

**The Commodification of Violence, Private Military
Companies, and African States**

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Abstract:

This article argues first that there is an increasing commodification of the use of force in many African states and it takes the example of the increased role of private military companies (PMCs) on the continent as epitomizing this development. Moreover, it points out that this commodification is widely accepted as both African and foreign governments, international organisations, NGOs, and private firms are relying on private firms. The article proceeds to spell out how this commodification affects state authority. It argues that the commodification of force poses problems for state authority both by undermining the direct control of states over the use of force and by undermining the basis of its authority. The article does not claim that state authority and the use of public force in Africa are unproblematic, nor that PMCs are the sole responsible for a situation they invariably worsen. Its aim is to underscore that it is a chimera to believe that reliance on PMCs is unproblematic for state authority and to clarify some of the mechanisms by which public authority is undermined by processes privatizing the use of force. Ultimately, the particularity of African states is likely to be reinforced rather than reduced by the commodification of the use of force on the continent.

Introduction:

Over the past decade a very instructive and interesting debate about the nature of the state in Africa has developed. Authors from a variety of perspectives have tried to capture the peculiarity of states whose borders were drawn largely by external powers and which have developed in the context of an intrusive international system. Jackson (1990) has described them as “quasi-states” resting on legally defined sovereignty and Clapham (1996) insists on the role of the international system in shaping them. In addition to this, there is a growing body of literature depicting the specific kind of politics which characterises these states and in particular the blurred distinctions between private and public authority. Thus, Bayart (1997b) has developed the idea of “occult power structures” which surround (and even dominate) the formal ones, and Reno describes the development of a sui generis form of politics which he dubs “war-lord politics” (1998). Certainly much to the dismay of these scholars, their insights have been translated into politics through the popularization of the idea of “failed” states.

This article focusses on one recent development which affects many African states and which, I will argue, feeds into and cements the particularity of states in the region, namely the rapid development and presence of Private Military Companies (PMCs). Firstly, the article argues that PMCs are increasingly present on the continent, that their presence is widely accepted, and that they are likely to remain part of the picture of how violence is regulated in Africa for the foreseeable future. It will then proceed to argue that this expansion of PMC activities has profound implications for states. It affects their role in the regulation of violence and hence one of the basic features of statehood. It does so both via its impact on the direct regulation of violence and via its effect on the foundations of state authority. So the bottom line is that the commodification of the use of force resulting from the expansion of PMCs is bound to reinforce the particularity of many African states.

1. The Growth of Private Military Companies

The sale of security services is not a novelty on the African continent nor anywhere else. On the contrary, many if not most past conflicts have involved some degree and some form of it (Møller 2001). However, over the past decade important changes have occurred. There is more private security and private business companies are increasingly involved in its sale.

It is impossible to find authoritative and comprehensive information on the sale of private military and security services.¹ In Africa (and elsewhere) the issue is (and will remain) highly sensitive, largely occult, and hence not reported and documented with any precision. This said, private security in its various guises holds an increasingly central place in the accounts of how violence is regulated in and among most African countries. According to most 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 given by the compilations of available information on “mercenary activity” in Africa from the 1950s onwards: one such compilation shows 15 entries for the 40 years spanning 1950-1989 and 65 for the period 1990-98 (Musah and Fayemi 2000). Similarly, the recent Foreign and Commonwealth Office Greenpaper (2002a: Annex A) shows 15 entries for the period 1950-1989 and 80 for the period 1990 onwards.

There is not only more private security, the sellers are increasingly international or transnational. The conventional image of private security services as being sold mainly by (local) gang leaders, mafias, or war lords and by (foreign) individuals or mercenaries is obsolete. Of course, these sellers continue to exist and arguably play a growing role in contexts where the policing and judiciary systems have either broken down or were never established. But to this image one has to add an international business component: the PMCs.

