) while marking out the variants within the neoliberal institutional paradigm locates four major strands within it – those who argue for more open world economy, the classical orthodoxy which argues for embedded finance and the neo-liberal state , third

which despises outcome oriented interventionism and talks of a competitive state and the fourth one which talks about reinventing governance. It is the fourth strand of neoliberal institutionalism which not just involves the advocacy of PPP (Public Private Partnership) but also argues for more participation of the market in social sector including security. It thus argues for a security regime that “straddle the public private divide and involve market participants directly in the authoritative allocation of resources and values” (Cerny 2004:11).

It is in this light that Neoliberal Institutionalism sees the end to mercenarism in Europe in the period around 1856. The development of complex interdependence required bringing about a decline in the use of military force and coercive power in international relations Nye and Keohane attribute the French giving up of the “force in all directions” policy in the 1820’s to the arising common trade interests which led to the decline of military force as a policy tool and increasing *other forms of* interdependence (Keohane and Nye 1941: 23). Thus for Neoliberal institutionslists the disappearance and the present use of private use of force has roots in the interest based international system. However a coherent theoretical account of mercenarism is missing in Neoliberal Institutionalism ,thus though they argue that military organization follows from mutual state interests they do not tell us why and how private force is reconfigured.

2.3.4. Historical-Sociological explanations:

In evaluating the functional responses of Realists and Constructivists, some historical sociologists argue that most of the analysis commits the crime of anachronism. Thus all of them root their analysis strongly in history and the role of material factors guiding it. The ideals of citizen rights, and all state power concentrated in the body politic represented by the “demos” or the people - these scholars argue were not available as coherently to the agential actors as they are to us today. Therefore they attribute this shift to domestic needs of states. Domestic factors, like a ‘fragmented coalition’ as opposed to the earlier model of a supreme king is seen as a site from where international situation demanded a model of state army which could embody the principles of ‘natural law protected from the impositions of state absolutism or an irrational Leviathan’. Thus as Prussia learnt from its own defeat against Napoleon as to how a divided house in power can affect military outcomes and followed France in building a national army, other states also build an army on the same lines (Avant, 2000).

The question of why societies do away with a practice like mercenarism which existed for about 300 odd years is a very intriguing one for historical sociology. Some scholars see the end of non-state violence as a result of institutionalization of state-society relations. Development of the concept of sovereignty thus holds an important place in their analysis. Tracing the transition from functional sovereignty to constitutive sovereignty- a condition where 'state- society' relations are arranged within the a-priori constitution of 'sovereign-subject' polity- they argue; has been instrumental in ending non state violence in the 19th century.

The new way of organizing coercive forces, argues Thomson, from 'heteronomy of sovereignty' to a homogenous conception of sovereignty gets concentrated into the nation state system (Thomson, 1994: 4).

According to this analysis, mercenarism present in the pre-nineteenth century Europe was not seen by states as a threat to their authority. In fact states were reluctant to exert authority over non state violence as they themselves used private actors for military functions. In that period most of the non-state private warriors especially in countries like the Great Britain was owned by respectable, rich feudal lords who were at the helm of political affairs, and thus it was only after an arduous and graduated process which took place over a period of over 200 years that finally the ruling elite of that time could muster up the courage to eliminate non-state or private violence which was formally done in 1856. Though the British problem with mercenarism began in the 1790s when US citizens acted as mercenaries on the French side in its war with France it took seventy odd years to formally abolish the practice.

Another important point that sociologists underline is that the process of defining mercenarism. It was not easy before any concept of a state monopolized system of violence had been imagined to think of a difference between private and public use of force. However, policing functions performed by the rulers made these distinctions sink into the psyche of the societies. Today by privatising the internal police functions, the social understanding of force is changing again. (Avant, 2000). Mercenarism had different forms everywhere depending on the 'internal structure' of the state-society. 'Britain and the Netherlands produced the "private" mercantile company, the Barbary states the corsair, and the United States the filibuster.' (Thomson, 1994: 147)

This strand of scholars conclude that elimination of non-state violence was a response to a situation created by the requirements of an inter-state system. The theatre for private violence was the sea where trade took place; as interstate system grew states had to own

responsibility for the plunder at sea done by their citizens. As trade overseas increased, this became a big problem for states. At the interstate level privateering was not abolished until the naval hegemon of the period i.e. Britain did not characterize it as a problem. Thus even if ignited by the needs of safer trade, the inter-state understanding which gradually developed regarding mercenarism helped abolish it. It was on April 18th 1856, with the Treaty of Paris also called Paris Declaration Respecting Maritime Law being signed by France, Britain, Russia, Prussia, Austria, Sardinia and Turkey, that the practice of privateering was abolished in Europe. This declaration not only declared privateering as illegal, but also granted protection of neutral goods under enemy flag, as also protection of enemy goods with neutral flag except in a situation of war. Clearly this was an arrangement for protection of trade. Americans in 1856 however did not accept this settlement arguing that it was not favourable for states with weaker navies to let go its privateers. With the rise of the ideas of French and American Revolution the citizen became the source from which state derived its sovereignty; naturally medieval methods of organizing violence, which had an important place for privateers, were inconsistent with it.

Tilly's analysis of formation of European states is representative of the more materialistic strand of arguments falling in this section. Tilly's thesis rests on what one can call the "triangle of monopolization"; wherein he appreciates 'an intimate relationship between taxation and military force established by Norbert Elias and adds a third missing member- Credit. (Tilly, 1992) . Tilly argues that as the technology of warfare changed, wars became more capital intensive and thus monarchs who had access to more accumulative processes such as taxation derived an edge over mercenaries or private actors who had no access to capital intensive means of force. The following diagram gives a pictorial representation of Tilly's triangle of monopolization.

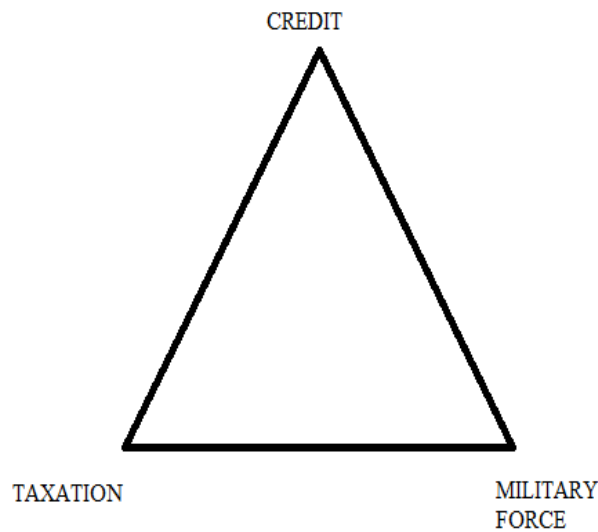


Fig 2.1.4. (a) Triangle of Monopolization (Tilly, 1992)

Tilly begins his analysis of transition in military warfare in the years around 1500. The discovery of firearms led to requirement of cannons and thus gave an advantage to monarchs, who had access to capital and skilled labour. Thus open battles were turned into sieges of important cities which in turn had capital to fund warfare. By sixteenth century warriors had to use portable musketry even on ships across waters. The measure of a country's strength of warfare now became its navy. As navy facilitated and protected trade, it generated new patterns of power distribution. Great Britain thus became a great power, despite not developing a strong army, on the basis of the power of its navy. However as the political system of that time approached the eighteenth century the political risks of having mercenaries increased. Earlier battle pay offs depended on the relative size of armies facing each other, but now victory depended on fighting domestic resistance and rebellion (Tilly, 1992). Consolidation of the territorial state now required winning the legitimacy of the taxpaying and property owning citizens.

Joenniemi Petti makes an argument very close to Tilly's. The central argument is that the structure of the society decides the organizing principle of force. Division of labour and a specific economic character of state together lead to a mercenary state (Joenniemi, 1977).

With the fall of the feudal economic system based upon land ownership and rise of commercial economy, a new system of warfare suitable for the protection of the new economic system arose from the thirteenth century onwards. The new class of the bourgeoisie replaced the earlier nobility and violence was re-organized to serve the interests of this new class. As this bourgeoisie extends its power from economic to political power we have a military that serves a particular class interest by characterising it as a nation's interest. However the bourgeoisie remains the class which has the political power. National armies were thus created as 'early capitalism needed protection for business and trade' and thus required a 'recruited, stable military structure'. (Joenniemi, 1977: 188)

2.3 Project of sovereignty and the end of Mercenarism:

The analysis above can be divided into two broad categories- one which sees a historical break in the military activity of private forces and the other which sees this process as one of continuity. For the first method of accessing history, the very genesis of the question of the dichotomy of public and private armies has the questions of state sovereignty at its heart. This is indeed a very powerful argument. Causally, it brings in the categories of legitimacy, monopoly and property into analysis- state being the sovereign custodian of monopoly over violence, highest arbiter in matters of property, and the only legitimate agency to wield force within its respective territory. Though most of the theorists worked extensively on the sovereignty part of the debate these are largely inquiries into the processes of evolution of the modern nation state. This strand of literature sees the 19th century break in mercenary activity as the final centralization of force in the hands of the state and thus does not answer questions about its reappearance.

The other pattern of looking into history is the one which claims something 'integral in the opposition to mercenary use' (Percy, 2007). They have without doubt brought in a new perspective to the literature by scrutinizing the normative legitimacy that the anti mercenary norm has acquired over the years. What is interesting is that Realists though see a break in the activity; they like the constructivists also see a continuation in the history of private force but for them private use of force is a mere factor in the larger

scheme of security strategy of states. Realists like Posen look at the history of military as the history of power consolidation. He thus sees a continuity and argues that there were material conditions that required rational actors to transform their system of organizing violence in order to facilitate their survival and compete in the changing international system. (Posen, 1993)

The point which is interesting to note is that both-Sociological and Constructivist works use same variables of ideas and the ideational force which triumph the strategically efficient mode of organization of force for states. However they both reach different conclusions when it comes to the question of establishing a break in these activities. Whereas though Sociological and Realist scholars use different variables ie. ideational variables and material variables respectively they reach similar theoretical conclusions and accept historical breaks in the use of private force.

There are other authors as well whose work largely falls under the first category, as in they see a historical break when coercive capabilities get concentrated in the hands of the state (Joenniemi, 1977) (Tilly, 1992). What makes their explanations different is their method. The constitutive elements of their analysis themselves direct us to imply that the process of state formation is not complete and in fact is still in process. By choosing capital as an independent variable, they trace the development of state as an institution through the forms that this independent variable takes. For them, the development of organization of force and its relationship with the state is a secondary effect of the development of relationship between capital and the state. Or rather the process, in fact, is not of state formation at all; but that of the movement of another force- capital- and thus is not yet complete.

This theorization of a break in the history of private use of force will remain very crucial to studying the role of private force in the context of generation of structures of power within the international system. However, this work shall argue that the break has been more in the 'form' of the use of private force rather than in its 'activity'. This shall be substantiated by studying the nature of private force across historical periods ranging from the ancient to the present time. This break has been attributed to the development of the concept of sovereignty in various schools of thought. The next section tries to seriously engage with the argument to develop later on an assessment of the role of sovereignty as an institution and the material factors that guided it.

2.4 Making sense of available answers for IR theory

All the above responses are already divided into various schools of thought like Realism/Neo-realism, Neo-Liberal Institutionalism, Social Constructivism and Historical Sociology in international relations theory. However, each of these answers can be analyzed for what they imply for international relations.

Figure 2.4(a) evaluates the answers provided by all these works, to the questions raised in the earlier section of the chapter. As the table shows, the available scholarship on the history of the phenomenon has very little to say about the present reappearance of the phenomenon. Thomson in her conclusion raises the questions of peculiarities of the time when mercenarism is required as a system of organizing violence. She however, leaves the question for further research. Percy on the other hand argues, that the availability of such a viable option as mercenaries makes sure that they do not vanish. However the historical social method uses variables which can be studied across time periods, the work thus extends this understanding to resolve the puzzle and form of the reappearance of mercenarism.

As is clear from the table, none explain if there is any recurrent phase in the international politics that has a parallel system of organization of violence.

This answer however, is crucial to test the hypothesis of this work. When the conditions forwarded here for the presence of mercenarism are merged with the conditions present when they reappear; it would be possible to test the validity of the claim of a systemic pattern that the hypothesis of the present work claims.

| | Thomson | Tilly | Joennemi | Avant | Posen | Percy |
|---------------------------------------|--|--|---|---------------------------------|---|---|
| Puzzle | Why mercenarim become illegitimate? | How far states depend on coercion for their formation? | Is there a break in new and old mercenarism ? | Are present answers valid? | Did nation states turn to national armies because of ideational force | Why states do not resort to private use of force? |
| Major Reason | Rising inter-state system | Technology | New economic system | Path dependency/imitation? | Survival | Norms |
| Peculiarity about time | Gradual process culminating in the Treaty of Paris | Rise of capital | Rise of capital | The defeat of Prussia by France | The defeat of Prussia by France | The defeat of Prussia by France |
| Facilitating Actors | Big powers | The ruling elite | The bourgeoisie | States in the interstate system | States as rational actors | society |
| Why mercenaries reappear? | Do not foresee the possibility | They don't vanish | When eco system shifts again | Changing nature of state | Depends on power configurations | Don't disappear |
| If yes When and why do they reappear? | No answer | Sees possibility but no clear answer | Sees possibility but no clear answer | No answer | Of no consequence | N.A |

Fig 2.4 (a) : Evaluation of Available Scholarship on Mercenarism.

Mercenarism or its elimination in the eighteenth century thus, was not just an accident. By all strands of explanations discussed above there were reasons why states decided to opt for citizen armies over the already available expertise of the mercenaries.

These reasons were either factors presented by the interstate competition for security which the European states were *thrown into*, or were deliberate reactions to the situations *thrown at* them by the development of trade and technology which required configuration of some rules for the regulation of this new system. It can either be argued that ending mercenarism is a step in the evolution of the human polity, or that it bounces back when the emerging class needs their services to shift the economic system in their favour, or is a domestic reaction to the needs of a rising international system.

For the present IR theories, we have a range of responses that fall in line with the major schools of thought.

The Realist/Neo Realists argue that a nationalized army was a response to the systemic pressure which was becoming more competitive in the sixteenth and seventeenth centuries. Though not the soundest strategy for states individually, the pay-offs of shifting away from mercenarism, for realists, has to be seen in terms of relative gains rather than absolute gains.

The historical-social approach sees this as a more dynamic process. The development of arrangements of commerce and the branches of polity, be it military or administrative order, develop in compliance with each other. The international political-economic structure thus drives the military organization, which in fact is never domestic. Tilly's historical sociology approach sees the entire European system together, as the entire region of Europe developed similar traits at the same time. This was precisely because the trade and commerce facilitated similar needs and demands on the states.

For constructivism, the norm against mercenarism is so strong that it resists the formation of a strong formal law at the international level. It is considered as commonsense which underlines that the use of private force is indiscriminate and wrong, and thus never reaches the policy parlance unless some attention catching atrocity is committed at the hands of private actors using force. The Nissour Square incident in Baghdad where soldiers of the US based private military security company called Blackwater opened fire and killed civilians indiscriminately is a case in point. It is international opinion formed around the norm that had shaped the discourse around private allocation of force in the present form. Thus the way the modern privateers have to constantly be on the defensive, their non-involvement in the combat operations and the fact that the states like US cannot use them overtly; all emanate from the strength of the anti-mercenary norm.

