

Global Ungovernance: Mercenaries, States and the Control over Violence¹

ANNA LEANDER

There is a tendency for political protestors and academic critics of “globalisation” to focus their attention on the institutions of Global Governance. The meetings of the EU and WTO have to be placed in far off, complicated locations to be safe from the physical threats of the protestors. And there is literally a flood of critical writings on the impact of the IMF, the World Bank or the G7 on developing countries. However, in this article I want to shift the focus to another, and it seems to me potentially more threatening tendency: the tendency towards “ungovernance”. In particular I want to discuss the role of mercenaries as an example of this development.

This shift is not intended to deny that the relationship between states and international institutions is highly problematic, nor that the accountability of these institutions is insufficient. It signals the wish to bring attention to another kind of phenomenon also linked to the changes usually discussed under the inadequate heading of “globalisation”, namely “ungovernance”. The idea is that for a variety of reasons there has been a tendency to diffuse authority away from states. State authority has moved upwards to international or regional institutions, sideways to firms and markets, but also downwards to (sub-national) authorities or regions. However, this does not mean that the regulating functions which the state used to (or at least was expected to) fulfill in different social spheres are taken up by someone else. Rather in many cases these functions are not filled by any one. This is not to say that there is no hierarchy or competition involved. It is merely to say that there is no process of governance and in this sense there is ungovernance.²

¹ This paper has benefited from the comments of Barry Buzan, Lasse Dahlberg, Stefano Guzzini, Lene Hansen, Morten Kelstrup, Thomas Mandrup Jørgensen, Mammo Muchie, Bjørn Møller, Vibeke Pedersen, and Ole Waever. Usual disclaimers apply.

² I have derived this idea from Strange (1996: 14). For interesting discussions and reinterpretations of it, see Cohen (1998: 142-149) and Evans (1997).

To me, it seems of particular importance to bring attention to the phenomenon of ungovernance. One reason is that it tends to be marginalised by the focus on the tensions between states and international institutions. This focus, tends to neglect problems which *are not* a matter of politics among states or institutions set up by states. Conversely, it over-rates the significance of institutions and states in shaping politics at the expense of other actors. And consequently ungovernance simply drops out of the picture or seems insignificant.

But there is a much more important reason, namely that it is harder to get at. It is possible to protest the actions of the WTO, the EU, or the G7. It is more difficult to contest ungovernance precisely because there is no well defined decision making body; which is of course not to say that there are no effects. And precisely this makes it most urgent to include ungovernance in the picture. As pointed out by Hanna Arendt, “if, in accord with traditional political thought, we identify tyranny as government that is not held to give account of itself, rule by Nobody is clearly the most tyrannical of all since there is no one left who could even be asked to answer for what is being done” (Arendt 1969: 39).

This paper develops the general idea of ungovernance by looking at the ungovernance of a particular function, namely the control over legitimate physical violence. This choice has a dual motivation. On the one hand, I wish to take issue with the many scholars in international who deny that “globalisation” has any impact on the centrality of the state in the study of war and peace.³ On the other hand, I would like to intervene in the current (rather outlandish) debate about private military companies (PMCs). We are told that PMCs are capable of playing a positive role in restoring order and pushing through peace agreements where states fail to do so. Authors urge us to “give war a chance” (Shearer 1998a: 79). They compare (the

³ Characteristically, Wendt justifies the state centrism of his treaties on international politics with the argument that “states are still the primary medium through which the effects of other actors on the regulation of violence are channelled into the world system” (1999: 9). This reluctance to give up state centrism is comprehensible as there is an intimate link between (state centric) realism and the self-definition of the discipline (Guzzini and Leander 2001).

new) mercenaries with messiahs (Brooks 2000). And they praise the “outsourcing of war” (Coker 1998). I want to underline that they may be overly optimistic when placing their hopes in the mercenary option.