In part, this business grows out of para-public defence industries and armies whose budgets are under pressure and who are being directed to become more commercial. The end of the cold war and regime changes in Russia and South Africa have led to a profound restructuring of the military in the direction of privatizing and diminishing the role of the state. Moreover, there is a general trend to “commercialise” defence by making publically owned and/or controlled entities compete for contracts on international markets (Edmonds 1998). At the same time, decreased state priorities to military questions is visible in dwindling resources, status, and pay checks allotted to soldiers. The overall number of men in the armed forces has dropped from 28 to 21 million between 1985 and 1999 (IISS 2000). And those who stay often need to make arrangements to complement their income. The result is a combination of large numbers of qualified military personnel in search for alternative, complementary and/or more lucrative work with an increase in the numbers of para-public

commercialised firms in search of international contracts (Harding 1997; Harker 1998; Shearer 1998; Adams 1999; Isenberg 2000).

It would be a mistake to deduce that the PMCs are merely a branch of the national armed forces of their country of origin. Many of them are not. Even when they are set up and staffed by former militaries they can operate as genuinely private companies. Their services are offered on international markets. Their size, scope and type varies. Some are very small, specialised and with a clear national anchoring. Others are large multinational businesses, traded on stock-markets, with headquarters in tax-havens, and with highly professional advertising and public relations departments.

The group of PMCs which has attracted the greatest attention is the one where the firm is part of a large diversified corporate group; no doubt because of the many obvious parallels between the operations of these companies and the grand style colonial companies. The most frequently cited (but by no means only) examples are Executive Outcomes (closed in 1998) and Sandline. They are both part of the Branch Heritage Oil and Gas group, which covers a wide range of mining, extractive, military support and logistics, and financial activities. The business model – which Howe (2001) calls “the EO model” – consists of offering security, a stable source of tax revenue, and continuous foreign exchange inflows to governments in exchange for concessions, e.g. to mine diamonds (in Sierra Leone) or extract oil (in Angola).

2. Accepting the Commodification of Violence

The most spectacular aspect of the PMC development is that the commodification of security entailed is widely accepted. It is far more so than at any other time during the past century. In sharp contrast with the situation that has prevailed since the mid 18th century when piracy, privateering, and mercenaries were outlawed (Thomson 1994), states now (again) seem to accept a prominent role for private business interests in the regulation of violence. They use it themselves and allow or encourage others (NGOs, firms, and international organisations) to do the same.

The overarching reason for this altered status of PMCs is that they have managed to constitute themselves as credible alternatives to the insufficient or inexistent public means of regulating violence. Indeed, in many African states the arguably always vacillating public control over violence has further eroded over the past decade. A variety of reasons, well described

and discussed elsewhere², have conspired in this development. What matters here is that the incapacity of the state, with the help of public forces, to impose its authority over the regulation of violence has made private military companies stand out as useful and necessary. The bottom line is that the private companies do what the state should perhaps be doing, but is neither willing nor capable of getting done.

The image of PMCs as a respectable alternative is grounded not least in the fact that they are extensively used by the African governments themselves. An important part of the explanation for why this is so is the financial squeeze on government budgets (and hence on spending for armed forces) created by the post-cold war withdrawal of the great powers from the region and the effects of conditionality and “financial globalisation”. This squeeze has made the outsourcing of security and military operations a very attractive alternative for governments. They only have to pay for the intervention they ask for, whereas standing armies and/or police forces have to be paid independently of what they do. Payments in concession rights saves scarce foreign exchange and has the advantage of making sure that the extractive activities can continue; hence securing continued revenues. Finally, allowing PMCs to operate has the great advantage of shifting costs from the public to the private (or international) sector as private firms, International Organisations, and NGOs take on the costs of providing for their own security.