Thomson, in her work, has a clear message for 'international relations specialists- that they would do well to abandon the notion that the state is the state is the state'. (Thomson 1994 :149). She, while theorizing the single phenomenon of non-state violence, is suggesting that the 'International' cannot be sought as a controlled system. From a purely sociological method of analysis there are numerous variables which factor in at various stages and have important effects on the behaviour of actors. Thus by taking a controlled system for analysis, by artificially controlling some variables or assuming their ideal type behaviour, true explanations cannot be accessed.

This work argues that for the development of a systemic analysis of the phenomenon of private force; a variable which encompasses historical periods and has a direct bearing on its reorganization needs to be theorized. The work situates this in the variable of property. However the analysis till here rests on secondary sources of history and thus faces a problem of having read histories from one or the other perspectives. The next section though not based on primary research or data collection, attempts to expand its sources not just to sources on European history, but comparative histories across continents. This is being done with two intentions in mind

- (a) To test the validity of the thesis that interprets end of mercenarism being a development parallel to the development of the concept of sovereignty.
- (b) To develop an assessment of whether the variable of property affects organization of force throughout these historical periods and regions.

This would be helpful in tracing broader patterns of why, how and when change occurs in allocation of means of force in the configurations of the world security system. It would also demand international relations theory to place concepts like security, sovereignty and citizenship into a more inclusive, non-Eurocentric perspective- a truly global perspective – and at the same time theorize change.

For, it is surprising that neo-realists hardly theorize the international structure as a generative structure- i.e. as a structure which generates sub-structures of power (Ruggie J G, 1983). The fallacy of limiting the generative nature of international politics which has its genesis in the assumption of anarchy, has only led to imagining systems of power in which directions of power and authority are horizontal. However in reality, explaining recurrent changes, which cannot be rationalized by realist/neorealist imagination, requires opening oneself to the vertical hierarchies of power that the international structure generates.

2.5 Theorizing New Variables : Property and the Allocation of Force

The earliest civilizations were civilizations around rivers which depended on agriculture. Struggle and warfare amongst humans began when civilizations moved and interactions played a major role in the patterns of this movement. For apart from challenges to identities, invasions meant more claimants over available resources. What subsequently became dominant was the concept of property- a *legitimate claim over something*. Here,

legitimacy should not be understood in the modern sense of the term. Here legitimacy would also be used to mean acceptance by the other of one's ownership by coercion or fear of coercion- or a claim which may be complemented by a competing claim at a given point of time. The concept must have been loose in the beginning, because the societies could afford to keep it loose. However in the meantime, it developed, becoming sacrosanct by the eighteenth century. To protect, guard and regulate enforcement of observance to claims internally but more importantly from external enemies, coercion was employed.

Amy Chua did a study of nine biggest empires since the early history to the modern day and found that the empires that reigned the longest were ones that were tolerant towards the populations they ruled over. (Chua, 2007) Also, this made resource extraction over long term possible in terms of tax- a legal claim of a ruler over produce in exchange of security.

One can conclude that conquerors who respected the claims of the locals over their material and religious rights were the rulers who in the long term developed better military and taxation systems; which in turn also extended their claims to the empires as their property. This is not meant to be taken to mean that these empires were by any means peaceful ones. This means that tolerant empires or empires which could maintain their hold over societies for a longer period of time, provided respite from continuous state of wars and facilitated the development of the concept and practical entrenchment of the system of claims. This also had a reflection in the ways the military systems were configured.

Taxation, and loot of the resources of neighbours by military conquest were the two ways of resource extraction. For a long time the latter was more prevalent, and thus armies were not nationalised as boundaries themselves were in a flux. This was a booming time for mercenarism.

Increasing trade required institutionalizing certain rules of behaviour by empires. As trade grew and prospered, empires and kingdoms had to rely more on the first way of resource extraction- taxation. Trade made the concept of property more concrete and complex. Now traders competing with each other claimed goods, routes and customers and thus had to conceptualize property more concretely than before. Search of new regions to trade with became a new source of resource expropriation. This necessarily changed the

organization of coercion as traders who came to sponsor trade voyages demanded lesser harm across the seas to their goods. The free use of private force thus had to be crushed. The states which required more travelling for trade and had to cross the seas for trade developed navies and fleets. Parallel developments were seen in the countries of Asia and Middle East which primarily relied on land routes for trade. Thus European kingdoms like the Dutch, the Spanish and the British etc developed advanced navies which had to travel a long distance across the seas for trade. As traders who had begun to become a very powerful class across societies and were paying huge tributes to the rulers demanded that coercive capabilities of states be restrained and regulated to facilitate interests of the trading class. The process of the development of Maritime Law and the Law of Neutrality are examples of this. The 1856 Treaty of Paris stated earlier was a result of such developments. In other words, the population started claiming its right over the coercive capabilities of the state which in turn required the overhaul in the military system. This shall not be taken to mean that trade made wars obsolete, but they nevertheless changed the major mode of resource extraction of the rulers from coercive resource extraction to taxation.

What appears when we apply this to the historical presence of mercenarism across the globe is that if one looks at political systems from the prism of how they extract and arrange property relations one can draw its link to the mode organization of force. So across continents when property relations are not clearly defined mercenarism is set loose, but when they get centralised for examples in monarchies, there is an attempt to curb or regulate if not to end mercenarism. As polities move towards a mercantilist economy, disciplining force becomes necessary for trade to prosper. Permanent hiring of mercenaries by states thus begins to wane. With a move towards commercial economy the concept of contract and mercantile companies rise in Europe. It was in this context that mercenarism moved outside Europe. Increased trade and property extraction from colonies led to more accumulation of property in the continent of Europe and thus it was the first continent to shift from the agricultural mode of production to the industrial mode of production. These developments are dealt with in details in the next chapter but what is significant is that methods of property extraction have an effect on the polity as well as the security organization of states.

The introduction of property as an independent variable surely requires a lot more data before developing a model of explaining the transformation away from mercenarism.

Nevertheless, introducing the variable of property into the analysis answers several questions.

Firstly it accepts the generative nature of the structure, and still explains recurrent changes in the system. Secondly, it answers important questions regarding the reappearance of mercenarism as will be done in subsequent chapters. The change in the nature of the movement of capital and thus property might hold answers to the peculiarity as to when the politico-economic conditions make possible the emergence of the private organization of force. This aspect shall be explored and examined in the chapters to come.

2.6 Lessons from History of Mercenarism:

History holds important lessons firstly in terms of broadening our understanding of the private allocation of force and difficulties of defining it. It also points to fact that the normative disdain for private military actors is recent and is still seen as natural where the project of complete monopolization of force in the actor of the state is incomplete. It also in a way answers the questions that authors like Janice Thomson pose, when they try to speculate why state chose to monopolize violence on the lines of territory and not other identities such as ethnicity or race? The answer is the similar vertical hierarchies within states experiencing similar changes in economic systems and this in a way determined the paths that the state rulers could take. Of course, hiring troops was and remains the best strategy for warfare, but that cannot be done unless the system at the same time allows convenient access to accumulating capital; which is the first pre-requisite to be able to claim a monopoly over force. The contours of the organizing principles were decided not by culture, religion, identity or norms- but by claims to property- in its broadest possible sense – and thus a material referent of a state had to be the basis of the organizing of economy, polity and violence.

Chapter 3:

From Mercenaries to Private Military Companies: The Systemic Generation of Security Trends

Warfare as public militaries fighting for a common cause is an idealization (Singer, 2003: 19)

The history of warfare cannot be written without the history of involvement of private actors in warfare. However, there have been transformations of a humungous nature in the constitution of these actors with the period of time. Their use has been justified sometimes domestically as favouring the national interest and sometimes as an economic and efficient solution to bureaucratic national militaries. This however is done clearly when such use comes to the public eye, which to state the obvious, is very rare. Understanding the transformation from the Mercenary to a Private Military Security Company is important not just to understand the present contours of the privatized force but also to study the broader context in which the allocation of private force has been brought into operation in international politics. This implies studying the different forms that private military actors have taken over the period of time.

To start from where we left it in the last chapter, the formation of nation states attached a negative attribute to the free use of mercenaries. This was also due to the fact that the major resource expropriation sources now lay across the seas. The free willed mercenary pirates could not be trusted as there was no mechanism of their accountability to the state. This period also saw the growth of commercial economy and banking and the merchant class monopolized not just trade but also trade transactions with the help of the state. Nation states in their initial period required not just monopolization of force but also monopolization of resource extraction within the territory. The most organized and elaborate taxation mechanisms were evolved by the nation states. Involvement of the population in the polity and economy as tax-payers; and deriving legitimacy from tax payers became the two most important challenges for the rulers. The merchant class and the ruling class thus complemented each others' needs. The nineteenth century brought a major shift in the form and the theatre of privatized mechanisms of violence. Colonialism became an important channel that set ground for the expansion of this theatre. However,

in this phase the public- private force distinction did not appear as sharply, precisely because principle of sovereignty and rights of citizens in modern state had not fully set its roots even in the colonizing countries. Though it has to be taken into consideration, that republicanism- a principle around which modern sovereign nation states are organised had by this time given rise to the discourse of abstract concepts of citizenry, whereby individuals were accountable to the idea of a nation which was more than just the territory of the state, equality before law and individual liberty in Europe. All these were in contradiction to the principles on the basis of which colonies were ruled.

The second major break in the private military activity after the 1856 is considered to be the bipolar period when the super power rivalry was on. This has been theorized as a period of inactivity of private military actors. However, this is a contested claim which this chapter refutes with the help of scholarship and historical data.

After the end of cold war, however, was unleashed the second form of modern mercenarism (Spear 2006) (Kinsey, 2006)(Singer, 2003) (Armstrong, 2008).This was employed by corporations and big business; though largely in compliance with the state. The ironic peculiarity of this phase was that Private Military Companies were sent or invited or worked in covert compliance with domestic- foreign policy goals of “Westphalian” nation states- the then powerful states of Europe, for whom monopoly over violence through a national army was a constituting principle. However many contracts were direct contracts between either foreign corporations and the PMSCs or the ruler caught in a civil rebellion and the PMSCs.

The third and present form of use of private force, which has come to be called the Private Military Security Company or PMSC is the use of direct combat, intelligence and logistical forces, hired for on- ground activities to operate in areas of war or in peacetime under a written contract passed by government agencies. This is the latest form of privatization of force. This thus stands as a closest model for determining what the future forms of private militaries might look like. (Carlos, 2010) (Spear, 2006) (Rita & M, 2011) (Carmola, 2010) (Tonkin, 2011)) (Avant, 2005)

This chapter would thus look at the genesis and growth of PMSCs in contemporary times and further look into the post-colonial outrage on the functioning of these companies. The

entire debate that arose due to the use of these companies in the decolonisation period especially in the continent of Africa led to an outrage and severe criticism of such modern state-sponsored mercenarism. This also led to a lot of these companies withdrawing from this business and investing elsewhere. Some others however, developed a better model of a private military company, which covered all legal loopholes and enmeshed itself into the state- market complex, which it also created. The present PMSC is a product of this very process. (Executive Outcomes and MPRI can be stated as best examples of this new form of private force)

This chapter in line with the argument laid down in the last chapter, argues that understanding the present forms of private force requires understanding the new avenues of allocation and expropriation of the variable of property in the international system of states. And thus to draw a clear picture, the chapter will first lay down in detail the trajectory of these three phases of the evolution of modern day private militaries in section 3.1. Also, the argument that the allocation of force to private actors saw a break in the cold war period shall be scrutinized.

As stated before, the aim of the chapter is to analyse the correlation between the distribution of power and private allocation of military force. This would require looking at the structural configuration of power in the international system in all the three periods. This analysis would be done by using the concept of generative structure. Section 3.2 will argue the case for the use of this concept and its relevance to the present work.

The third part would summarize the conclusions of the earlier two parts and draw systemic conclusions.

The transformation in the character and role of private military/security actors will be studied in terms of their relation to the structure. The reconfigurations of security systems will be studied along the lines of the arrangement and re-arrangement of political units in terms of trade, power and security, etc.

3.1: Three forms of Private Force in History (1600-2012)

This section lays down in detail the forms which the private military actors have taken roughly from the periods of 1600-1856, 1945-2000 and from 2000 to the present. The

analysis starts from 1600 as by this time the mercenaries, as the medieval world knew them start to disappear, slowly becoming invisible. These actors go in for an adjustment with the transforming structure of the economy and the state and enter into the charter company system. The next two periods also stand for the specific structural transformations of their time and the new forms that private security actors rearrange themselves into.

3.1.1. The Private Army of the Empire: (1600- 1856)

To reiterate what has been argued in the last chapter, property and the forms in which it has come to be understood has had parallel transformations reflected in the forms that security has taken as well. This section gives the entire trajectory of how and why Mercenarism slowly started disappearing in Europe around this time.

The period around the year 1600 was a major period of transformation in Europe. The development of the merchant class and its growth which envisioned an expansion of trade; led to parallel developments in terms of investments in developing map technology, transportation services and the banking system to facilitate overseas trade. The political aspect of competition amongst the European nations also led to the involvement of the ruling class into the exercise. The result was the formation of the charter company. The first historical accounts of the formations of companies- derived from the word “con- pane” meaning “with bread” signifying formation of a troop that would work and live together, also point to the end of being tied to a lord for serving in war. These first companies were formed to find employment in the times of lull when there were no wars. The genesis of the company, thus, had its origins in the conditions of instability wherein at the end of Hundred Years War (1337-1453), the soldiers found themselves unemployed after a period of hyper militarization. These patterns can be seen in the future as well, post the end of the cold war- which was also a period of lull after hyper- militarization when superpowers cut down enormously in the number of troops they maintained hitherto.

As Europe moved towards commercial economy and first forms of banking started to evolve, the *condotta* or the contract referred to earlier took more concrete and expansionist form. It was in this period that the first Charter of Virginia was brought out

under the rule of James I in 1606 and the system of *condotta* gave way for the Charter Company system. The development in communication and transportation technology gave a boost to trade, which naturally meant a change in social leadership in the favour of the merchant class (Thompson, 1994). This also meant that the earlier system of feudal levy had to go and a more complex system of taxation which was a corollary of commercialization of trade and bureaucratization of military followed. This period saw the disciplining of the earlier forms of free mercenaries which now came to be tied to merchant houses. This happened because, as the area of trade expanded, so did the area of operation for state employed mercenaries and so did the dependence on funds, information and overseas protection. This was the beginning of today's private company as private individuals enrolled themselves into a company. This company signed contracts and took money as per the contracts, putting an end to the earlier tribute system. Under the tribute system, mercenary bands turned in a portion of their loot to the local ruler. The pirates however, were never part of this system which might be the reason why they were never integrated into the state's force later on. Protecting the trade vessels of one's country across sea now became a duty to the home state as social division of labour took serious roots, protection became state function. Mercenarism which was a respectable and chivalrous profession till then now became a crime. Drawing of privateers into the mainstream security system of the ruling classes of the time was a parallel development and systemic response to the changing economy and polity. This was done by giving policing rights to the chartered companies, which could enrol privateers, and consequently also fought major wars for the companies in the colonies (Kinsey, 2006) (Singer, 2003).

With enlightenment and the French Revolution, however, the credibility of private armed forces under the companies was brought into question (Kinsey, 2006). Some scholars note this as a period of decline of private violence post-1856. This argument holds some credit; however the processes driving this change are more complex.