I make two claims. The first is that ungovernance is partly responsible for the expansion of mercenary activity and the changing form of mercenary activities 1990s. This expansion, in turn, has led to an ungovernance of the use of violence, particularly in intra state wars, and more generally it hampers state capacity to govern the use of violence on its territory by making it more difficult to establish and/or maintain a monopoly on legitimate violence.

1. Ungovernance and evolving mercenary activities

“Ungovernance” weighs heavily in the explanation of the key qualitative and quantitative changes in mercenary activity in the 1990s. It is difficult to find complete information on mercenaries and their activities. This said, according to virtually all specialists, there has been a sharp increase in mercenary involvement in armed conflict during the 1990s. And this consensus is probably the most solid indicator of the growing importance of the phenomenon one can get. An indication of the magnitude is that a compilation of available information on mercenary activity in Africa from the 1950s onwards shows 15 entries for the 40 years spanning 1950-1989, and 65 for the period 1990-98 (Musah and Fayemi 2000: appendix 1). There are more mercenaries and the structure of their activity is changing as Private Military Companies (PMCs) have developed and turn into corporate empires.

These developments are explicable by the changes that are intimately linked to the expansion of “ungovernance”. Weakening state structures and a retreat of the state from its monopoly on violence has created a demand for mercenary services. The diminished involvement of major powers internationally and the related privatisation and restructuring of armed has created a supply; and, finally, the deregulation of international markets paved the way for the development of PMCs.

First, the spread of “internal” wars and ethnic conflict has resulted in a greatly increased *demand for private military and security services*.⁴ Indeed, these wars themselves are a symptom of ungovernance: the state no longer fills the function of controlling the use of legitimate violence on its territory by public means. Yet, this function is very important and there is consequently a demand from many quarters for it to be filled by someone.

Among the key demanders are the governments themselves. They depend on the control of violence both to reaffirm their political control and to keep their economies going. Also outsiders have increasingly resorted to private companies to compensate for the absence of effective state control over violence. Outside governments have relied on PMCs to get out of the dilemma that they want to intervene in conflicts, but do not want to see any body-bags coming back as a result or do not have the political backing for their undertaking. The American firm MPRI (Military Professional Resources Inc.) e.g. was involved in the sophisticated Croat “Operation Storm” whereby Serb held Krajina was recovered in 1995, a turning point in the war, and then in rearming and training the Bosnian armed forces. Both interventions made it possible to decisively tip the military balance without taking the national and international political debate which open interventions would have provoked (Adams 1999: 110).

Also public and private aid organisations hire private companies to ensure the protection of their operations in unstable areas. Indeed, the decreasing direct engagement of external states after the end of the cold war combined with impoverishment and the declining capacity of the state to ensure security has made the system of aid distribution a very important source of revenue and hence part and parcel of local political struggles (Duffield 1994, 2001). The effect has been increased pressure on aid organisations and rapidly growing insecurity for aid workers. As a consequence, DSL (Defence Systems Limited), lists among its clients: the Inter-

⁴ In principle, private military services differ from private security services. The only reason for referring also to private security provision and private security companies in this context is that, practically the links between the two are close and there is a grey boarder zone where security and military services coincide. For a table showing which types of operations are done by kind of company and where the overlaps are, see Brooks (2000: 130).

national Rescue Committee, CARE, Caritas, USAID, GOAL and World Vision. And in the UN system the UNHCR, UNICEF, UNDP, WFP amongst others declare to have used private security services (Spearin 2001). Also private firms rely extensively on private companies to protect their installations, their employees and their activities. According to Lt Col Tim Spicer (of Sandline International) it is in the protection of firms and aid organisations that the future of the PMCs lies (Spicer 1998).