Indeed, many activities undertaken by foreigners depend on private companies to compensate for the absence of effective state control over violence. Firms have to protect their installations and their personnel. Aid workers need protection from racketeering, abduction, and attacks. In situations where the public armed forces and police are either unavailable, ineffective, or involved in the activities against which protection is needed, private solutions seem to be the only ones available. Hence, even when (as is often the case) aid workers and firms dislike to rely on PMCs, the alternative is often not to engage in conflict areas. This is not an option. For firms declining to work with PMCs would mean an investment lost. For “humanitarians” it would imply that they could not work where they are needed. Consequently, both firms and humanitarians rely extensively on PMCs. For instance, DSL (Defence Systems Limited), lists among its humanitarian clients: the International Rescue Committee, CARE, Caritas, USAID, GOAL, and World Vision. In the UN system the UNHCR, UNICEF, UNDP, WFP amongst others declare to have used private security services (Spearin 2001).

Also non-African governments have been increasingly positive to the idea of relying on PMCs (Foreign and Commonwealth Office 2002b). There are multiple and overlapping reasons for this. One is the general trend to look for private solutions and privatise. A second reason is that governments want to intervene in conflicts but do not want to see any body-bags coming back as a result. A third is that they wish to circumvent the political debate necessary to get support for international interventions. Lastly, economic interests are no doubt involved. As pointed out above, many companies are para-public and certainly pressure their governments to support them (as would most companies). Granting a great variety in the weight of these considerations, there has been an overall shift in the direction of increasing reliance on private companies (O'Brien 2000; Mandel 2001).

The widespread acceptance of PMCs is enshrined in the efforts to make it possible for the UN to contract PMCs for peace-keeping and peace enforcing operations. This would require a revision of the existing conventions condemning the use of mercenaries³. To argue for such a change, advocates point to the PMC successes (in particular the role of EO in Angola⁴ and in Sierra Leone⁵) and contrast them with the abysmal failures of the international community to intervene and react in serious crisis situations, Rwanda in particular, where Kofi Annan complained that he could have saved thousands of lives with a very small number of troops. The advocates argue that it is the height of hypocrisy to rely on, accept, and work with PMCs in all situations except when it comes to settling conflict. Instead of having Africans die by the thousands it would be enough to “write a check to end the war” (Brooks 2000b).

Although this view is far from unanimously shared, it is clear that we are in a rather novel situation (comparing with the past century and a half, that is). Most actors with security concerns in the region rely on PMCs. The outcome is that the lobbying of PMCs is supported also by a wide range of governments, multilateral and private aid agencies, NGOs and private firms. It consequently seems that independently of whether or not this lobbying actually results in altered and clarified regulations of “mercenary activity”, PMCs are bound to remain an important *de facto* part of the African security picture.

This raises a number of important and interesting questions, but the one I want to address here is how it affects state authority. This is an essential one. If reliance on PMCs has become so extensive and so accepted as a consequence of the difficulties states face in controlling violence, it is clearly

important to ask how that capacity fares under the influence of PMCs activities. The following sections will address this question by splitting it into two parts; looking first at what increased PMC presence entails for the capacity of states to control violence directly, and then at how the more long term foundations of state authority are influenced by an increased PMC presence.

3. PMCs and Direct State Control over Violence

This section argues that even if PMCs are mostly employed by governments to ensure direct state control over violence, reliance on them creates difficulties of their own. Indeed, there are fundamental differences between the regulation of violence through a market where private business enterprises compete for selling their services and a regulation which is done through publically controlled armed forces (police or military). This might sound rather self-evident. But it is not a point on which observers agree. Rather many of those advocating a more extensive role for PMCs claim that PMCs are merely tools that can be used by governments with no influence on state authority. This section shows, that this is not the case.

First, the reliance on PMCs makes it harder for states to control that their *decisions are implemented*, that they transform into military operations. There is always the risk that the private firms will not fulfill their contracts, or not do so fully. There are many examples (including recent ones) where this has happened, including to the most influential and powerful governments of the world. For example, Brown&Root reportedly failed to deliver or severely overcharged on 4 of its 7 obligations to the US Army.⁶ There is also the risk that PMCs will shift sides in the middle of a conflict or simply run away when the situation becomes too unpleasant. In 1994 the Gurkha e.g. fled Sierra Leone after their commander had been killed (and reputedly cannibalized). Finally, PMCs may turn against their employers and work for their overthrow by a ruler more sensitive to their own concerns. It seems that EO was active in the 1996 ousting of the president of Sierra Leone. In clear, Machiavelli's discussion of how to deal with the "whores of war" is dated, but not without relevance.