The mandate to use force given to various companies varied as per the home state, so the Dutch companies had the right to use all possible force to counter the Spanish armada, the French company worked in very close relation with the French crown. Whereas the English East India Company had relative autonomy in matters of war in the colonies, the state played a major role, both in securing its monopoly and its operations. The takeover of the fortunes of the East India Company by the English crown post the 1857 mutiny in

India is a case in point. The company's forces like the company itself were eventually nationalized by the British in India as the crown took over. Also given that this was a period of major flux in terms of state authority and the control of states over the companies; the distinction between public and private was not as sharp.

It is true that by this time, the discourse of nationalism took serious roots in Europe, but given that by that time, the role of privateers had been shifted to territories and seas beyond Europe as the process of colonisation began, there came a disjuncture in the way domestic and international organization of force was configured for European states.

This observance of different principles of state governance in the home state and the colonies later on became a significant part of the critique that nations of the "third world" forwarded against their colonizers. (Roy, 1987). In the domain of organization of force, this pressure only resulted in the bureaucratization of private forces under the monarch. This directs us to a larger question of why the private use of force has been so consistently present throughout history. Brauer, 1998 argues that this can only be understood from the economic point of view.

The trade companies made the use of privateers in furthering the project of colonialism. Of particular interest is the fact that these private military entities often mirrored, or in some cases even initiated, the development of prevailing business forms in the society. These were trading and military groups being organized along tribal or cultural lines, the formation of companies and written contracts, the rise of individual entrepreneurs, intricate joint stock ventures and so on. (Singer, 2003:19)

The overwhelming expansion of trade justified granting relaxations or re-distributing sovereign powers of the state, especially in the sphere of protection. As trade became a measure of national growth, its protection became a non-negotiable. The non-negotiable then moved from being the protection of trade to the monopoly of trade. Thus the transformation of national assets from trade goods, to trade routes to extra-territorial occupied provinces, determined the military infrastructures such needs demanded.

The period from 1856 onwards as has been stated earlier saw a gradual reduction in the use of mercenaries in Europe and elsewhere. As the mode of production shifted to industrial economy competitive capitalisms unleashed a rush for accumulation of resources. This created conditions of war. The periods of war saw centralisation of all

force into the hands of the state as states spent overwhelmingly on defence multiplying its military forces. This period thus does not register any significant use of private force.

3.1.2. *The Private army of the corporations* :(1945-2000)

The kind of private military force that developed during this period can be termed as an intermediate link between the previous form of chartered company and the present corporate military company. What it had in similar with the previous form was that the nature of the relationship between the company and the state when it came to the question of the use of force. In case of chartered companies, different companies had different working relationships with their home states and though permission of use of force for police functions was granted, they almost always out stepped their mandate with the covert permission of the home states. These companies, similarly, still had to work in a covert fashion and keep their links with governments and lobbies within the Parliament a secret, as the actual hiring was done by the corporations in these states. Many a times governments were unaware of the strategic alliances and plans which were being made by the companies on ground (Kinsey, 2006).

Another similarity lies in the fact that just like in the previous centuries, private military movement was directed to the resource rich regions for trade. In this period it was the resources in the region of Africa that directed the movement and even birth of many of these companies.

The post colonial scourge of resource rich countries, especially those of the African subcontinent was facilitated by the rise of the concept of militaries of the corporations. Most of these PMSCs took roots in the African soil to protect British foreign policy and resource monopoly interests post the nationalization process had begun in its different colonies. During the process of decolonization, the declining hegemon had to devise some mechanism to maintain its de- facto monopoly over the resources of its erstwhile colonies, and this led to the rise of the modern mercenaries (Armstrong, 2008) (Arnold, 1999) (Kinsey, 2006) (Thobhani, 1976).

Some scholars argue that the cold war period saw a lull in the mercenary activity, as the two blocs polarized forces on nationalistic and ideological lines (Singer, 2003). However, Kinsey argues that the relationship between British Government and military

companies continued throughout the Cold War (Kinsey, 2006) (Thompson, 1994). The British elite, many of them conservative parliamentarians who had suffered severe losses due to the nationalization of Suez canal and the loss of the port of Aden maintained their economic and foreign policy interests in the Middle East, Africa and Far East with the help of mercenaries like David Sterling who started the infamous SAS (Special Air Service Personnel) which later became the BMO (British Mercenary Organization). The BMO was the official but secret arm of the British Government's Foreign Policy (Armstrong, 2008) (Thompson, 1994). Later on when British interests were challenged even in Aden, its last bastion, the BMO was used by King Faisal of Saudi Arabia to expand his royal project in the region. However the protection of its interests in the region was very important for keeping afloat its sinking economy. Therefore, the relationship between Sterling and the British Government was not to end so easily. The Macmillan government, in the 1960's, devised a new unofficial method to defend the British interests in the region-through the formation of Watchguard- the first commercial military company. This was the brainchild of Sterling. As Kinsey notes,

The idea behind the company was to safeguard British interests in places where the government was not able to act for whatever reason (Kinsey, 2006 : 47).

Watchguard became a model of how a military company could thrive in that period. Though it never completely formalised its relationship with the British Government , it never took any project without its consent. Its major service area was troop training, military advice and direct military service to rulers identified as favourable to the British 'national interests'. With time its goals became completely commercial and other business houses followed suit into this economically and politically lucrative trade. The process of decolonization in Africa set in the process of scourge of African resources by the UK and later by the US mercenaries.

Similarly in the US, the biggest of business houses opened up PMSCs. Several examples can be noted: An industry management consultancy firm, Booze Allen Hamilton, established in 1914 after working closely with the US navy, started a private Navy Services company in 1960. This company fought the Gulf war on the side of the allied forces. Another construction company, Vinnel Corporation, formed in 1931 shifted its business from construction to military training and services during the cold war. It later went on to build militaries in states like Saudi Arabia in exchange of money. Dyncorp,

BDM international, SAIC and even the 1967-formed MPRI have similar unsuspecting beginnings.

Thobhani makes two very important points when he argues that though the problem of mercenarism has been there for long, what has been a reason of discontent post the 1945 period is what he calls “Racial Mercenarism”. An essentially white project to subdue Black Nationalism, according to him. In this he first makes a political point that decolonization has become another process of economic colonialism, and secondly that political instability in the African continent is a deliberate creation to maintain this area as a sphere of influence and resource extraction by the hegemonic countries. He concludes,

Mercenaries continue to pose a threat in the international system, particularly in the southern African situation. Whereas in the 1960s mostly European nationals filled the ranks of mercenaries, in the 1970s U.S. nationals are becoming increasingly involved and this is further poisoning African-American relations and needlessly leads to further internationalization of conflict in Africa. The nature of conflict in southern Africa is primarily not around the issue of communism; it is between colonialist and oppressed people and it is vital that the American people and the administration come to terms with this. That African nationalism will triumph in southern Africa is inevitable. Mercenaries only delay this victory causing, in the process, a lot of unnecessary loss of lives and property. It is in the long term interest of the United States to put an end to misdeeds and mischief by American mercenaries in Africa, and to support the cause of African liberation in southern Africa (Thobhani, 1976 : 68).

Post the cold war however, the nature and character of PMSCs drastically changed. PMSCs, now became professional companies who trained militaries of the third world disturbed areas routed by internal conflicting groups. This period saw booming PMSCs distancing from performing direct combat and taking over training of troops (Kinsey, 2006).

A wide range of reasons for this have been identified by various scholars. Some scholars see this as a resurgence of identity-based war, once the ideological Cold War was over (Kinsey, 2006)(Carlos, 2010). Some see it purely from the functional perspective, wherein the available workforce after the wave of hypermilitarization organised itself as private forces (Singer, 2003). The third view is where, from a new institutionalist perspective the economic and social transformation post the cold war, increased social, functional and political acceptability of these forces according to the varying capacity of states. (Tonkin, 2011) (Avant, 2005). However all scholars argue that the discourse of

war was *made to* shift from real-politik to the development discourse, where wars were fought in defence of or against weak governments for ‘Democracy’ and ‘Development’. However, the framing of these wars in this way was not devoid of politics. The US increasingly involved itself in forwarding military assistance programmes by contracting MPRI which was a company formed and run by former CIA and DoD officers. These military assistance programmes were extended to the groups which were favourable to US foreign policy and economic interests in the region. Thus democracy meant accepting the American world order and organising polity along the liberal political principles, whereas development meant accepting the new economic order under the IMF and World Bank, thereby integrating the countries into the global capitalist economic order. In this bid the superpower often militarily helped dictators and unpopular factions.

Whereas these issues were raging, the UN members grew increasingly hesitant to send national forces into areas of murky conflicts for intervention. This led to overt use of private force which was a crucial factor in these companies being able to relatively shrug off the taboo attached to their work. The PMSCs started finding sympathizers not just amongst politicians of the third world but also in the UN, which had no other recourse. In such a situation, civil wars became commercial opportunities and the rebuilding of governance mechanisms in weak states on the liberal- democratic model, became the politically correct excuse. What remained unsaid is that these companies acquired mining rights and effected other such resource acquisitions along with the military support they gave to host governments. MPRI was used by the US DoD (Department of Defence) to reconfigure security according to the American interests. Thereby by the late 1990’s PMSCs became a major force in the international security arena.

3.1.3. *The Private Army of the ‘State- Market’ Complex: (From 2000 to the Present)*

Before discussing the use and nature of private actors using force in the stated period, two broader points need to be made.

One, in trying to explain why the US is going to war and will keep on going to war, Thomas P.M. Barnett argues that war is now inevitable and good because the next wars

for him will be.. ‘..historical tipping point – the moment where Washington takes the *real ownership*² of strategic security in the age of globalization (Barnett, 2003).

Second, Singer points out to the other significant and parallel development- that today we are in a state where we are reversing the process by which the modern state evolved (Singer, 2003: 56). The principles on which the modern interstate system was constituted namely; sovereignty and state monopoly of force, are being over rided by economic and poltical interventions of non-state actors- INGO’s, lobbyists, PMSCs etc.

Both these formulations about the the forces of powerful states and the forces of market are very important in directing the course of world polity in a dialectic relationship.

The peculiarity that the form and the role of PMSCs have taken especially after 9/11 is that now they are legal corporate entities which work at the behest of the US governement (the US firms’ market shares being the highest). Today these companies in the US have transformed themselves to become a seperate entities. The top-notch companies in this sector have now developed into full fledged forces to whom wars can be outsourced. Blackwater and Dyncorp can be stated as examples. Legally they are like any other company- with a pool of employees on a pay-roll, hierarchy within the company, legal offices with branches in almost all parts of the world and they advertise their services through mass media also accounting their history of warfare and intervention.

Another aspect of these companies is that, despite their legal autonomy, most of them have governments as their clients, and thus a lot of them rely on lobbying to win contracts along with political and financial support to political parties. Thus the configuration that we are looking at is a lot more complex – it’s a complex of state and the corporations working in a mutually dependant and beneficial arrangement. The story of Erick Prince, the owner of the infamous Blackwater- a PMSC which won and later lost a war contract in Iraq due to war crimes, is a case in point.

Coming from a right conservative background and a staunch supporter of the Bush regime, it was natural progression that Erick Prince translated his politics into his company, that his company fought the Iraq war with Islamophobic vengeance ; and that he

² Emphasis added

got a “no bid”³ contract in the first place. His contract which included combat, and non combat security services, was cancelled in 2009, when controversy arose over the September 16, 2007, Nisour Square tragedy in Baghdad where Blackwater military contractors openly shot and killed 17 Iraqi civilians without any provocation. Thus it is not the case that these companies are politically neutral entities following purely commercial interests (Scahill, 2007) but indicate the continued operation of military-industrial complex.

Avant argues that though there is a section of companies which fights independent of government interests, this section is small and mostly the UK PMSCs come under this category. This is because of two reasons. The companies in the UK are not very close to the government per se but to the industrial class, given that the UK does not have a very strong state- corporate nexus. Secondly, there has been a lack of development of a correct understanding of the transformation of PMSCs from the cold war period “extra-legal” to the present “corporate PMSC”⁴ in Britain. The British have not been able to transform their relationship with PMSCs post the end of cold war outrage against UK PMSCs in Africa. British government still conserves its skepticism as regards direct outsourcing of government military contracts. The UK PMSCs thus fight for independent contracts overseas. (Carlos, 2010)(Kinsey, 2006) (Armstrong, 2008)

According to Avant’s theory, successful use of private force by a state requires its acceptance at three levels- functional, political and social. UK’s capacity to extend the private control of force, she argues, has evaded the functional inhibition to erosion of state monopoly of force but the political and social aspects have not been integrated into it. In the US it is a more integrated development. Private control of force in the US has taken strong roots in the functional and political arena. The social acceptability of it in today’s risk society is being developed alongside (Avant, 2005).

Kinsey makes another important point about the strategic complexes that have become major driving forces in the way security functions today. These complexes comprise of non- governmental bodies, international organisations and corporations which have been

³ A contract of a public service which is awarded without bidding/ negotiating its price i.e without making public the availability of such a contract by a government.

⁴ A PMSC cannot be termed illegal unless it uses offensive force in a war zone according to the Geneva Conventions.

delegated functional areas of security. For example the Mines Advisory Group which is a non profit NGO, which undertakes clearing of landmines and unexploded ordinance (UXO) hires a PSC called Armourgroup for its operation. Such strategic complexes promote the use of PMSCs. Also their limited mandates and authority only make governmental interference in their roles possible even as governments remain unaccountable for the PMSCs actions. So, if MAG pushes a clearance of a region which is of strategic importance to the US it needs to lobby through the US government to let it pass from the UN, and thereby involve it. The US government in turn can very well argue that a corporation within its confidence be given the respective contract for reasons of security. How corporates lobby within government for contracts is clear by the fact that the US defence advisory Board of nine members itself has 4 lobbyists of PMSCs within it (Verloy, 2003). Thus, in this way, governments and corporations work for their stakes in resource rich areas and areas of influence without a lot of criticism. Thus its an entire complex of actors feeding into each others' needs forming a state market complex.- where the market has a direct influence in government policy making through lobbying etc. Also what is noteworthy is the fact that these companies are also playing a role in sparking off wars by their individual involvement. For eg. Blackwater, now XE security services is training troops and building military in Somalia, by backing another local firm, Saracen with the UAE's money in order to steer clear direct US involvement into Somalia. It has been reported that some US officials in their personal capacity have been backing this deal, though there is no US government involved. (Mark & Erik, 2011) Thus wars are now becoming political business deals fought by expert agencies of the corporate world with the aegis of the state-market complex.

3.2: Mercenaries to PMSCs: Bringing the Structure of International Politics into Perspective:

The account of the use of private force stated above gives a brief summary of the path that privatization of force has followed. The reason behind stating the very trajectory has been the need to be able to study these developments vis à vis power configurations of the political structures in which they developed, transformed and subsided. The present section takes up this very task to develop the tools of undertaking such a study of such a trend.

It builds the ground to explain why is it that free mercenaries going on to organize themselves into guilds or ‘con-panes’ is important for understanding the transformation of international security? Why is it that the difficulty for countries to overtly associate themselves with private use of force closely linked to the development of systems of political organization in the international system? Why economic commonsense is being evoked in the present time to justify state use of private force and to outsource war, instrumental in understanding the future forms of state and security in the world?

These interesting questions lead to more interesting answers. They lead us to a pattern of private use of force which complements the changes in international structures of power. This pattern is one through which its shifting theatres creates for us- the trail of resource extraction in history.