Second, a profound restructuring of the military in the direction of privatizing and diminishing the role of the state, has fuelled the *supply of mercenaries*. Overall the numbers in armed forces has dropped from 28 to 21 million between 1985 and 1999 (Studies 2000). This entails that large numbers of former professional soldiers are now working privately. However, it would be a mistake to think of them as lonely soldiers renting themselves out. The loner is still around but of lesser importance and more often than not working for a company. And indeed, all studies converge in emphasizing the significance of these former professionals in establishing, running and working for various forms of companies military companies (e.g. Isenberg 1997).

The dynamic of company creation has been sustained by two further developments related to military restructuring. One is the privatisation of the defence, which has often gone so far that analysts actually find “commercialisation” a more appropriate expression. Privatisation has meant making state agencies operate on more on business like terms. In the UK e.g., the Ministry of Defence “procurement executive has been replaced with an independent, commercially ruled, Defence Procurement Agency (Edmonds 1998; Fredland and Kendry 1998). But it has also meant that governments have been more willing to rely on military companies for various tasks such as training the armies of their allies. For example, the French firm Secrets, was training the guard of the Cameroonian president with the blessing of the French government (O'Brien 2000: 50).

The other development is the regime changes in Russia and South Africa and the related drastic restructuring of armed forces there. In Russia alone the number of private security companies has grown from nil to

10.000 (Coker 1998: 109). In South Africa there are some 2 800 private companies and the private security guards outnumber the police and grow by 25% a year. Many of the major PMCs—Executive Outcomes (EO⁵) and Sandline International being the best known ones—have their roots in South Africa's special forces and/or agencies set up to circumvent the embargo closed down in dec. 1998 (Harding 1997; Harker 1998; Isenberg 2000).

Third, the deregulation of international markets has been fundamental *in facilitating* the restructuring of mercenary activities. Most obviously—just as with other international business—the deregulation of markets has made it possible for PMCs to constitute large corporate groups operating across many countries with relative ease. The decreasing weight of bureaucracy and border controls makes operations quicker and more flexible. It also makes it possible to constitute corporate groups and give it the organisation best suited for the purpose, drawing on tax-heavens, incentives for foreign investment, and lax regulation of joint-ventures, licencing and franchising.

The standard examples of PMCs (but by no means the only ones!) which are part of a diversified corporate group are Executive Outcomes (closed in 1998) and Sandline. They developed as part of the Brach Heritage Oil and Gas group, based in London, which covered a wide range of mining, extractive, military support and logistics and financial activities.⁶ Arguably this kind of grouping signals the return of grand style colonial company arrangements (some call it the EO model⁷) where security (and a stable source of tax revenue and additional foreign change) is offered in exchange for concessions for example to mine diamonds (in Sierra Leone), log wood (in Liberia) or extract oil (in Angola). However, there is also a whole gamut of less spectacular arrangements where the PMC is an out-growth of a national defence industry or simply an operation created by a

⁵ EO was closed down in December 1998 and although the company denied that this was linked to introduction of a regulation of Foreign Military Assistance, banning mercenary activities, in South Africa it is widely believed that there was a close link between the two.

⁶ Musah (2000:xvi) has attempted to map the corporate structure of the group. A mapping which is of course as uncertain as the information from which it is derived.

⁷ Howe (2001: chap. 5)

firm which tries to operate in a region plagued by widespread violence.⁸

Finally, the deregulated structure of activities reduces transparency. This is particularly important when the business is on the verge of illegality which is very often the case. The UN rapporteur links up the mercenary business with a variety of illegal trades including arms, drugs and trafficking in humans as well as with extortion, kidnapping and terrorist activities (UN and Rapporteur 2001). An illustration is the Israeli firm LIAT Finance and Construction's operations in Sierra Leone. The company offered security against concessions for mining for diamonds, but the concession was allegedly used to smuggle diamonds from South Africa and to return arms (in the late 1980s) (Reno 1998: 119-120).