Second, reliance on PMCs alters the capacity of states to decide *who* is entitled to use *what kind* of force. Indeed, by definition private firms are in the business to make a profit. For some firms this might require keeping a good reputation for selling only to respectable clients. The larger PMCs

have repeatedly protested that their activities might contribute to fuelling conflicts and empowering non-state actors. They must care for their reputation. But this is not necessarily a concern shared by all. Some firms may see the market more as a one shot opportunity and be less concerned. Even if one grants that reputation is mostly important, there is no monitoring system in place to check firms. Moreover, the notion of respectable client is highly circumspect in internal war situations. Consequently, even if many PMCs may indeed be acting clean, it is hardly surprising to find numerous allegations to the effect that firms sell services to non-state organisations including rebel groups, extractive firms, or outright organised crime involved e.g. in drug trading, human trafficking, or trade in illegally extracted diamonds (UN 2001).

Third, privatisation is affecting *the way that decision making authority* is exercised in the state. It tends to de-politicize the use of violence. Privatization moves the question of “what kind of force is being used where by what nationals” out of the public arena of debate. First, private firms (unlike governments) do not need political approval. Moreover, public armed forces do not have the possibility of refusing the tasks placed upon them and it is hence of essence to decide if an intervention is really warranted. For private firms this pressure is lesser. The firm did not have to take the engagements and hence the need to make sure that the weight on the political level is lesser. Similarly, in states buying private military services the balance between political actors is shifted. The pressure on the government to find support among powerful groups (including the military itself) is lesser when it turns to the PMCs, as long as it can find the resources to pay the bill.

Finally, the development of PMCs leads to a situation where the *accountability* for violence is blurred (Zarate 1998; Cullen 2000). Governments are unclear on how to treat the individuals employed by PMCs as epitomised by the general confusion surrounding the status of mercenaries. They are denied the various protections granted to soldiers in the Geneva Convention, and therefore do not have prisoners of war status. But it is not at all clear what the alternative is. Are those foreigners hired to be treated as common criminals when they kill people as part of the job they are contracted for? Moreover, there is increasing uncertainty about what the expansion of PMCs entails for accountability for violence in the international sphere. Armies are tied to states and can be held accountable through them. But what about companies? The answer since the mid 19th Century has been that states accept responsibility for acts of violence by

their nationals beyond their borders (Thomson 1994). Yet, because of the increasing privatisation, states can and do deny responsibility for violence and crimes of their nationals by pointing out that it is private. This return of a policy of “plausible denial” (by states of responsibility for violence) of course leaves wide open the dual questions of who is to be responsible instead and who is to enforce the consequence of that responsibility. It also recreates the dilemma which was the original reason for legislating against private uses of violence internationally (pirates, mercenaries, filibustering and privateering): it leaves unclear how to handle the situations where states are drawn into conflict as their denial of responsibility is not found plausible by other rulers.

In clear, the reliance on PMCs does affect the way that the state regulates violence. It affects its direct authority over it, it leads to the creation of a market which is outside state control, it tends to de-politicise the use of violence, and it blurs the lines of accountability. Whether or not this entails a weakening of state authority to control violence is an open question. The answer depends on what authority the state had before as well as on how effective the contracted firm turned out to be. Indeed, there are many cases in Africa where (theoretically public) armed forces escape control and pursue private profits with a ruthlessness most PMCs would find it hard to equal, as illustrated by many of the so called resource wars (Cilliers 2000; Le Billon 2000) and complex emergencies (Duffield 1994). Moreover, many African states face insurgencies and private violence which PMCs might help hinder rather than develop. Finally, there is absolutely no reason to grant unquestioning approval to the systems of accountability for the use of force in many African states. Many armed forces and governments are no more accountable than are PMCs.