Before getting into this analysis, however, it is important that the concept of structure that is being used here be explained. Firstly, the structure here is used to mean, the Waltzian structure which is formed due to the arrangement of units in a system. In other words, a system thus consists of units arranged or structured into a “structure”. This structure however changes due to two forces. Firstly, the changing forms of association within its units and secondly the fixed parameters or the governing logic of the system in which it is placed- in our case, the changing dynamics of capabilities and the formal presumption of anarchy respectively. Thus, both the changing associative powers of the units and thus the configurations of the structure are constricted by the nature of the system. The structure, therefore, derives some inherent rules of movement from the organizing principle of the system and is thus a “generative structure” in this restricted sense. A generative structure at various points of time generates ways in which agents or units can exhibit forms of association.

Secondly, the agent- structure debate in international politics is very crucial in terms of the ontological premise on which a research bases itself i.e. whether one chooses a constitutive or causal way of reasoning and whether such a premise can theorise or help explain change in international politics. However it is not the subject of this study to measure the relative or combined effect of both the agents and the structures on the use of private security forces in history. Nevertheless, given that the study endeavours to take into account a systemic analysis, the constitutive reasoning must be given its due importance. The study, thus, while accepting its limitation, chooses to look at the

constitutive aspect of systems, without overlooking the fact that the agents or the units have a limited causal effect in negotiating the terms of the organizing principle of the system.

However this should not be taken to mean that this is a neorealist work of scholarship. Pegging all analyses emanating from constitutive logics to Neorealism is a misleading practice adhered to in the study of international relations theory. As, at the same time, the concept of structure being used is clearly different from Waltz's structure. The concept of generative structure which has been employed has been taken from Ruggie's critique of Waltz (Ruggie, 1983). In his famous critique, Ruggie accounts the inability of Neorealism to theorise change and transformation because of its use of a 'descriptive' structure to study the international system. Thus, he argues that by committing this major omission we restrict our constitutive reasoning to the 'change in the organizing principle' (in our case anarchy) and causal reasoning to 'variations in capabilities of units'. (Ruggie, 1983: 266). Ruggie instead proposes a more sociological understanding of structure, which goes beyond "representative sampling" and tries to discover the "underlying principle governing the pattern of change".

It is in this limited sense that the generative structure concept shall be applied to study the three phases discussed above. However in place of Ruggie's sociological understanding, the marxist politico-economic understanding of structure is used.

The last chapter established a pattern between the degree of monopolization of force by the state and the efficiency of state to accumulate capital. Thus, when economies are based on subsistence farming, war and occupation of territories mercenarism exists unabated. With the medieval period setting in the manorial feudal economy, centralisation of private force began. The free mercenaries now functioned through condotta or contracts. The mercantilist period however brought about further revolution in economic organisation. As has been stated above banking and taxation required nationalisation of force and thus private force was curbed. Political developments in the early modern period also manifested this change in the development of sovereign nation states. The vast amount of capital accumulated through colonies acquired through private chartered companies and their armies gave rise to industrial economies. By this time the use of private force had completely shifted its theatre outside Europe. The war of competing capitalisms was followed by the war between mutually exclusive economic systems. These periods were a

period of break as force became nationalised. However the involvement of private sector in these wars marked the form that private force was to adopt in the days to come. The US military closely worked with its private army industry thereby a lot of companies developed stakes in the war economy. In the meantime Britain used new entities which were mercenary organisations which later developed into PMSCs. In the period of neoliberal advance these companies worked in covert compliance with the objectives of powerful states. The hegemony of finance capital however shifted the scale in the favour of the private companies. The same was the case in the military sector. With finance capital governing the free economies of states the PMSCs also became part of the state-market complex. Thus though the systemic condition of anarchy still exists, the changing definitions of capabilities of states are generating a new ordinal structure within the same system- thereby China is being seen to be replacing the US. These however are big claims which shall be defended to develop the basis for the central hypothesis in the next chapter. Nevertheless there emerges a clear systemic pattern of the way use of private force has evolved vis- a- vis the development of the international economic and political structures.

Also, the beginning of a vertical order of states- which becomes visible only when the lens of property or the power to accede resources even beyond one's territory is applied, informs the analysis. This is in keeping with the generative role of the structure. Thus, though, the organizing principle (anarchy) amongst all states remain same, the vertical structure (hierarchy amongst states) which is exclusive of this organizing principle unfolds, not only because capabilities of units change but also because the vertical nature establishes a structure of economic hierarchy which translates into a parallel coercive or military hierarchy – through 'legal' as well as 'extra-legal' means. This vertical order is the order in which goods and property flow, the way access to resources becomes legitimate and this way is carved as per the order of 'capability hegemony'⁵. But the capability order is determined not as much by unit level actions as it is by the very structural standards through which units are differentiated. It is precisely here that the system's organizing

⁵ Capability hegemony: The term is introduced here to mean the forms in which dominant capabilities are placed to be aspired in the international order. So, the aspired capabilities for states have changed over time from being self sustaining economies to democracies to nuclear powers etc. Though the underlying capabilities remain economic and military power, the way different world orders articulate their desired capabilities set off the 'capability hegemony' which other states in a system follow.

principle controls the structure, as in it determines the standards on which differentiation must occur.

Finally, the concept of formal presumption of anarchy also has a role to play. If the systemic organizing principle is anarchy then all units must be equal, which they formally are. However, if one looks at the structures of international polity, their organisation has rarely been in a horizontal structure- i.e. powers enjoying equal standing in the world order. Political units have had a period of horizontal power equations, but once the process of structuration⁶ begins i.e. gap in capabilities is developed, with the association of units we see a vertical order emerging. The organizing principle of this vertical order is force and property and the combination of the two narrates the rest of the story. Now, unit level change of capabilities can move units up and down the order, or unit level interventions to change definitions of capabilities can either help establish parallel vertical orders. For example, states advocating use of green energy, which are far from challenging the established power structure form a parallel vertical order of power. This fixation flows from the formal equality principle or anarchy at the systemic level- which in turn induces a structure of hierarchy according to the economic capabilities at the structural level and this is how units differentiate themselves.

However, what happens if the organizing principle of the system is changed? What if the organizing principle of the international system is representative democracy for people? Then emerges a structure ordered according to the standards of differentiation relevant to that structure. A big population, race, class, gender then become a measures of capability for a state and plays an important role in determining a particular state's place in the world order.

There are two advantages of moving forward with this conceptual framework. Firstly, the very nature of international politics which consists of very significant changes at the structural level but maintains a "seeming" continuity at the systemic level can be accounted for and analysed. Secondly, while studying phenomenon like the privatization of force, the systemic analysis is bound to become either unit centric or at the higher level

⁶ 'Structuration' here is not used in the Constructivist sense to mean the process by which social systems are formed with the participation of both structures and agents without giving primacy to either. It is used in a more material sense to mean the process by which an unequal distribution of capabilities establishes an ordinal structure of power in the international system.

–regulation (law) centric which inhibits the potential of studying it: (a) as a constitutive part of the standard of differentiation of units. Eg. Military training given by PMSCs belonging to states higher in the vertical order (say the US) determine military culture for weaker states (say Congo), thus dependence on technology and arms is encouraged. When militarisation becomes the standard of differentiation and ranking units, the US model becomes the standard to be aspired to. What remains unsaid is it itself induces this tendency into the structure in the first place. This in turn leads to adopting the ‘standard’ behaviour and entering into the economic and political organization of states prevalent in the system. This is what Leander calls the constitutive power of PMSCs (Leander, 2004). And (b) as a determining factor in constraining the capabilities of units. Eg. Indirect resource extraction, trade regimes and programmes such as SAP (Structural Adjustment Programs) etc.

Thus, what comes out is the use of private force as a catalyst to sustain structural properties across periods of time. The following table compiles the observations of section 3.1 and puts them in the framework set up in section 3.2. Thus the second period from 1945 to 2000 has been broken down into two periods according to the change in the structure of power. Also the gap left between the periods of 1856 to 1945 will be accounted for to develop a holistic picture.

| | POWER STRUCTURE | FORM OF PRIVATE ACTORS | FUNCTION OF PRIVATE ACTORS | MAJOR ACTOR(S) USING PRIVATE FORCE | NATURE OF OPERATION | TYPE OF ECONOMY | RELATION WITH THE STATE |
|-----------------|---|--|--|---|---|--|---|
| 1600- 1856 | Multiple powers in close competition | Chartered mercantile company | Seizure of overseas markets through coercion. | Great Britain, France, Dutch, Spain, Portugal | Making wars and policing. | Commercial economy, laissez faire | Very close, separation of sovereignty not so clear overseas |
| 1856-1914 | Unipolarity | Gradual | Cessation | of | Use | of | mercenaries |
| 1914-1945 | Multiple powers at war | | | | | Challenge to the capitalist mode of production | |
| 1945-1961 | Bipolarity (cold war) | Extra legal companies | Retaining hold over economic assets in erstwhile colonies. | UK | Security, making local wars | Keynesian capitalism | Covert |
| 1961-2000 | Last years of cold war and movement towards unipolarity | Legal companies, mostly advisory and training bodies | “Democracy Promotion” in weak states. Creation of areas of influence, interference in matters of weak states | US | Helping build national armies for puppet regimes of the hegemon, Peacekeeping , military training | Neo-liberal order. WB-IMF led Washington consensus and SAPs | At the behest of the state |
| 2000 to present | Unipolarity with emerging powers | Professional legal entities working in a MIC. | “War against Terrorism” Co-entring threat to superpower hegemony, neutering all possible nodes of resistance | US | Policing, intelligence gathering, logistics, prison maintenance, combat and security | Neo-liberalism/ Hegemony of finance, fighting saturation of markets, global capitalism | Together but both potentially powerful in their own right. |

Fig 3.2 (a) Distribution of Power and other Variables of International Politics and History of Private force

There are certain important observations that can be made from the table :

First, the organizing principle of the system has not changed within the various periods; however at the structural level major changes have happened. This has occurred due to changes in the criteria of differentiation and definitions of units (from ruling principalities, to colonizing power, to colonies, to nation states); as also due to expansion

of standards of the capabilities for units (from territory and population, to military capability, to the type of polity and economy).

Secondly, the private military activity at the international level has been nil in the period of bipolarity, except the use made by the declining hegemon to retain its power in its erstwhile colonies with the use of private force. However the private involvement in the military sector increased during this period giving rise to the MIC, some of these companies went on to become PMSCs. Dyncorp is an example of this.

Thirdly, the structure of power has seen continuous transformation from multipolarity to unipolarity to movement towards multipolarity leading to war, the condition boiling down to bipolarity and ending again in unipolarity in the period which has been studied.

Fourthly, in all three phases, the hegemon has been at the behest of using private forces. Britain used private force firstly to transcend to the condition of unipolarity from multipolarity in the period around 1600 by the extensive employment of force as well as threat of force; for which private actors were used; i.e. to bring about a structural transformation as well as to expand and establish unipolarity by creating and expanding its colonial empire and then in the second phase i.e. during the Cold War period to hold on to its hegemony. At this point its capability in terms of political power had declined, thus the covert use of private actors. The use of private actors in the first phase was more explicit as Britain then had more political standing and the power to mould international legal discourse in the first phase.

Fifthly, the post cold war era, the US also used private force first to establish unipolarity through colonialism, though of a different kind- i.e. by carving of areas of influence, making strategic alliances and most importantly economic imperialism by expansion of American markets and production overseas. This was done by using private actors initially not for combat operations but for research, intelligence, training and logistical functions. This moulding of the role of private military companies holds the key in correlating the variable of power polarity to the private use of force across the three phases of transformation. The US has gone over to use private forces much more explicitly and has almost directly outsourced a majority of war functions ranging from intelligence,

performing and planning combat operations, launching heavy armour attacks etc. to these companies in the recent period (Isenberg, 2009).

Sixth, the trajectory between the use of PMCs by the two hegemonies in a unipolar condition is similar except the fact that the private and state collaboration was stronger in the UK in the initial phase. Whereas, in the case of the US the association between the corporate and the state has become stronger in the second phase.

Seventh, this can be understood to mean two things. In the past the state-market security alliance and leasing of state sovereignty to the market happened during a period of need of expansion of markets. Thus this was a requisite to get an edge over other close competing powers. So drawing a comparison can either mean that the current US behaviour is to sustain the present structure of the international polity, where it enjoys a solo superpower status; by extending the capability gap between itself and its close competitors in terms of markets. Secondly it can be argued that the US is behaving so in order to retain its areas of influence in the West Asian and African regions (this shall be discussed in detail in the next chapter). Both aims are not mutually exclusive.

Finally, at a more theoretical level, transformations of structures in terms of power have happened when parameters of differentiation have been reconfigured i.e the capabilities which came to become the determining factors were categories which kept changing. In other words this has happened due to the initial absence of concrete definitions of standard capabilities of units which over the period of time shifted from territory, to supremacy over trade routes, to colonies, to capital and to markets for services and labour; etc.

3.3: Systemic Conclusions:

The presumption of formal anarchy does not allow use of legally sanctioned and acceptable force to be used for acquisition of property- beyond one's territory. Big powers thus devise varying means and theories to expand their power. From white man's burden to democracy promotion, from containment of communism to war on terrorism

serve as justifications to become the custodians of order in this world of anarchy. Private militaries are the militaries of these imperialistic governments.

The periods studied in the last two chapters point to a sharp shift in the theatre of the use of private force. The prevalence of private force used in the European and western world decreases sharply but this force is used by these countries in other parts of the world. What exactly leads to this shift is the development of trade and technology followed by the Industrial Revolution which increases the capacity of production of the European continent manifold, thereby giving rise to a huge capability margin between Europe and the rest of the world. This capability hegemony is also a result of coercive acquisition of colonies outside the continent. It is at this point that horizontal order of power structuration begins replacing the earlier structure in which power is more diffused across regional polities. Transformation of privateers into companies and then into chartered companies is result of this shift in the theatre of property acquisition. As conquest of property shifts outside Europe, private force shifts theatre too. Capabilities then mean power projection beyond one's territory- colony becomes the supreme property. Westphalia gets concretised at home however, nation-states are important to mobilise populations for imperialist projects.

In the contest between major powers for colonies wars occur. Thus World War I and World War II were about –who was fit to rule the world? Who would own the resources of the world? These contesting imperialisms led to the conflict. At the end of the wars however, a strange condition appeared. As stated earlier, in the international system the most powerful always benefits from the condition of anarchy. The most powerful power runs an ad hoc governance. The power it can yield in this governance depends on the relative capabilities of other powers in the structure. Force is thus required to maintain a capability gap. Britain which had transcended to the condition of unipolarity expressly with the help of the private armies of its chartered companies was weakened after the WW II which was marked by emergence of bipolarity. The condition which occurred was a condition of bipolarity, wherein the contest for ad hoc governance was parallel and close. In this condition Britain still a power but in decline made covert use of private military companies to protect its economic interests in its former colonies of Africa. But these were very limited in number.

After the cold war however, the number of PMSCs multiplied, this was because US emerged as victor of the contestation for ruling the ‘anarchic’ world. The coercive consolidation of the world resources once again became a field of no contestation. Private force got employed again. It must be noted however, that the US fresh from its memory of the bipolar world used private military companies profusely, but mainly for non-combat functions in the initial period from 1961 to about 2000. The use was open and transparent- for military training, democracy promotion and logistical needs. The period was when US was still consolidating its hegemony. It should also be stated here that the covert use in terms of military research, spying, intelligence, prison management happened alongside.