Perhaps the most fundamental aspect of the rapidly growing demand for and supply of mercenary services is that it has taken place in an overall environment marked by the conviction that markets and efficiency are prime criteria for judging the desirability of any one project. This has been absolutely crucial in making the PMCs thrive. It has been fundamental in spreading the idea that PMCs are basically a business like any other and that they should be judged on the basis of a price-quality relationship just like any other firm.

2. Private military companies and ungovernance of political violence

So what is the fuss about? a lot of people ask. Military companies may have expanded over the past decade, but does it matter? They always have existed. They go through states and are controlled by states. PMC's stress that they only provide services to legitimate people, and that they have a record of successfully imposing order. Foreign offices stress that the companies are intimately tied into the foreign services. The examples of PMC "suc-

⁸ For an attempt to classify and good overviews of the firms see Shearer (1998b); Adams (1999) or Isenberg (1997).

cesses”, in particular the role of EO in Angola⁹ and in Sierra Leone¹⁰ are contrasted with the failure of the international community to intervene and react in serious crisis situations. In particular, Rwanda (where Kofi Annan complained that he could have saved thousands of lives with a very small number of troops) is waved as a case clearly showing the urgency to review the potential of using PMCs for peace keeping missions. A growing number of experts are advocating a regulated use of PMCs as a way out of the paralysis created by the combination of the body-bag-fear and the end of the cold war. In the words of one exacerbated observer:

What most seems to bother many observers, especially those on the left, is that nowadays, PMCs are respectable. They cannot bring themselves to believe that PMCs operate with discipline, observe laws and customs of the host nation, and adhere to the principles of the Geneva Convention [...] If a state cannot provide security and protection for its citizens—the essential rationale for existence for a government in the first place—its is immoral and the height of hypocrisy to tell another state it cannot take steps to defend itself because someone has inaccurate and outmoded ideas about private military forces (Isenberg 2000: 15-16).

Clearly, these are not arguments that can simply be rejected as trivial. However, in what follows I want to argue that the idea that we should “give war a chance” deserves all the scepticism it spontaneously provokes. And this is not, as the quote would make us believe, a matter of deeply ingrained prejudice. Rather, the proliferation of mercenary activity fuels the un-governance of political violence and undermines, or makes more difficult the establishment of, the state monopoly on legitimate violence. And unfortunately this is not something which can be prevented simply by differentiating good from bad mercenaries.

⁹ EO played a crucial role in bringing UNITA to the negotiating table which eventually resulted in the 1994 Lusaka protocol.

¹⁰ In fact the operations in Sierra Leone went far beyond the reestablishment of order: EO also organised the return of children and teachers who had been trapped, it organised the integration of hundreds of child-soldiers in rehabilitation programmes, and it supported the government against disgruntled RSMLF officers whose diamond trading was threatened by the government (Zarate 1998: 97).

Mercenaries and the restoration of governance

PMCs have been very effective in reestablishing order in some cases. And it would be immoral indeed to neglect the importance of it for civilians plagued by the spread of violence or for states who cannot by themselves create stability and impose order. The lesson many seem to draw from this is that we must allow—or even encourage—the creation of a regulated market for PMC activity. But notwithstanding these undeniable successes, there are two major difficulties with this idea: the first is that there is a serious risk that creating a market for military services will engender a vicious circle where the supply of services pushes the demand. The other is the risk that it will crowd out state institutions and hence fuel the spread of violent conflicts which have their roots in the weakness of states.

The first point about the risk of creating a vicious circle where the supply pushes demand derives from the idea that military services are not like most goods. Rather it is a commodity which develops its own dynamic; it is a commodity where often the supply creates the demand. There are at least two parallel ways of making the point.