Hence, it is impossible to make any generalisation on the relationship between PMCs and state authority. However, the argument underlines that it is a chimera to believe that relying on PMCs to regulate violence does not create difficulties of its own for the state control over violence. And these problems need to be addressed both when we think about state authority in Africa and when we consider whether or not we ought to bandwagon those who now advocate an expanded role for PMCs.

4. PMCs and the Foundations of State Authority

The increased reliance on PMCs also creates difficulties for state authority in Africa on a deeper level. It undermines the foundations of this authority. This is not to say that the foundations of state authority in Africa are unproblematic or made problematic solely by PMC presence. On the contrary (again), the overarching justification for the increased reliance on PMCs is precisely that in most African countries, the foundations of state authority are just as problematic as the exercise of direct authority over the regulation of violence. However, this should make it seem even more urgent to think about the implications of PMC presence. It certainly should not serve as a pretext for neglecting these implications. This section points to two ways in which PMCs create difficulties for the foundations of state authority.

First, the increasing reliance on PMCs tends *to consolidate the private control over violence*. First, it does so because “the business of private security” (Gambetta 1993) deals in a market for an inscrutable commodity. “Insecurity” is a potential risk and there is no objective testing of competing offers for how to ensure against it (Gambetta 1994). It is a 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 and on the “securitization” of issues and problems (Jervis 1976; Buzan, Wæver et al. 1998). It should therefore come as no surprise that PMCs put great effort into consulting, training, and equipping armies. This evokes the “Dr. Strange-Love problem” of allowing the military to 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. However, there is a specific twist to the Dr. Strange-Love problem: It is not any military who is defining threats. It is a private one. Hence, threats posed by public forces and the superiority of private solutions are bound to be an integral part of the advising. This is amply confirmed by the considerable time and effort PMCs spend curing their image and reputation as well as explaining their superiority to public alternatives.

Moreover, the market for security is one where suppliers tend to create their demand (commonly racketing). There is no foundation for, or reason to, accuse PMCs of racketing states as the mafia would a shopkeeper: at the point of the gun. But there are more subtle mechanisms of demand creation

at work here. When PMCs sell protective capacity to one side, it increases the (perceived) insecurity of the other side. This will lead the other side to arm and hence we are in a conventional arms race logic. The result is that the price to pay for security increases steadily and there is an ever increasing market for PMC services. This might be amplified by two things. The first is that both sides in a conflict will try to rely on PMCs, usually different ones.⁷ 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).

Finally, extensive reliance on PMCs consolidates private control over violence by making that control a part of economic interests more broadly. There is, for good reasons, intensive debate about the nature of the (denied and unprovable) links between PMCs and various economic interests. The so-called EO model – that is selling security against mining or extractive rights – in particular confirms that there are tendencies for PMC activities to spill over into other sectors. According to most accounts⁸, the link is not that PMCs enlarge their activities to include other sectors, but the other way around. Firms operating in conflict areas create, ally with, or hire PMCs. This might not matter fundamentally, though, since even if the link goes from the firms to the PMCs, the linking up of their interests is likely to create powerful structures which favour the reliance on private security.

The second point about the relationship between PMCs and the foundations of state authority is that PMCs influence *the balance between state institutions* in ways which are likely to have an eroding effect on the basis of state authority. They do so, first, by "crowding out" state institutions. Indeed, the presence of PMCs relieves the state of the need to build institutions capable of providing security. Instead of investing into costly and politically dangerous armies and police forces, rulers can choose to rely on private companies. Relying on PMCs is all the more attractive since, as argued by Reno, "states do not necessarily prefer a state monopoly over legitimate violence" (Reno 1998: 72). 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 backside of such "innovative political strategies" (Duffield 1998) is that rulers do not need to build the most basic institutions of statehood: the armed forces (police or military).