The sudden shift to the seeming overt use of PMSCs in the era post 2000 can be seen as a response of US to its declining supremacy. However, there are other dimensions which need to be brought in here as well to explain this decline and as to why the US decline is different from the British. The British decline was due to erosion of its material power which is not exactly the case with the US. There has been a tremendous change in the ways in which structures have come to be generated over the period of time. This is because the forms of property in the present economic order are not tied strictly to material assets but to international finance. This shall be discussed in detail in the next chapter but is a very important factor in explaining the present form of private force. The present economic order requires nation-states to act as facilitator of the markets and thus the state – market complex; with more autonomy shifting in the favour of the market defines today’s PMSC as well. But at the same time the erosion of nation state and rise of a state-market political unit also reduces the legitimacy at home for imperialist projects, which is exactly what occurred in post 9/11 USA.

Clearly, though not a determining factor in the world of international politics but a dependant variable, as the system explains the transformations of the private actors using force as well as their changing role.



Fig 3.3 (a): Projection of use of private forces for combat and non combat purposes by US and UK in the different periods (Armstrong, 2008) (Greg, 2006) (Singer, 2003).

(Numbers on the y axis denotes percentage of use on a scale of 0 to 9)

The above projections compare the use of PMSCs by the US and the UK in the initial and declining period of their hegemony. (Though the present decline of the US hegemony is still a matter of debate in the academia, the case for the present period being one of its decline has been made in the next chapter). As observed earlier, UK made use of private force overtly in the initial phase (1600-1945) and covertly in the later period (1945-1961) of its decline. However, in the case of the US the inverse seems to be true. US has turned to more overt use of combat facilities of the PMSCs in the later period (2000-2012). However, the differentiation between combat and non-combat makes the picture clear. The US is employing tremendous covert use of private force in the non-combat – intelligence and training sector (Isenberg, 2009). Also the difference in proportions result from the fact stated earlier that the decline of US hegemony is different in character from the decline of the British hegemony.

Solving this riddle, directs to the conclusion that there is a relationship of degree between order of power and use of private force and that hegemons resort to covert use of private

force to mitigate their decline. The detailed picture of the US case will be drawn in the next chapter.

Chapter 4: Contemporary Systemic Condition and the Use of Private Force

When you are big, strong, and powerful, you can afford to make the same dumb mistakes over and over again. But when your power declines, you begin to pay a price for repeating your mistakes.”

- Kenneth Waltz (Layne, 2010)

That the use of contractors on the battlefield and in nation building in Iraq and Afghanistan is front page news comes as a surprise to many, but it is a consequence of a decades-long policy to keep government smaller by relying on the private sector.

-Dan Guttman (Guttman, 2011)

The objective of this chapter is to contextualise the role and the degree of role that private use of force has played in bringing about the present systemic condition. Private use of force is a significant but a relatively smaller aspect of the forces that are strongly affected by the larger systemic logics of international politics. The chapter thus first lays down the character of the present system in detail and then analyses the case of the present hegemon i.e US's engagement with private force, thereby contextualising the inquiry into a systemic frame.

IR scholarship is today debating a probability which is considered historic and of great importance in the life of world orders. This probability is the 'seeming' decline of the hegemon. In our context this means the end of US supremacy. There are rich debates on both sides of the fence i.e. those who argue that the days of the American empire are over and those who still argue for the exceptional character and thus the resurgence of the US (Cox, 2007) (Williams, 2007) (Amin, 2006) (Ahmad, 2004). However material indicators weigh down the arguments of those who still think America can revive. Also it must be noted that those who argue for the American resurgence agree that the US is finding itself in a weaker position than before. Though it is not the subject of this work to assess or predict the fall of the US from world supremacy, locating this work amidst the camps of arguments is a pre-requisite to move forward on the premise of the stated hypothesis of this research.

For to argue that the use of private military companies has a relationship of degree to the power configuration of the system is to say two things:

- (a) Firstly, that the work situates itself in a conception of a particular power configuration which may itself be a question of debate in the academic scholarship.
- (b) Secondly, that the observation stems from a grounded assumption that the power configurations, if not being overhauled, are nevertheless moving (what Huntington called “uni-multipolarity”⁷ - a state where the system has one supreme power along with a number of powers who are close to its capabilities) (Huntington, 1999).

This chapter defends the major claims which the hypothesis rests itself on. Namely, that US supremacy is declining and its waning will make way for a more multilateral world. It also defends the argument that the state has not become irrelevant but has transformed into a state-market complex. It does so by drawing on Marxian analysis for systemic understanding of the phenomenon of private use of force in international politics.

In concrete terms, this means starting from the premise that the US is the most powerful actor in the present system of states. However its supremacy is dwindling, not so much because other powers are growing in terms of material capabilities very rapidly, but also because the US is facing a crisis of stagnation in economic growth. Both these assumptions shall be defended with the help of empirical scholarship, in what follows.

The chapter is divided into three sections:

The first section discusses the present world order through various scholarships-empirical as well as theoretical. It assesses the movement of actors in the ordinal structures of states and the condition as well as nature of US hegemony.

The second part brings back the Weberian conception of ‘monopoly of force’ being the defining principle of a state, relates it to the current debates on state sovereignty, and questions what has come to be called the ‘Westphalian myth’ (Osiander, 2001)- the myth that holds the world order together by Aron’s ‘double equalization principle’ (Aron, 1966).The debate over use of private force by states will then be situated in this theoretical context.

⁷ Huntington calls the Contemporary international system - a strange hybrid, a uni-multipolar system with one superpower and several major powers. The settlement of key international issues, he says, requires action by the single superpower, but always with some combination of other major states; the single Superpower can, however, veto action on key issues by combinations of other states.

The third part elaborates the Marxian perspective for systemic understanding of the phenomenon of private use of force in international politics by using the concept of generative structure developed by Ruggie as discussed in detail in the last chapter.

4.1: Is End of Pax Americana the Order of Our World Order?

It seems like a paradox that in almost all variants of theories of international politics the terms anarchy and world order are used to describe the conditions of the same system. The paradox emanates from the fact that if international politics is anarchic, it is difficult to understand why equal sovereign states should organize themselves in certain orders. This can be understood as follows:

That the present condition of interstate system is anarchic but this is not a ‘perfect anarchy’. The logical corollary of this is that capabilities of units determine the degree of anarchy that can be exhibited in a system. In other words, powerful states contain the behaviour of weaker states by creating a complex system of international rules, norms and behaviour. The international system is thus an ‘unequal anarchy’ or the ‘anarchy of the powerful.’⁸

It is this very paradox which is central to the way power flows and works in the international system. However, this paradox reflects succinctly the truth of international politics. Raymond Aron, in his seminal article describes the interstate order as anarchic as there is an ‘absence of monopoly’; and oligarchic as the structure is ‘hierarchical without a civil society’ (Aron, 1966). It can, thus be argued that though anarchy remains a systemic condition, the structures of power in international politics keep varying according to the varying power of states relative to each other and this explains the reconfigurations of world order. This would thus mean that the world order is a structural phenomenon and is therefore generative in its own right; what Aron calls the “minimum conditions of co-existence” (Aron, 1966). This proposition is being forwarded in compliance with the analysis of structures in the third chapter.

However the international society school has a more sociological definition of world order –“A pattern in the relations of human individuals and groups that leads to a

⁸ Aron calls this a function of the international system, wherein members are held equal while from all points of view they have never been so unequal.

particular result, an arrangement of social life such that it promotes certain goals and values ” (Bull, 2002). The problem with such a definition is two-fold. Firstly it uses the term groups loosely. That is, if one is to use the category of groups to understand states, this group cannot be treated as a spontaneous entity free of a political past. Secondly, the definition is ahistoric and presupposes an international society; which is in contradiction to how international history has unfolded itself. Thus the work shall use the theoretical understanding forwarded by Aron to understand the present world order.

The term “Pax Americana” is used to mean the preponderance of power enjoyed by the United States of America. Though there are several views about whether the American empire has been, since then, a continuous one or there have been one or more radical breaks, which have brought changes in the degree and nature of its imperial behaviour, those debates shall not be opened up here (Cox, 2007) (Williams, 2007) (Holmar, 2011).

4.1.1: How ordered are world orders meant to be?

This section does not wish to develop a concerted critique of the present world order but to make some reflections on world orders in general. Also what follows might seem like simplifications of complex realities; however this is being done to set the background for the analysis which is to follow. Firstly, world orders are largely understood as driven by political power rested in nation states- this political power is a combine of relative military and economic capabilities of nation states to each other. So in the condition of bipolarity the contest was between two nation states with almost equal material capabilities which translated into their respective political power. However, the difference was not of just economic capabilities but also of economic orders- Capitalism vs. Socialism. The cold war period which saw progressive third world solidarities, and secular national movements was also thus able to redefine political power independent of material capabilities as international power. The movements such the Non Aligned Movement (NAM) and G77; and the very formation of the UN are important characteristics of this development (Amin, 2006) .

In the post cold war order and after the end of bipolarity the US emerged as a sole superpower and established the first ‘fully post- colonial empire—free and antithetical to colonial rule’ (Ahmad, 2004). This was done by establishing regimes of neo-liberal economic order of the IMF and the World Bank became important drivers. This in the

long run helped contain the political power given to all the countries through the UN system of one country one vote. The IMF 'weighted voting system' were thus representative of the founding principles of what these organisations were envisioned to be. The IMF and World Bank promoted Structural Adjustment programmes and thereby facilitated movement of production units to regions with cheap access to raw material and labour free of regulation, further reducing production costs and increasing capitalist profit. The post cold war was thus a period of 'disciplinary neo-liberalism'.

Forces of economy however proved to be a lot more volatile and creative. With the near satiation of commodity markets, capital envisaged profit in credit speculation and thus we enter the era of the 'Hegemony of Finance'. With this the agential power of the superpower dwindled as the fortunes of all become stacked on to the graphs of the same stock market which ran through the unlimited vagaries of the logic of credit and profit. It is in this period that the economic agency of the US vis-a-vis the world order precipitated, though not completely eroded. However, the US government has become as much an agent in the scheme of finance capital as others. This shift from the role of agency to agent has been phenomenal, and is still incomplete (Kagarlitsky, 2004). This has also translated into the world political order in which there is one giant power whose actions are not strictly restricted but have to be largely in the framework agreed to by strong power/s.

World orders thus apart from being unjust and unequal are not ordered in the sense of one agent having a monopoly to control its vagaries. However this should not be taken to mean that world orders are some abstract entities with a life of their own- which cannot be explained or understood, they are unpredictable because though hegemons lay down the rules the historical conjectures in which 'n' number of associative combinations shall be shaping the world order cannot be measured by it, in advance. It is true that the United States to a large extent became the agency through which the present world order has been structured, however systemic imperatives have limited this power of the United States, and this has been primarily because the real term capability power or capability hegemony of the US is not growing anymore. Hegemons have two ways of countering this- by accumulating capital by coercion or by increasing real time production at home. As, the US has stagnated in the second; the US is increasingly having to use force to coerce areas with resources to its subservience. Iraq war can be stated as an example. In simpler terms, tying the fate of the US hegemony to the capitalist economic order has led

to a condition of instability with the gradual evolution of the economic order (Patnaik, 2010).

4.1.2: Where is US supremacy- tomorrow?

From International theorists to historians, Realists to Marxists, scholars are today predicting about the end of supremacy of the US (Amin, 2006) (Cox, 2007) (Layne, 2010) (Parent, 2011) (Zakaria, 2008) (Huntington, 1999) (Fergusson, 2006). Also there is consensus on the fact that the end of US supremacy is not the result of other powers growing too fast and catching up with the US but because US is about to stop growing economically. The US economy has been a debt ridden economy with a slump in real growth. The Federal Reserve and Treasury have pumped massive amounts of dollars into circulation in hope of reviving the economy. However the situation has not improved.

The following are the statistics which predict the change:

The present budget deficits of the US government are \$ 1 trillion plus to incur which the country will take at least a decade according to the Congressional Budget Office (CBO) (Layne, 2010). The external debt of the U.S. now stands at \$6 trillion, equivalent of \$20,000 an American. If domestic debt and future obligations are included, the total real debt rises to \$70 trillion, utterly not payable by any standards (Ahmad, 2004). The dollar has lost 15 to 20 per cent of its value over the past five years and some analysts claim that it will have to be devalued by another 35 per cent or more, for the full range of U.S. products to become competitive on the world market: an inconceivable level of devaluation which would wreck the global economy anyway (Ahmad, 2004). In 2006 and 2007, 124 countries grew at a rate of more than 4%, poverty is falling in countries having 80% of the world's population and emerging markets hold 75% of world foreign exchange reserves (Zakaria, 2008).

In 2008, China passed the U.S. as the world's leading manufacturing nation—a title the United States had enjoyed for over a century—and this year China will displace Japan as the world's second largest economy (Layne, 2010). Leading economic forecasters predict that it will overtake the U.S. as the world's largest economy, measured by overall GDP, sometime around 2020 (Layne, 2010). Goldman Sachs has predicted that by 2040, China,

India, Russia, Brazil and Mexico will together have a larger economic output than the seven Western nations that have dominated global affairs for centuries (Zakaria, 2008).

However the US still has a supreme military power that rests on the enormous expenditure that the US government does on its military. The US alone spends more than what its next 12 competitor states spend on military budget. So if the US is to retain its hegemony in the coming days, will it be in the role of a military hegemon. Layne disagrees, as he sees contemporary situation as the one which is qualitatively different from what the situation was in 1945 (Layne, 2010). The present world order is an order of financial power and not military power. The US should thus, it is argued, “relearn” the terms of the game, which it built as its grand strategy since 1945 and re-strategize “as a major power, not a superpower, and make compromises” (Huntington, 1999).

Aron writing right after the world went nuclear gave the answer to this question long back, when he said that “the condition of fear” will yield results only when actors are vulnerable. In a world order with over 9 nuclear powers, hegemony through fear of military power cannot be a hegemonic capability.

Still it cannot be denied that in the age of International Finance Capital’s hegemony where there is no relationship between growth and productive base and economies are ranked on the basis of speculative assets, the fall of US economy is not an end that any country wants. China and Japan have enormous asset bonds in the US and pulling them would mean the collapse of the entire system. Thus, though the US hegemony’s future bleak it does not mean collapse of the US but an adaptation into a more multilateral world order.

4.1.3: ‘Old Multilateralism’ as New World Order.

Multilateralism can be defined as ‘a practice of coordinating national policies in groups of three or more states, through ad hoc arrangements or by means of institutions’ (Keohane, 1990). History gives us examples of multilateralism through both ad hoc and institutional arrangements. The 18th century treaties between military generals for example can be cited as examples of ad hoc arrangements. The Treaty of Aix la Chappelle can be stated as an example. The concert of Europe which has also been called a “collective

hegemony” (Clark, 2009)⁹ can be cited as an example of institutionalized multilateralism. In the past centuries the world has moved from multilateralism resulting in a multipolar world order to a condition of unipolarity in the form of Pax Britannica; which eventually shifted to a condition of bipolarity. With the end of cold war balance of power we have had a long period of unipolarity where the US has enjoyed unchallenged supremacy. However now, the world is turning again towards multilateralism. This has been a result of – though an unwanted one- development of transnational capitalism; as also development of centres of material capability outside the US and its core --what Amin calls the Triad- US, EU, and Japan (Amin, 2006). A result of transnational capitalism to a smaller extent, as third world labour markets have been integrated into service and production industries of the First World; their smooth functioning requires negotiation with the labour regimes of these countries. As also, relative rise in capabilities and potential for growth in the third world has increased their bargaining position in issues regarding climate change etc. In Europe as well the seeming alliance of the Franco-German bloc in the form of the EU has emerged as a potential independent power (Ahmad, 2004) . This has led to multilateralism rising ‘as a principle in guiding of government foreign policy making in major advanced industrialised countries’ (Landsdowne, 2008).