One way is to argue that selling security will tend to increase insecurity in an by itself. When PMCs sell protective capacity to one side tends to increase the insecurity of the other side. This will lead the other side to arm and hence we are in a conventional arms race logic. And the result is that the price to pay for security increases steadily and there is an ever increasing market for PMC services. This effect is amplified by two things. The first is that both sides in a conflict will try to rely on PMCs who will often work for both sides.¹¹ If one adds the tendencies of the PMCs to proliferate, offer services to different parties, and actually become actors in their own right it seems clear that in addition to paying a higher price for protection against one enemy, the number of enemies grows steadily as well. This is a crucial part of Reno's story about the transition to "war lord politics" (1998).

¹¹ There are allegations that EO worked for both sides in Angola (Reno 1998: 64) but there also more clear cut cases where PMCs have been involved on both sides (e.g. Whitelaw and Newman 1999; McBeth 2001).

The other argumentation builds on the now classical insight that the definition of security – and of what is required to ensure it – is not something objectively given. Rather it depends on perceptions of what is a threat (Jervis 1976) and on the “securitization” of issues and problems (Buzan, Wæver et al. 1998). Now very often the PMCs also have the function of consulting, training, and equipping armies. And this evokes the “Dr. Strangelove problem” (of course equally applicable to representatives of conventional armed forces) of allowing the military define threats and how to deal with them. Professional training and background tend to make them particularly prone to present and see the military aspects and needs and hence fuel demands for security. A concrete illustration is perhaps the capacity of MPRI to get ever more expensive contracts for training the Saudi Army (Arnold 1999).

The second line of argument is slightly less obvious. The idea here is that mercenaries are likely to prove a hindrance to state building and this in turn is likely to aggravate the problem of controlling violence. It is recognised by most observers, and by the PMCs themselves, that they can provide no long term solutions to state building problems (Harker 1998; Spicer 1998). However, it is usually stressed that the companies can play an important role by reestablishing order and hence paving the way for state building processes. They set the stage, so to speak. The point made here is that this argument is exceedingly problematic. Mercenaries tend to crowd out state institutions and bias the distribution of security in ways which work counter state building efforts in any conventional meaning.

The presence of mercenaries alters the logic of state provision of security and hence of state building. Firstly, in many ways the presence of PMCs relieves the state of the need to build institutions capable of providing security. They “crowd out” state institutions. Instead of investing into a costly institution the ruler can choose to rely on private companies which leave when asked to. This is of course a very attractive option in contexts where the military as an institution is one of the main threats to the ruler. This option is all the more attractive since, as argued by Reno, “states do not necessarily prefer a state monopoly over legitimate violence” (1998:

71). Control over commerce (and not territory) is the name of the game, he argues, and that might go with various forms of control over violence. A state monopoly may be neither the most effective, nor the most appropriate means to that end. However, the cost of such innovative political strategies is that it relieves rulers from need to build up one of the most basic institutions of statehood.

Second, the presence of PMCs skews the distribution of security. By making the control of violence something that is payable and decided upon according to economic criteria PMCs tend to accentuate the divergence between those who can demand security and those who cannot. One of the interesting points emerging from the literature on contemporary state building is that, while it is usually assumed that the problems of states splitting up and falling apart into regions is that certain groups opt out of the state, it is less often stressed that it may not be a matter of opting out but of being pushed out: “abandon people who could contribute little to a political alliance and would make demands on scarce political resources” (Reno 1998: 10). The distinction between *l’Afrique utile* and *l’Afrique inutile* is sharpened (Bayart, Ellis et al. 1997). But clearly, this exclusion of some groups from the state on economic grounds, reflects a very different form of state building than the one we are used to; a Swiss cheese state-building with many holes which one might be tempted to term an absence of state-building.

Ultimately, the presence PMCs profoundly alters the role of legitimacy in state-building processes. The process of state building conventionally conceived involves the development of some idea of the state (Buzan 1991) and some form of legitimacy neither of which have to be democratic. The conventional argument is that the more encompassing state institutions become, the more adherence do they need to command and the more negotiation with different groups does it take. “No taxation without representation” as the saying goes. Tilly has developed the idea that the need to raise ever growing resources forced states to engage with their societies in a process which led to the “forging of mutual constraints between rulers and ruled” (1985: 186). However, military companies have contributed to changing this. The control over violence can be bought, the

conditions is to command sufficient resources. And, consequently, commanding adherence is of secondary importance.