In addition to this, the presence of PMCs tends to skew 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 command the control over resources and consequently can demand security and those who cannot. It is worthwhile emphasizing that it is a matter of accentuating. One of the points often underlined in the literature on contemporary state building in Africa is that it is not because certain groups “opt out” that states split up and fall apart into regions. Rather more frequently, it is because states push people out. They “abandon people who could contribute little to a political alliance and would make demands on scarce political resources” (Poirier 1993; Reno 1998: 10). The gap between *l’Afrique utile* and *l’Afrique inutile* is widened (Bayart, Ellis et al. 1997a). Clearly, PMCs cannot be charged with creating the gap. However, the increased commodification of violence entailed by their presence certainly does not diminish it. On the contrary, it widens the gap and hence deepens the authority problems of states providing selective, rather Swiss cheese like, security coverage.

Ultimately, extensive reliance on PMCs reduces the importance of legitimacy for states something which is bound to weaken their authority decisively. Indeed, the role of legitimacy is already reduced in many countries. Power depends more on the approval of external authorities and access to international credits than it does on the “forging of mutual constraints between rulers and ruled” Tilly described as essential for the “civilianizing” of European states (1985)⁹. However, military companies push this trend further. The control over violence can be bought, the conditions is to command sufficient resources. Commanding adherence is of secondary importance. Moreover, the presence of private military personnel – in and of itself – is often seen as delegitimizing the state and/or regime (Howe 2001). It is both a confirmation of the reduced import of legitimacy and something which further diminishes it.

To sum up, an increased PMC presence seems to cause trouble for the foundations of state authority in two ways: 1) It does so by durably anchoring control over violence with the private sector by contributing to a definition of the security needs which accords a key place to PMCs, by contributing to the creation of a supply led demand which perpetuates the need for PMCs, and by tying PMCs into other economic sectors which are likely to advocate and rely on PMCs. 2) It does so by shifting the relative importance of (state) institutions in a way which undermines the long term authority of the state by reducing the importance of constructing state-

controlled armed forces, by linking security and command over resources which results in a Swiss cheese like security coverage, and by diminishing the importance of legitimacy. A look at the fate of state authority in Columbia and Sicily – both notorious for their businesses of private protection – is an instructive reality check for anyone who thinks that founding state authority on private business is unproblematic.

5. Conclusion

This article has argued that over the past decade we have witnessed an increased commodification of the regulation of violence on the African continent which is epitomised by a growing and largely accepted presence of PMCs. It went on to argue that the increased reliance on PMCs has profound implications for state authority. It alters both the direct control of states over the regulation of violence and the foundations of the authority by which they exercise this regulation. Throughout, it has underlined that whether these implications entail a weakening of state authority or not is something about which it is impossible to generalise. There is no reason to deny that in some cases PMCs help to restore order and hence to reestablish central state territorial control and to some degree authority. However, the aim of this article has been to underline that this is by no means a panacea. It is an obvious but often forgotten point that the privatization of security impinges on public authority. This article has gone some way in pointing out how it does so with the intention of underlining that this is no less true where that public authority is problematic and contestable (as in many African states) than elsewhere. “War is not polite recreation but the vilest thing in life, and we ought to understand that and not play at war” (Tolstoy). Therefore it is of essence to think about whom we grant authority to go to war and to control the means of war.

Notes

1. In principle, private military services differ from private security services. However, practically the links between the two are close and there is a grey boarder zone where security and military services coincide (Brooks 2000a).
2. In particular Clapham 1996; Reno 1998; and Duffield 2001.
3. The 1997 OAU Convention and the 1989 UN Convention.
4. EO played a crucial role in bringing UNITA to the negotiating table which eventually resulted in the 1994 Lusaka protocol.
5. The operations in Sierra Leone involved the reestablishment of order. But they went far beyond that: 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).
6. This and the two next examples stem from Singer (2001/2).
7. There are allegations of one firm working for both sides in a conflict such as that of EO in Angola (Reno 1998: 64).
8. I have personally never read a different account.
9. This point is discussed in more detail in Leander (2003 forthcoming).

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