Some scholars also see this as a strategy to check and balance US unilateralism, especially China has opened up to multilateral recourse in decision making since 1949 –‘ firstly in economic and lately in security issues as well’.

The practical concept of multilateralism is consistent with China’s emphasis on “multipolarism” which indicates a diversified international power structure preferred by china in the post cold war world. (Landsdowne, 2008).

Clearly for China multilateralism comes as a strategy but for the US it comes as the only prudent recourse (Zakaria, 2008). There are thus clear signs of the world order transforming into a more multipolar arrangement of power where a group of powers shall be at the helm of world affairs. What would remain interesting however would be the behaviour of the unflinching partners of US hegemony- Europe, primarily Britain and

⁹ Though he traces the term to Watson ‘Hegemony and History’

Japan. With the US power declining, there are chances of Europe becoming the next most powerful bloc after China.

4.2: State Monopoly of Force- Un- ‘organized Hypocrisy’¹⁰?

State monopoly of force has been termed as the ‘first attribute of modern statehood to have emerged in a competitive process against rival forms of political organization’ (Tilly, 1975). The private use of force stands in direct contravention to this principle. Nevertheless, the idea of a state having a monopoly over violence has been definitive to the concept of sovereignty. Now, violence can be external and internal- in two ways- in terms of territory and in terms of actors. One can speak of violence committed on, or outside the territorial boundaries of a state; or violence committed by internal subjects and external actors¹¹. Though the concept of monopoly of force in the internal domain has been nearly established- more concretely in theory if not in practice, when it comes to violence external to the territory of the state there are many grey areas. In the present world order, internally states are supposed to have physical monopoly in terms of control as well as legitimacy over power; externally states have legitimacy but may or may not have the physical capability to exercise its monopoly with respect to its subjects or property (Jachtenfuchs, 2005). With respect to states as actors and states as subjects it can be understood in two ways- intervention (into “failed” states, in the name of democracy promotion, to protect human rights etc) and state sponsored erosion of monopoly functions (privatisation, outsourcing, resource extraction etc). Thus though the principle of state monopoly of force has existed for long in political theory, its extension into international political theory has not been developed because it is contradictory to the main theoretical premise of international theory, which is of anarchy.

Similar is the case of sovereignty of the state in other matters outside physical force. However, such mutually paradoxical power distribution is imminent in practice of world

¹⁰ Developed on the name of Stephen Krasner’s book “Sovereignty Organized Hypocrisy’. The function of monopolizing force has been definitive to the concept of sovereignty as it has been understood in the theories of state. However the project of monopolization of force in the hands of the state has historically not been codified in international law- as earlier principles of areas of influence and recently intervention, human rights, failed states and even economic reasons etc have been used to keep it open-ended.

¹¹ The term actors has been used to cover a wide variety – be it individual citizens of external states, individuals who are not citizens, states, organizations, corporations etc.

orders because it is a characteristic structural imperative of structures with asymmetrical power distributions. So if we do not have sovereign states with monopoly over violence, how do we define the units of our international system? These themes will be developed in following sections.

4.2.1: Deconstructing State Sovereignty and Why the Westphalian Myth? :

Krasner uses the categories of Westphalian sovereignty as internal sovereign power over use of force and International Legal sovereignty as external sovereign power over use of force to resolve the paradox stated above (Krasner, 1999)¹². However such a distinction further lays bare the hypocrisy of the principle of monopoly of force, as force becomes even more tied to forces outside the state domains once authority and functions get divided between the two. Scholars have also pointed out that the principle of sovereignty being developed by war torn kingdoms in 1648 is a historical inaccuracy and that in fact, sovereignty as a principle was first mentioned in Vattel's 1760 work (Krasner, 1999) (Osiander, 2001). However the problem with the myth is not or rather should not be that Westphalia being the source of sovereignty is a myth, but rather that all states being sovereign has itself been a myth- produced and sustained since the 18th century.

As stated in chapter 3, history points to a close relation between establishment of state monopoly over force and state sovereignty. It should be interesting to note that history records first break in the use of mercenarism in the 18th century at the same time as we record the initial development of the concept of sovereignty. The fixation became complete only by the 19th and the 20th century (Osiander, 2001: 252). The discussion on the problem of mercenarism within the European state forms however had begun around 1500. The concept of sovereignty thus followed the project of state monopolization of

¹² Krasner argues that "sovereignty has been used in four different ways—international legal sovereignty, Westphalian sovereignty, domestic sovereignty, and interdependence sovereignty. International legal sovereignty refers to the practices associated with mutual recognition, usually between territorial entities that have formal juridical independence. Westphalian sovereignty refers to political organization based on the exclusion of external actors from authority structures within a given territory. Domestic sovereignty refers to the formal organization of political authority within the state and the ability of public authorities to exercise effective control within the borders of their own polity. Finally, interdependence sovereignty refers to the ability of public authorities to regulate the flow of information, ideas, goods, people, pollutants, or capital across the borders of their state" (pp 3-4). Only the first two categories have been used here as the use is explicitly in the context of monopoly of the sovereign over the use of military force and not police force.

force and not vice versa. This should also be kept in mind while studying the present erosion of sovereignty and its inevitable impact on the organization of force as we study the systemic reasons of privatisation of security. An endeavour to point out this gap and partially fill it has been done recently. Works by David Isenberg and Anna Leander are a case in point (Leander, 2004) (Isenberg, 2009).

The 1648 Westphalian treaty also needs to be seen in this context. The available analyses of the reasons of treaties of Westphalia and the lesser discussed Treaty of Augsburg are misleading (Kratochwil, 1986) (Onuf, 1991) (Osiander, 2001). The most prevalent explanations being that the Thirty Years War between the Hapsburgs and the Other Kingdoms of Europe was an attempt to balance power of the Habsburg Hegemony and establish the principle of sovereignty. However the view has been contended and historical studies point out that the Habsburgs had become relatively weak at the outset of the war. The war was thus a war of transition of power equations (Osiander, 2001).

Another important aspect of the treaties of Westphalia is the underlying theme of attempt to arrest private authority for economic reasons. Apart from the abolishment of unrestricted issuing of the letters of marquee or contracts to privateers it lays down strict rules against disruption of commerce, tax raising etc within territorial limits by privateers in the time of war.

Article LXVII of the Treaty of Westphalia lays down:

LXVII

That as well as general as particular Diets, the free Towns, and other States of the Empire, shall have decisive Votes; they shall without molestation, keep their Regales, Customs, annual Revenues, Libertys, Privileges to confiscate, to raise Taxes, and other Rights, lawfully obtain'd from the Emperor and Empire, or enjoy'd long before these Commotions, with a full Jurisdiction within the inclosure of their Walls, and their Territorys: making void at the same time, annulling and for the future prohibiting all Things, which by Reprisals, Arrests, stopping of Passages, and other prejudicial Acts, either during the War, under what pretext soever they have been done and attempted hitherto by private Authority, or may hereafter without any preceding formality of Right be enterpris'd. As for the rest, all laudable Customs of the sacred Roman Empire, the fundamental Constitutions and Laws, shall for the future be strictly observ'd, all the Confusions which time of War have, or could introduce, being remov'd and laid aside. (Peace Treaty between the Holy Roman Emperor and the King of France and their respective Allies.)

The article establishes some principles of internal sovereignty but structural hierarchy remains as the Empire retains several important powers. Also it is interesting to note that the use of force at that time was a highly private systemic activity difficult to control and that this paradox still operates the state system. Till systems are characterised by power asymmetries of units the tension between Westphalian sovereignty and International legal sovereignty shall persist. But the myth of Westphalian sovereignty has to be created and maintained to establish the system and create a hierarchical relationship between states in the first place.

Another important aspect of the treaty is the importance it gives to commerce. This period was a period when systems of taxation and commercial banking were just developing. As methods of property accumulation shifted from war to trade and commercial economy, the constitution of a coherent system of taxation required a client- patron relationship between the state and the subject. This required the abolishment of private use of force. Article LXIX points out the contradiction succinctly:

LXIX.

And since it much concerns the Publick, that upon the Conclusion of the Peace, Commerce be re-establish'd, for that end it has been agreed, that the Tolls, Customs, as also the Abuses of the Bull of Brabant, and the Reprisals and Arrests, which proceeded from thence, together with foreign Certifications, Exactions, Detensions; Item, The immoderate Expences and Charges of Posts, and other Obstacles to Commerce and Navigation introduc'd to its Prejudice, contrary to the Publick Benefit here and there, in the Empire on occasion of the War, and of late by a private Authority against its Rights and Privileges, without the Emperor's and Princes of the Empire's consent, shall be fully remov'd; and the antient Security, Jurisdiction and Custom, such as have been long before these Wars in use, shall be re-establish'd and inviolably maintain'd in the Provinces, Ports and Rivers. (Peace Treaty between the Holy Roman Emperor and the King of France and their respective Allies.)

4.2.2: Is formal sovereignty indispensable to anarchy?

The present section forwards the critique of the formal sovereignty which characterises the condition of the units of the present world order. It argues that the sovereignty of states though never complete due to unequal relations of power between states, has been further eroded due to forces of transnational capital and corporatisation. This phenomenon has been a rather recent development along with what has been termed as

globalisation. Though it has been established that the process of globalisation has been an old and continuous one, the present form has a character in which the agency of regulating flows have been completely transferred to the hands of international capital and finance. The economic crisis in the most powerful state of the system is telling of the retreat of the state as an agency when it comes to matters of regulating world economy. It further argues that this has translations into the sphere of security and force as well and concludes by establishing that orders of asymmetric power termed as anarchy in international politics sustains itself on the principle of nominal or formal equality of its units. It concludes that the present conditions of power configurations in the world have taken away agency from states, it does not point to the end of states as units of international politics but directs to a new model of market state.

There has developed a complete body of literature on the critique of globalisation theorists' preoccupation with the erosion of global capitalist forces in national economies. However, their effect on political categories has been far more serious and consequential (Kagarlitsky) (Jachtenfuchs, 2005) (Leander, 2004) (Fergusson, 2006). They argue that if globalisation is old, so is erosion of sovereignty. However, a mythical "golden age of sovereignty in which states contained 'their' societies within territorial boundaries" is used to give a false systemic character to these theories. Westphalian sovereignty has been called a reified institution which never really existed or at maximum has coexisted with many different levels and forms of actual state control (Lacher 2003: 523-529) (Wilde, 2001). Critical theorists also critique the pretentious category of sovereignty which is made the basis of theorizing international politics, the exclusive undivided state has come to be seen as a "counterfactual given a ramifying human rights regime on the one hand , and the spiralling networks of global governance on the other" (Fraser, 2010). Marxists, on the other hand attribute this to the current composition of global capital.

The movement of capital and commodities must be as unimpeded as possible but the nation-state form must be maintained throughout the peripheries, not only for historical reasons but also to supplement internationalization of capitalist law with locally erected labour regimes so as to enforce what Stephen Gill calls 'disciplinary neoliberalism' in conditions specific to each territorial unit. (Ahmad, 2004).

At the level of theory, theorizing globalization is in itself a break from the Westphalian conception of sovereignty (Kagarlitsky, 2004). It is no surprise why theories like Realism are unable or reluctant to theorize trans-nationalism or private use of force, because the theory postulates on the basis of the core assumption of reified sovereignty of units and reified anarchy of the system, constituted by similar units except in terms of capability. So if one raises the question about how do we understand erosion of sovereignty of one state by another, the argument of power and capability is reiterated- the powerful has leverage in anarchy. But the current phase sees international finance eroding the sovereign powers of powerful countries as well. Marxists explain this in terms of the independence that international finance capital has achieved post the Keynesian phase of international economics. This mechanism however still requires nation states as consent adducing bodies for bourgeois democracies. Nevertheless in terms of its operation, this development has brought about an important change in the nature of the nation state. This shall be discussed in detail in the following section.

Nevertheless, anarchy or power asymmetry in international political and economic order requires the pretention of formal sovereignty, which has been maintained just as the monopoly of violence clause has been; to serve the purpose of systematic expropriation of resources and to avert crisis of the capitalist system. Formal or nominal sovereignty thus is indispensable to maintain anarchy which can then serve as an explanation for unequal power distribution, insecurity, competition and thus the drive to survive by becoming the strongest or allying with the strongest. The theory thus clearly is not just a description of reality but also has a value bias in terms of the fact that it serves the interests of a particular class and a particular system by blocking out imagination of an alternate perspective. It is thus unable to theorize change, because uncovering the value laden assumptions would pull down the theory itself.

4.2.3: The state market complex: sovereignty bargained:

This section would try to build a holistic picture of development of the relationship between state and the market and argue that the present world order is characterised by units which though nominally similar are at various stages of evolving towards a new form of political unit. This argument is crucial to substantiate the claim that the present nature of use of private force, though a gradual development from its previous forms, is a significant break in the way private force has been employed in history. This it will be

argued is because of the close relationship that has developed between the market and the state. This would be done by using the theory of imperialism forwarded by Lenin, in what has come to be called Classical Imperialism and its development done in the works of contemporary Marxist economists.

Lenin in his theory of Imperialism called Imperialism as the highest stage of Capitalism, made an important addition to Hilferding's 1910 definition of finance capital.

According to Hilferding:

A steadily increasing proportion of capital in industry ceases to belong to the industrialists who employ it. They obtain the use of it only through the medium of the banks which, in relation to them, represent the owners of the capital. On the other hand, the bank is forced to sink an increasing share of its funds in industry. Thus, to an ever greater degree the banker is being transformed into an industrial capitalist. This bank capital, i.e., capital in money form, which is thus actually transformed into industrial capital, I call 'finance capital'." "Finance capital is capital controlled by banks and employed by industrialists (Hilferding, 1910).

To this very comprehensive definition Lenin added the factor of monopoly which was a result of concentration of production and capital. Though the coming together of the industries and capital came to be called finance capital, its monopoly led to a new stage of capitalism- that of imperialism. This meant that stagnation of markets and profits in capitalist states would lead capital to seek more markets to increase profit, even if that means moving beyond nation states. Thus we see two different forms of political units emerging- one the capitalist coloniser and the other the colony. In such an arrangement the sovereign power of colonies were aborted by the rivalry of finance capitals and the bid to establish monopoly in territories across the world. These capitalist monopolies were established not just by retaining markets but by keeping competition out. Lenin predicted that this would lead to a condition of war (Lenin 1916). The World War II proved the validity of his theory but this phase ended with the war.

This war weakened the imperialist forces considerably and the period saw redrawing of the world map with many independent states emerging. Soviet Union also emerged as a major power and leader of the Socialist Block (Prashad, 2007). Decolonization has been seen as one of the two concessions that capitalism had to avert the crisis. The second was the introduction of Keynesian state intervention which led to demand management (Patnaik, 2010).

The second phase of imperialism, post the fall of the Soviet Union, introduced the new international monetary system with its trade and capital controls. The US dollar became the standard and the US built its huge army on the power of the dollar, encircled former Soviet Union and China with military bases. Gradually capital controls had to be removed, though bad for US growth it was required for capital to grow. The system as capitalism is, was unsustainable and thus collapsed.

However, the powerful states had by then become completely subservient to capital, and could not restrict the easing of capital controls. This, along with the increased mobility of finance across the globe brought into being a new entity called the international finance capital (Patnaik, 2010).