In clear, to use PMCs to establish or restore a state monopoly of legitimate violence seems extremely problematic. Rather than facilitating the establishment of order the presence of PMCs is likely to make it more difficult both because their presence tends to fuel armed conflict and because they undermine the building of state institutions for controlling violence. I have argued that not only is it (obviously) impossible for mercenaries to resolve the problems of weak state structures, but they are likely to aggravate them. As argued by van Creveld, a respected observer of the changing nature of war, unless something drastic is done to regulate mercenary activities, “the time may come when the organisations that comprise that business, will like the *condottieri* of old, take over the state”(van Creveld 1991: 138).

Having the cake and eating it too: differentiating among mercenaries

It is often argued that the kind of problems discussed in the previous section, as well as other fears related to the spread of mercenary activity, are unjustified and/or could be dealt with if the discussion was more differentiated. If we differentiate between different kinds of “mercenaries”, the argument goes, it soon becomes obvious that, while some may be of the rogue kind, most companies are not. Banning the latter and encouraging the former will allow us to use the potential positive sides of the PMCs and still keep control over violence intact. We can have our cake and eat it, too.

This idea is dear to larger PMCs in search of legitimacy and recognition necessary for the expansion of their business to operations such as UN peace-keeping or enforcement missions. The advocates of more refined distinctions are eager to point out that the respectable firms follow stringent rules. They have serious check ups on who is hired and hence avoid the unprofessionally violent types. They only offer their military services to legitimate governments. They work on well specified contracts with well established dates of entry and withdrawal. They do not engage in combat directly etc. So the idea is, that if all PMCs were forced to follow these

rules, it would push the rogue companies out and create a respectable market for the others. Thus, Michael Grünberg of Plaza 107 (read EO and Sandline) tried to convert the UN commissioner Ballesteros to his position by submitting a point paper suggesting a framework for a legislation sanctioning desirable PMC activity (Isenberg 2000: 16).

There are obvious practical difficulties of getting this kind of regulation off the ground. The existing regulation has been either ineffectively imposed (OUA convention) or effectively obstructed. The UN 1989 convention finally came into force in October 2001. But it is widely thought to be ineffective since none of the major PMCs are signatories to it. More generally, creating international supervision of a regulated market for PMCs (as suggested e.g. by Grünberg) seems close nay impossible.

First, it runs into all the classical of difficulties of collective security. So far, the key obstacles to regulation has been no state is really willing to relinquish either the right to use PMCs or to see its national companies sell services. We are thus in the ironic situation where the key problems of regulating non-state use of force stems from very conventional state centric concerns in the international system (Cullen 2000). And in this sense, if we actually managed to establish an effective regulative framework it would probably be a sign that we did not need it in the first place.

Besides this, there are of course all the consideration that there is no reason whatsoever to have more faith in the capacity of a regulatory authority to control the activities of PMCs than there is to have faith in the capacity of regulatory authorities to control firms more generally. Contrary to what is argued by e.g. Brooks (2000: 130ff), the fact that the companies behave much like other companies and get enlisted on stock markets (the ArmorGroups listing on the NYSE is Brooks' example) is no great comfort. As the Enron case (among many others) show, even business which is not engaged in inherently sensitive and political activities can very well hide their activities from the eyes of regulators if they wish to do so.

In addition to this, there are deep seated problems with the idea that one might solve the problem by simply distinguishing the goodies from the baddies and outlawing the latter. Most obviously, the stringent rules that the companies proclaim to be following often lose relevance in concrete

situations. The lines between acceptable and unacceptable individuals, between entering combat and protecting an installation or between legitimate and illegitimate governments are fuzzy, particularly in civil war situations. As the reading of any UN report¹² or (almost any) eyewitness account of concrete war situation involving mercenaries, there is ample evidence that even when lines are drawn they are not respected.