Prabhat Patnaik lays down three ways in which the present form of financial capital differs from what Lenin described in his theory of Imperialism. Firstly, he argues that the International finance capital is not necessarily tied to the industry, least to the national industry; thus it is difficult to evolve a national strategy and restrict profits within national boundaries which was earlier possible. Secondly, this capital is not based in any particular nation and thus is not abided by any national regulation. The efficient movement of International Finance Capital requires “muting of inter- Imperialist rivalry”- which is leading to wars. He thus argues,

It brings about therefore a change in the nature of the State, from being an apparently supra-class entity standing above society, and intervening in a benevolent manner for “social good”, to one that is concerned almost exclusively with the interests of finance capital... (Patnaik, 2010).

This strand of thought rejects the retreat of the state thesis, which argues that the role of the state is diminishing and the market is taking over the state’s functions. It in turn argues that state has become more involved in the economy but it only intervenes in the interests of finance capital. The nation state is indispensable to the capitalist world order as far as relations of exploitation are not transparent- as they were in feudalism. So is the case with nominal sovereignty. The moment the true relations of exploitation are exposed, not to the third world bourgeoisie or the middle ranking powers’ ruling elite, but to the subjects of these states the system of nations as state- market complex will become unsustainable and collapse. For this not to happen, all states have to be given sovereignty to impress that all states are independent decision makers in the system. In this way sovereignty is indispensable to continue with international anarchy.

4.3: Private force as strategy: How integral are PMSCs to Pax Americana?

The present section tries to analyse the role of the use of private force in the imperial mission of the US in the context of the systemic developments analysed above. It does so by firstly looking at the magnitude to which US has privatised its force. Secondly, by evaluating as to whether there are domestic factors specific to the US polity that have led to the privatisation of force thereby evaluating the limits of the systemic explanation. And finally inquiring as to where exactly and what purposes has private force been employed by the US.

Before getting to the analysis a brief account of the evolution of the American imperialist policy, its revival and the present trends will be stated. The evaluation of as to whether the present period marks the end of Pax Americana shall also be done.

4.3.1: Expansion of US Ambition: An Overview:

The roots of the US imperialist policy are generally traced back to the 1890's- the period when the US developed industrially. This was also the time around which the Spanish-American war occurred due to US intervention in the Cuban War of Independence. However some historians draw its origins to the Louisiana Purchase of 1803 when US purchased an area of 828,000 square miles of land- comprising 15 of the present US states including 2 Canadian provinces (Holmar, 2011). However this section shall restrict itself to the study of US imperialism post the second world war- when US actually arose to world supremacy.

The Second World War left all the then major powers war torn and economically worse off- thus the imperial contenders of the US were thrown behind the US in the ordinal structure of the world order. US had made enormous profit in the war, and the profits from reconstruction for which the major powers looked towards the US, were to follow. At this stage US was home to more than half of the global industrial production and was the lone nuclear power. This transformation has been called the shift from multiple imperialisms to collective imperialism of the triad – US, Europe and Japan- with US as its leader (Amin 2004).

Since 1945 the US followed the policy of Atlanticism as had been envisaged by the French general Charles De Gaulle to establish its dominance in Eurasia by dividing Europe. This was followed by globalization of the Monroe Doctrine. Under this, the entire globe was divided into various regions, Soviet Union and China were encircled by creating military bases and the US intervention was made possible throughout the planet.

Ahmad is of the opinion that consent building also played an important role apart from the military juggernaut of the United States. He calls the 20th century US strategy as a Gramscian 'War of Position' to :

- a. Contain communism
- b. To establish its primacy amongst capitalist countries
- c. To defeat economic nationalism in the Third World (Ahmad, 2004).

In order to achieve this US pumped in a lot of money in the other capitalist countries, especially in Europe, it created the reactionary Islamic group- the Mujahedeen in Afghanistan against the secular and progressive PDPA (People's Democratic Party of Afghanistan) supported by the Soviet Union; and thereby toppled the chances of a stable Afghanistan for a long time. The country thereby fell into the hands of the Taliban. The US also did this by establishing its hegemony in the International Economic Institutions through which it forwarded policies and trade rules suitable to itself and its partners. This also emerged as a counter to the UN, where the US has maintained outright military unilateralism.

Achieving all three aims, the US focussed its attention towards the West Asian region. The defeat of the Shah of Iran came as a defeat of the US policy in the West Asia. The resource rich region is also geo-strategically important given its central location and equal proximity from Beijing, Paris and Singapore (Amin, 2004). This made control over Iraq very important. Thus when the 1991 Gulf War began on the pretext of Saddam's invasion of Kuwait, the US policy of permanent occupation of the country was realised. Iraq had been under US sanctions since 1990 until 2003 ousting of Saddam Hussein, the sanctions alone leading to the deaths of 650,000 Iraqis, producing, enormous number of refugees outside and inside the country. Over 2.3 million children in the country were malnourished and the unemployment rate was over 70% as a result of US foreign policy; even before the Pentagon actually waged a war in Iraq in 2003 (Ahmad, 2004). However

the complete control over the region has still not been possible. The Gulf war of 1991 had been a debacle, however the US was then strong; but by committing the same mistake again in Iraq and in Afghanistan in a position of relative decline, US is having to pay a price of repeating its mistakes.

The US has Israel, a replica of US in the West Asia, which it uses as a launch pad for its policies in the West Asia along with Turkey, Saudi Arabia and now increasingly Lebanon. The US supports conservative monarchies as well as reactionary regimes to foster its interests as stability in the region is detrimental to US intervention (Ahmad, 2004) (Holomar, 2011) (Amin, 2004) (Cox, 2007). The US has created in the region what has been come to be called the state of permanent war.

In the South Asian region US has reduced the state of Pakistan to its economic subservience, so much that US withdrawal would lead to a complete collapse of the Pakistani economy. In turn Pakistan serves as a military base and ally of the US, a position that has turned the entire Muslim world against Pakistan. The US has lately, aggravated its efforts to reduce India as well to energy dependence, which it requires against China. US is also investing heavily in the post- soviet states like Azerbaijan, Uzbekistan and Tajikistan and the Caucuses; as these are going to be the next energy belt in the future. The military spending of the US across the regions of the world would substantiate the narrative above. The following tables show the military spending under the FMF (Foreign Military Finance) programme of the US Department of Defence for three years of which the latest data are available:

| Region | 2002 | 2003 | 2004 |
|-----------------------|---------------------|------------------------|------------------------|
| Africa | 33500 (Kenya) | 28050 (Djibouti) | 20947 (Kenya) |
| East Asia and Pacific | 48300 (Philippines) | 54840 (Philippines) | 24676 (Philippines) |
| Europe and Eurasia | 257000 (Georgia) | 252640 | 191008 (Turkey) |

| | | | |
|--------------------|--------------------------|----------------------|-------------------------|
| Near East | 32520500 (Israel) 58% | 5164600 (Israel) | 3728580 (Israel) |
| South Asia | 146256 (Pakistan) | 418450 (Pakistan) | 494735 (Afghanistan) |
| Western Hemisphere | 11700 | 33240 | 119614 |
| Total | 3650256 | 5991632 | 4257810 |

4.3.1 (a) Regionwise military funding under FMF across the globe.

Source: US Military Assistance Website

The names in the brackets show the country on which the highest amount has been spent. It must be noted that the US has spent the highest on the West Asian region post 9/11. But almost all its amount has gone to its own military satellites. Thus Israel continues to get more than half of the amount spent on the entire region. It should be added here that the Israel is already the sixth most powerful military in the world. Also, in the South Asian region, the funding given to Pakistan almost tripled in 2003 and the very next year Afghanistan replaced Pakistan where the US had waged the war against terror in 2001.

These policies are in compliance with the flurry of neo-conservative academic and policy discourse which was created in the US as well as Israel much before the September 11 attacks actually happened. The PNAC – the Project for New American Century which on its very website boasts its objective to establish US dominance over the world has been instrumental in this. The “infamous” report brought out by this organization called “Rebuilding America’s Defenses” which advocated the announcement of a global war to establish US hegemony. Another such report written by Richard Perle called “A Clean Break: A New Strategy for Securing the Realm” for the Advanced Institute of Strategic Studies. Written for the Israeli PM, this 1996 report also laid down several policy guidelines like-

-
- Scrapping the Oslo Accords,
 - Refusing the vacation of Palestinian occupied territories,
-

- Ousting of Saddam regime and replacing it with a Hashemite monarchy which would rule in compliance with Jordan,
 - This would lead to the formation of Turkey, Israel, Jordan and the new Iraq against Syria.
 - Reorganization of Shia dominated Lebanon on lines with the new monarchy in Iraq.
-

The author Richard Perle was invited to the US to become the Chairman of the Defence Policy Board at Pentagon.

The next table shows the spending under the same FMF programme to countries strategically important to maintenance of US supremacy. It is interesting that the countries which deny direct FMF have been given funds under another programme operated under PMSCs; called IMET- Integrated Military Education and Training Programme. This shall be discussed in detail later in the chapter

| Region | 2002 | 2003 | 2004 |
|-----------------------|--------------------------|------------------------|-------------------------|
| Africa | 33500 (Kenya) | 28050 (Djibouti) | 20947 (Kenya) |
| East Asia and Pacific | 48300 (Philippines) | 54840 (Philippines) | 24676 (Philippines) |
| Europe and Eurasia | 257000 (Georgia) | 252640 | 191008 (Turkey) |
| Near East | 32520500 (Israel) 58% | 5164600 (Israel) | 3728580 (Israel) |
| South Asia | 146256 (Pakistan) | 418450 (Pakistan) | 494735 (Afghanistan) |
| Western Hemisphere | 11700 | 33240 | 119614 |

| | | | |
|-------|---------|---------|---------|
| Total | 3650256 | 5991632 | 4257810 |
|-------|---------|---------|---------|

4.3.1 (b) The strategically important countries which received assistance under the FMF programme

Source: US Military Assistance Website

The reflection of the US imperial policy can be seen translated into its spending pattern. Though this is a very synoptic view of the US's imperial overstretch, this shall help to put into context the following analysis of US use of private use of force.

4.3.2: Private Force at US Imperial Service: How Much, Why, For What?

It is in the light of the above factors ie. the goals and ambitions of the US imperial policy and the increasingly unfavourable systemic factors vis-à-vis its supremacy that its private security industry will be analysed

The private security industry experienced such a boom in the post 2001 period that the industry crossed the \$100 billion mark right in 2006. However, there is a long history of how this industry reached to the \$ 100 billion mark. It is estimated to reach more than \$202 billion in the next ten years. The US, today the biggest client of PMSCs, has had a major role to play in this development.

The US has throughout its history employed private firms in place of US national forces to further covert military operations outside public view. These operations to a large extent include operations run by the Pentagon and the DoD outside the knowledge of the US Congress (Isenberg, 2009) (Guttman, 2011). The US has used contractors from nation building in South Vietnam to forming the CIA's secret paramilitary arm which ported guns to Nicaragua in the Iran Contra scandal. This became partly official with the introduction of LOGCAP- the Logistics Civil Augmentation Program in 1985 whereby all logistics related needs of the army from engineering to food, construction to ammunition, laundry to building bases could be contracted. There is no dearth of reports from the DoD arguing for the economic benefits of outsourcing. The Defence Science Board Report of 1995 which argued that the Pentagon could save up to \$12 billion by outsourcing allied

functions of the army except combat is an example. Economists however have for long kept arguing that monopolization of force in the State is the most economic method of war fighting. Resultantly, today the US pays a lot more money to its contractors than its soldiers (Brauer). Moreover it is all the more costly in the US, as there are political reasons for why some contractors are given huge government contracts without bidding. Bribes and lobbying houses apart, it has come to light that firms are also politically driven entities which have political shades and objectives apart from profits. The hiring of the conservative Blackwater by the Bush regime is an example of this phenomenon. There are now, reports of Triple Canopy being called Obama's Blackwater (Schail, 2009). Even when political favouritism does not occur there is hardly any transparency in bidding of contracts. In 2003, for example, the chairman of the Defence Policy Board, the earlier mentioned Richard Perle had to resign for conflict of interests due to his alleged links to Private Security Houses before he joined the Department. The same report also reported the close links and even ownership of 9 members of the Board to PMSCs- four of these registered lobbyists. These linked companies have won contracts worth \$76 billion without any bidding in the years 2001 and 2002 (Verloy, 2003). The reason given was that secrecy, confidentiality and urgency in decisions of defence restricting the opening up of the sector to perfect competition.

In 2000 in his election campaign Bush had promised free competition between government employees and contractors for 4,50,000 jobs. The next year US had more contractors than the number of soldiers and in 2002 the number of contractors employed in the US DoD's service increased to an extent and capacity of which the department had little knowledge. In April, the Army told Congress that its best guess was that the Army had between 124,000 and 605,000 service contract workers (Guttman, 2011). Within the Pentagon this has been termed as the "Third Wave"¹³ by then-Army Secretary Thomas E. White as apparently there have been two earlier competitive outsourcing drives in the US (Isenberg, 2009).

Today the condition is such that the Pentagon has to hire contractors to manage its contractors. It has recently hired a company to collect data on the number of contractors

¹³ The first wave of public private competition is marked in the 1980's in the military sector, when around 25000 jobs were lost to the private sector. The second wave which began in 1997 saw phasing out of 13000 jobs with a saving of \$223 million a year (Third Wave Reviews).

the DoD employs. Military Contracting has been cited as a reason for the end of Pax Americana (Guttman, 2011) (Greg, 2006).

There are several reasons why the US had had to turn towards outsourcing its military functions. US is, in a sense, the first hegemon with a democratic polity. Thus, it on the one hand has all decisions open to public scrutiny and on the other hand has its Imperialist ambition to fulfil. Thus it is not possible for the US to out rightly declare its imperialist vision and draw criticism from home and abroad- and so we have “democracy promotion”, “ war against terror”, “just wars” etc. To fight these wars and extend its influence US cannot enforce conscription on its population. It has an experience of the anti-war protests after the death of its soldiers in the Vietnam War. Deaths of national soldiers thus, create hindrance in imperial expansion as generating public opinion for wars is not easy. Also post the end of the Cold War, the US has undergone heavy military downsizing and reduced budget expenditure on defence for several years to balance its budget deficits. Finally US requires private force to do its dirty work in terms of intelligence gathering, surveillance, covert operations, illegal arms dealings, prison maintenance etc. This also makes shrugging off criticism and accountability easier. In the words of Isenberg,

The use of PMCs by the U.S. government is an inevitable outgrowth, however, of U.S. foreign policy. Contracting is both part of war and part of maintaining a global military hegemonic presence (Isenberg, 2009).

The direct military funding through the FMF programme of the US DoD has been discussed above. But there are regions which do not agree to accept direct military funds from the US. Here comes another reason for which the US employs its private contractors- military training. The US holds IMET- Integrated Military and Training Programme to train military personnel across the globe in modern military skills and US military values. It cannot be stressed enough that the training transferred in these programmes is highly value laden and taught under the framework of the US imperialist worldview; more so when this programme is contracted to MPRI – the firm constituted by ex- senior US Defence personnel. This entire programme is run by PMSCs. It is thus no surprise that in an press interview with The Economist Ed Soyster of MPRI boasted of his company “creating the American military doctrine” (War and Piecework, 1999).

The following tables lay down the funds diverted by the DoD for the IMET programme contracted to MPRI under military assistance programme of the US government.

| | | | |
|-----------------------|-----------------------|--------------------|----------------|
| | 2002 (70,000) | 2003 (79480) | 2004 (91159) |
| Africa | 10332 (South Africa) | 9868 | 11173(Senegal) |
| East Asia and Pacific | 6413 (Thailand) | 6877 (Philippines) | 8643 |
| Europe and Eurasia | 26186 (Turkey) | 31544 | 35548 |
| Near East | 7306 (Jordan) | 9694 | 12215 |
| South Asia | 3315 (India) | 4095 | 5566 |
| Western Hemisphere | 12821 | 14202 | 13436 |

4.3.2 (a) Region wise expenditure under IMET across the globe

Source: US Military Assistance Website

| | 2002 | 2003 | 2004 | 2005 | 2006 |
|--------------|------|------|------|------|------------|
| Iraq | - | | - | | 700(Proj.) |
| Iran | - | | - | | |
| Afghanistan | 0 | 387 | 674 | | |
| Pakistan | 894 | 990 | 1384 | | |
| Israel | | | | | |
| Saudi Arabia | - | | 24 | | |
| India | 1012 | 1000 | 1366 | | |
| Jordan | 2012 | 2400 | 3225 | | |

4.3.2 (b) Country wise expenditure under IMET in strategic countries in all regions of the globe.

Source: US Military Assistance Website

4.4: Concluding Observations: Much Ado about the Usual?

The first and most important conclusion that can be drawn from this analysis is that the US use of PMSC is not a domestic factor. It is true that administrations after administrations have relied on contracting military services across political shades, but this requirement emanates from the need to fulfil the imperial ambition- which is the result of its position in the structure of the world order.

Secondly, as regards the present world order, there is a unique turn at which the systems of states stands now, not because the power transformation from unipolarity to multipolarity has not occurred before but because there has been a transformation in which human societies today determine the very methods of production. As eminent economist Stiglitz voices his concern by highlighting the divergence between real time production and methods of asset assessment in the economy.

This brings us to notice the change in the conceptions of property over the period of time in history, which has changed from physical property, to commercial property, to speculative capital. Property is today measured by measuring the potential to generate more property. Thus investment in growing markets like India and China make them rising economies- purely on the basis of good prospects which is the third observation.

Such a situation makes monopolization over property all the more difficult in a multilateral order with declining supremacy. As stated before hegemony can be retained either by increasing accumulation of capital / resources or by increasing real time production through demand management. As the latter is in contradiction to the movement of International finance capital- the Frankenstein of Capitalism; it cannot be done. The Iraq war was the result of resorting to the former strategy. The US requires monopoly over the energy resources to sustain its hegemony. Why Iraq is central to this is because Iraq is the second largest resource house of oil after Saudi Arabia and Iraq's gas and oil together make it the largest accessible energy hub on the planet. Understanding the reconstruction process will make the proposition more clearer-

The constitution of Iraq holds that foreigners cannot by law hold private property in the country. On 19th Sept 2003, just after its formation, the US constituted Coalition Provisional Authority (CPA) and the Iraqi Governing Council by (Order 39) initiated the first round of privatisation affecting about 200 of the most successful government owned

enterprises. The same order decreed that foreign firms can retain 100% ownership of Iraqi banks, mines and factories, and allows these firms to move 100% of their profits out of Iraq (Klien, 2003).

It is only imperative that empires can't be built and endured on the foundations of regular militaries, as has happened in the case of all the empires across the world; and thus the recent outrage in the media can very well be termed "much ado about the usual" by the US. However, the time in which the US is resorting to indiscriminate use of private force is a time where the world is moving towards multipolarity, where international law is a lot more unambiguous than in the past, when the public opinion weighs on the side of pointlessness of going to war; probably these factors give some credence to the criticism of the present PMSCs.

.This analysis of the US foreign policy above and the produced empirical evidence validates the hypothesis of the work that: The thriving of private military security companies is in compliance with the post cold war project of the US to align the areas of the global south to its own economic and security interests.

We have seen similar pattern of what can be called "clutching to hegemony" in the past in the case of the British. The British resort to use of private force also heightened towards the end of its supremacy around the decolonization period where it tried to gain ownership of national assets in the African Continent. Do the similar US actions point towards the same systemic behaviour? May be yes, but two cases are not enough to validate such a big claim. But it cannot be denied that there is a relationship of degree between a state's power transformation and its resort to use of extra-state force. Finally, it can also be concluded that corporatization does not point towards the end of the state. However, with the changing nature of capital the nature of state is also changing. We are moving towards a state market complex which is a stage at which states act at the behest of the market. The implications of this on International Relations Theory will be the subject of the final chapter.

Chapter 5: Conclusion

The present chapter summarizes the conclusions reached and answers the questions raised in the previous chapters. It then goes on to tie all of them together and come up with a coherent and complete systemic explanation of the phenomenon of private use of force in international politics.

The systemic effects have been studied across the last three chapters at three levels:

Firstly, the evolution in forms of private use of force, in relation to the shift in power configurations at the structural level. This can generate a pattern of not just spatial shifts but also the trajectory of appropriation of property and resources across the globe.

Secondly, the role of the system's character and its constraining function has been studied to derive a dialectic relation between security and economic behaviour of units of international system. The transformation in the nature of the state has been studied in light of these requirements of catching up in the changing capitalist world order.

Thirdly, a relationship between power polarity and the use of private force has been established. Situating private use of force in a system of sovereign state structure leads to the question of the integral role that it has played in establishing and maintaining sub structures of power in the anarchic system.

The following three sections discuss the main conclusions of the study:

Evolution , Movement and Larger Context of Private Use of Force:

The use of private force has been a somewhat continuous phenomenon throughout human history with a major break in the mid-1800s, after which its very constitution of use of force changed. Before the 17th century, there was no mechanism of organizing force in terms of private and public, as even in the times of monarchies private groups and communities possessed arms and there was no centralization of force.

With the development of inter-civilization trade, the concept of property- i.e. legitimate claim over goods- extended to trade routes, ships and eventually to regions

for raw materials. Thus the security needs of a principalities or empires increased and changed in nature. This was also the period of rise of commercial economy in Europe. The countries where the initial commercial banks were established are seen to have expanded their area of trade faster due to easy availability of capital for trade, building ships and for voyages to discover new regions for trade. In these regions force was standardized as trade became more competitive and required centralized force to protect it.

As Europe envisaged expansion of trade outside the continent, the European states required an arrangement where accumulation of resources through trade be facilitated. This was also a period of collective hegemony in Europe where the French, the British, the Spanish, the Dutch, the Portuguese were almost equally powerful trading powers. The agreement to abolish privateers in Europe was thus an instrumental policy to shift the capability scale in the favour of the powerful.

This was a major break in the transformation process of private military and security actors. The private bands of mercenaries though in the earlier period at times paid tributes to the lords or fought on behalf of a ruler; the rise of commercial economy led to three processes. Firstly, the surplus producing merchant class shifted the major mode of production from land-based property in terms of agricultural land to trading in goods. Secondly, commercial economy and trade required an economic system based on regular revenue, thus the process of taxation began. Thirdly, consolidating the polity and extracting revenue meant creation of a condition of relative peace and this implied containment of private violence.

All the major use of private force post this period has been mitigated through states overtly or covertly. Private violence committed by private actors free of any sponsoring or support of state forces, purely for material gains, has not appeared on a major scale since this period. To, this extent thus the project of monopolization of violence in the state has been completed. The shift from mercenaries to chartered

company employed force was a very important and constituting one for the later versions of private force.

The rise of concept of sovereign state followed these developments. The treaty of Westphalia was one of the first treaties which disbanded privateers and tied the project of state sovereignty to the cause of monopolization of force in the state. It was not until the 1856 treaty of Paris that use of privateers was completely rejected in Europe. By this time Great Britain had transcended from the position of being a power bloc in the collective hegemony of Europe to the position of a unipolar power. Having expanded its colonies abroad, it required containing the proliferation of other powers into its colonies with the help of privateers. This was thus an attempt to consolidate its power at the continental level. It should be noted that the very next year the crown also took over all the forces of the East India Company in India and centralized the use of force in its own hand.

It cannot be denied that the ideas of the French revolution had further helped the centralization of authority in the hands of the state. The concept of an abstract state ruling as sovereign over a fixed territory with a centralized authority helped the disbanding of mercenaries in Europe. The analysis thus does not rule out ideational factors but finds their roots more in material factors.

However this clearly did not disband the use of private force by Europe. Great Britain which used not just private force but private trading companies- the English East India Company to establish colonies, began transcending to a condition of becoming the greatest power amongst the European powers. By being home to the industrial revolution and as a hegemon in this new mode of production the process was complete. When this transcendence to the condition of unipolarity was completed, Britain centralized the entire private force.

This should not be taken to mean an agential freedom on the part of the hegemon which also operates within the system. The international political system of anarchy is run by the economic system of accumulation of property- which changes its forms from mercantilism, to capitalism, to the hegemony of international finance; also thereby affecting the way private force gets organized from chartered company, to covert secret mercenary organizations to the PMSC.

Force used by private actors independent of state /ruler is a pre-state phenomenon. The later forms are characteristically different. All use of private force post the consolidation of Westphalian system is either state sponsored or state use of private actors. This clearly excludes the non-state actors up in arms for political purposes.

The reappearance of mercenarism as state sponsored mercenarism occurs when there is a major challenge to the capitalist mode of production by the rise of a socialist bloc. It is not a coincidence that a new form of private force raises in the context of the change in world order from unipolarity to bipolarity and the predicament faced by the declining hegemon. The British used private force to mitigate its decline in the erstwhile colonies of Africa. This force which was not strictly a company has purely military functions and works covertly with the state.

That the accumulation of property/resources is at the heart of this matter becomes clearer one we track the regional map of the movement of private actors employed to use force. Till around the 14th century there is a more or less fair presence of mercenaries across all continents. Though mercenarism increases in Europe in the period between the 15th and the 16th century, by the early seventeenth century the stage starts shifting drastically to the Asian continent- where Europe had its colonies.

In the second phase of use of, as the process of decolonization begins and Britain is done draining out its colonies in Asia, the resource rich continent of Africa becomes the stage of private military and security actors. The discovery of oil in the West

Asian region in 1908 made the twentieth century the century which saw major powers trying to acquire influence in this region. After the cold war, US inherited the accumulation of resources of these regions from the UK. It is not surprising that though almost all the private military force is employed by the US and the UK, the places where these forces are employed are not in the European or American continents; but in the Asian and African continents.

The US gave a whole new form to private military security companies. In the initial period of its supremacy, it consolidated support of various regions of the globe through use of PMSCs for purposes of military training. It was part of the whole democracy promotion project of the US-an attempt to paint the world in its own image- which was required to extend its empire through economic colonialism.

In the recent phase where US unleashed global war on terror, the PMSCs have played a major role and the period has seen a steep increase in the employment of private force(fig.3.3.a) - not just in combat, but intelligence, logistics, personnel security and prison management. This is in not exactly in compliance with the MIC model, which the US established in the WWII period. These companies are relatively autonomous from the government and US DoD.

Polity, Economy and Force: Private Force and the Project of Accumulation:

Organization of force by its very nature cannot be a purely domestic phenomenon as it is always concentrated upon securing oneself from the enemy or the other. Thus modes of organizing force have always been heavily influenced by the nature of political units in the system. Changing modes of organizing violence thus have an effect on the nature of political units and vice-versa.

The question why states give up the system of hiring forces for war, for a more cumbersome process of maintaining its national troops also has a similar explanation. As Europe gets torn of internal wars and the fight for territory in Europe is exhausted, the process of accumulation has to move outside the continent. This requires a form of state which would help mobilize resources for such expeditions. The rise of the sovereign state was in response to this need of the European system. Thus states trade their 'monopoly over force' within Europe for optimal economic gains outside the continent.

As the process of accumulation of resources moves outside the continent more coercive apparatus is required, which cannot be met by national armies. It is easier for the British to use private companies fighting wars in far off colonies where state sovereignty as a principle is not observed. Here it is only about using these companies to extend the capability gap. However as peace at home is required to trade abroad, the formula of respecting the rule of the bourgeoisie in each state within Europe was resorted to in the institution of sovereignty.

For the US it is all the more difficult, for in a condition where sovereignty for all independent states is accepted it is difficult for one sovereign state to seize another state's sovereign rights. However, here again powerful states compromise on their military gains for optimizing economic gains. The US established its hegemony by :

Indirect military invasions (through training rival groups with the help of PMSCs and providing arms), IMF and World Bank sponsored economic control and,plunder of resources by flowing them into the west through its multinationals.

Now, the US used its capability hegemony to influence its way through these international financial institutions which required formal sovereign states which could be clients to these organisations. Thus by creating a network of dependant economies and by military intervention through PMSCs and then economic remedial programmes through IMF and WB – the network of accumulation through privatization of resources in the countries of Africa, West Asia and Latin America.

Thus before the rise of hegemonic finance, we have observed state regulated use of PMSCs in the interest of the hegemon. But, in the era of hegemony of finance, the market has become relatively more autonomous of state, and the sovereign state has turned into a state-market complex. This had clearly led to more PMSCs developing outside the aegis of the state. The rise of the private security industry thus does not mean end of the state but a new form of state-market complex not just running governments- but also defining the extent of the state in terms of its market and asset expanse in the world market.

PMSCs and Imperialism:

In a system of political anarchy, powerful states breach the sovereignty of weaker states under various pretext and private force is often used either covertly to not instigate international public opinion or overtly on the pretext of maintaining world order. Private use of force has been at the heart of all imperialist projects.

The study of the examples of US and UK in the period of their decline, point to a similar pattern of response in terms of aggravating the use of private force to mitigate the precipitation of power. In both cases, private force has been used to illegitimately acquire or hold onto the resources of the developing countries. This is response to the actual failure or seeming failure of maintaining the capability gap vis-à- vis the other rising powers.

From the patterns of forms of private use of force which have been employed it can be concluded that hegemons have to evolve strategies in accordance with the structures of power present to them. Thus while the British could overtly use private force in the global South, it was not possible for the US to do so. The US which rose to prominence in the post cold war period had to plan its grand strategy in the context where the vestiges of the bipolar international structure of power still existed. The

newly decolonized states were guided by strong ideas of economic nationalism and had formed powerful political blocs such as the Bandung and the NAM.

The US thus employed the above mentioned three pronged strategy of indirect military invasion through PMSC trained local groups, economic control through IMF and WB, and capital exodus into the country through its MNCs. The US thus employed the PMSCs heavily in training militaries of developing countries to fight America's war, with each other. It supplemented the wars by selling arms and pouring funds for these wars through various military financing programmes.

In the recent period, though use of PMSCs for direct combat has increased considerably in the US, the use of private force in the covert operations across the world has increased manifold. This behaviour can be seen as parallel to that of British behaviour in its period of decline. Hegemons resort to such behaviour in order to escape scathing from international community and also because support for war at home dwindles. Though there are enough patterns to point the relationship between power polarity and use of state sponsored private force, the conclusion that hegemons use private force to mitigate the challenges is based only on two examples of the US and UK. On the basis of which, it can be concluded that private use of force is at the heart of unipolarist imperialistic projects.

The use of PMSCs by the US thus is in compliance with its post cold war project of aligning the areas of global south along its own political and economic interests. The increasing use of private force by the US in the recent period is in response to the changing power structure of the international world order from unipolarity to multilateralism from the purposes of jumping the receding capability gap and to ensure intervention and exodus of capital without flaming much heat at the international table.

In final conclusion thus, the allocation of force is directly affected by the way systems of property extraction are organized in the system of states. This pattern has seen a break in the form of private use of force after sovereignty as an institution came to define the international organization of political units. This new form of private force which has institutionalised itself increasingly through the market intervention in the state, has been employed by powerful states to transcend to conditions of hegemony as well as to mitigate challenges to it. There is however a steep rise in their use when it is used for the second purpose. The privatisation of security is thus guided by the invisible logic of expropriation of property and its political manifestations in power politics.

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