Moreover, it is not the case that the universe of the respectable private military company is somehow hermetically isolated from that of the rogue mercenary. On the contrary, to all evidence the line is again blurred. The same people tend to work in two worlds. The PMCs tend to feed a mushrooming of smaller, less accountable and controllable firms. PMCs might withdraw upon the completion of a contract. But individuals may stay on and set up companies of their own. Allegedly, 80 private security firms were set up in Angola following the termination of EO operations there in 1996 many of which were operating under EO licence, as EO joint ventures or under the leadership of former EO employees (O'Brien 2000: 50-53 for details).

Lastly, driving through the acceptability of mercenary activities is an obvious way of making life easier also for the many companies no one would try to place under the roof of the respectable ones. The last report by the UN special rapporteur refers to the close link between mercenary companies organised crime and various illegal trades (in organs, humans, and drugs). An acceptance of mercenary activity which makes it easier to obstruct such links and continue operations, is clearly a step a way from governance by states or other public bodies. Consequently, distinguishing between different categories of PMCs is no doubt useful for analytical reasons. But it is not a sound basis for arguing that the “good” part of mercenary activity should be accepted and/or even encouraged.

What we are faced with is a serious, and probably enduring dilemma. On the one hand, we cannot easily neglect the success of *some* PMCs in

¹² The reports are available on the net at [www.unhchr.ch / huridocda/ huridoca.nsf/FramePage/mercenaries+En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/FramePage/mercenaries+En?OpenDocument).

some conflicts or the potential they represent when it comes to stabilizing situations such as that in Rwanda. On the other hand, worrying about the effects of a spread of mercenary activity is more than a Machiavellian hick-up. As this section has argued the “business of private protection” is not an ordinary business (Gambetta 1993). It is a business which runs the risk of developing a logic of its own, particularly in situations where there is a rapid expansion of markets, a high level of conflicts and no overarching state authority to regulate it (Arlacchi 1979: 60). A situation all too resonant with the conditions in much of the developing world. Moreover, it may also work against the establishment of a state which fills one of the basic, arguably defining, functions of statehood namely that of monopolizing the legitimate use of organised violence. By making these two points I hope that this essay has thrown the ball back to the defenders of a new understanding of mercenaries and a more positive/encouraging view on PMCs.

Conclusion

This paper has argued that the proliferation of PMCs is intimately linked to ungovernance. Ungovernance has prompted the expansion and altered structure of mercenary activity in the 1990s. And this development seems about to become part and parcel of the further development of ungovernance. The spread of mercenary activity—*pace* distinctions—is likely fuel conflicts and hamper effective institutional control over violence.

So where does the stress on ungovernance leave us? I have wished to bring attention to the importance of global ungovernance because it is important to realise that some of the crucial political developments in our time are taking place outside the realm of institutional politics. As this discussion of the development of mercenary activity has shown, this is no less true in international relations, including in its very core which looks at the development of war and peace, than it is anywhere else. However, developments which are not regulated and guided by states tend to fall off the agenda of politics and academic research. But clearly this is no more

god-given and inevitable than is the development of ungovernance itself. On the contrary, the definition of what is on the agenda and how much states should regulate is up for grabs. Concretely as regards the proliferation and effect of mercenary activity, much has depended on state decisions and much can be changed by state decisions. Even if it is true, as often stated, that the mercenary business is here to stay this is no good reason to accept it, let alone encourage it. We do our best to limit a number of other activities which have also been around for long and are likely to stay with us, such as slavery, organised crime, trade in humans or discrimination against women. Therefore, there is a strong case for pushing for regulation both at the national level and the international level to limit the proliferation of PMCs. And in this sense we need is a conscious way of discussing and limiting ungovernance.

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