



UNIVERSITÉ
LIBRE
DE BRUXELLES



UNIVERSITÉ LIBRE DE BRUXELLES

&

UNIVERSITY LUISS GUIDO CARLI

Department of Political Science

**Normalizing and Accepting the Use of Private Military and Security
Companies in the United States of America**

presented by

MACHI, Julien (638982)

In the framework of

Master Thesis - Double Degree in International Relation (120 ECTS)

Supervisors: Mulas, Roberta, Wasinski, Christophe

Co-supervisor: Magrassi, Carlo

Academic Year 2018-2019

Table of Contents

List of Acronyms.....	I
Summary	III
Introduction	1
Chapter I – Private Military and Security Companies: A General Overview	4
Introduction	4
1. The Resort to PMSCs in the United States of America.....	5
1.1 An Inherent Tradition?	5
1.2 PMSCs and the New American Way of War	7
1.3 Political Ties and Affiliations.....	13
2. The Study of Private Military and Security Companies	16
2.1 Terminologies, Definitions and Concepts	16
2.2 Related Theories and Topics	18
2.3 Approach and Methodology	24
Conclusion.....	26
Chapter II – Transforming the DoD: The Doorway to Normalization.....	29
Introduction	29
1. Transforming America’s Military Capability	30
1.1 Reshaping the Defense Enterprise.....	30
1.2 The Logistics Transformation	35
2. The Entrepreneurial Approach and the Market-Based Model.....	41
2.1 Adopting and Adapting the Lessons of the Private Sector.....	41
2.2 Establishing a Corporate Culture within the Department of Defense	47
Conclusion.....	54
Chapter III – The Private Military and Security Industry: The Legitimization Discourse	57
Introduction	57

1. Private Military and Security Companies as Legitimate Actors	58
1.1 Ethics, Standards and Professionalism	58
1.2 Legitimate Customers and Valuable Affiliations	62
2. The ISOA: Legitimizing the Peace and Stability Industry	65
2.1 Recasting the Mercenary Label	65
2.2 Setting a Rational Regulatory Framework	71
3. Towards International Normalization and Acceptance	74
3.1 Developing International Legal Tools	74
3.2 Europe and Private Military Security Companies	78
Conclusion	84
Conclusion	87
Bibliography	90
Appendix	109

List of Acronyms

ASG	Alexander Strategy Group
BRS	Brown and Root Services
BUR	Bottom-Up Review
CIA	Central Intelligence Agency
CRS	Congressional Research Service
CSDP	Common Security and Defense Policy
DoD	Department of Defense
DoS	Department of State
EEAS	European External Action Service
EU	European Union
FARC	Revolutionary Armed Forces of Colombia
FTE	Full Time Equivalent
GAO	Government Accountability Office
ICoC	International Code of Conduct
ICoCA	International Code of Conduct Association
ICRC	International Committee of the Red Cross
IMET	International Military Education and Training program
ISOA	International Stability Operations Association
KBR	Kellogg Brown and Root
LOGCAP	Logistics Civil Augmentation Program
MEJA	Military Extraterritorial Jurisdiction Act
MEP	Member of the European Parliament

MPRI	Military Professional Resources Incorporation
NATO	North Atlantic Treaty Organization
NPR	National Performance Review
OMB	Office of Management and Budget
PART	Program Assessment Rating Tool
PGI	Patriot Group International
PMA	President's Management Agenda
PMC	Private Military Company
PMF	Private Military Firm
PMSC	Private Military and Security Company
PSC	Private Security Company
PSD	Personal Security Detail
QDR	Quadrennial Defense Review
RBA	Revolution in Business Affairs
RMA	Revolution in Military Affairs
SAIC	Science Applications International Corporation
SSR	Security Sector Reform
UN	United Nations
USAF	United States Air Force
USAID	United States Agency for International Development

Summary

Since the end of the Cold War, the United States has over-relied on private contractors to carry out military and security functions. The United States has reached a situation where the use of private military and security companies (PMSCs) in contingency operations has become an ordinary phenomenon. From the Gulf War to the War on Terror, the U.S. military has revealed to the world its growing reliance on PMSCs. The goal of this study is to understand how and why the use of these actors has become normalized and politically accepted in the United States of America. Our main assumptions suggest that a fusion of two distinct discourses have allowed to normalize and legitimize the resort to PMSCs in the United States. The first discourse is promoted by the U.S. Federal Government. The second discourse is supported by the private military and security industry. Both actors are considered as our major units of analysis. By leading a comprehensive and qualitative discourse analysis we have identified several arguments composing their discourses.

Firstly, a general discourse embraced by the Clinton and George W. Bush administrations has paved the way for the normalization and political acceptance of PMSCs. This discourse aiming at transforming the U.S. Department of Defense was based on two main arguments. The first part of the discourse consisted in transforming America's military capability. Reshaping the defense enterprise and leading a logistics transformation within the Pentagon were two urgent national defense priorities. Achieving these goals contributed to the consolidation and the normalization of resorting to PMSCs in both administrations. The second part of the discourse consisted in adopting an entrepreneurial approach and in establishing a market-based model within the Federal Government. This discourse was characterized by a glorification of the private sector. This led to a cultural change within the bureaucracy. Businesses and private companies were welcomed and accepted within the Federal Government and in particular within the DoD. In sum, the normalization and acceptance of the use of PMSCs is located at the intersection of these two arguments.

Secondly, the private military and security industry has promoted a discourse aimed at legitimizing its essence and identity. This discourse is shared on two different levels. On a micro level of analysis, U.S.-based PMSCs have adopted a set of arguments and strategies which have allowed them to gain a high degree of acceptance and legitimacy. By achieving the status of legitimate actors, they became accepted by American society. On a macro level of analysis, the industry's trade association and advocacy group (ISOA) has played a prominent role in legitimizing its members. The arguments and linguistic strategies adopted by its president permitted to legitimize the industry's identity and practices. His voice not only allowed to remove the mercenary label but also to portray the industry as serving a moral and legitimate cause. The establishment of a rational regulatory framework contributed to an official recognition and acceptance of the industry.

In sum, normalization and acceptance of PMSCs were the outcome of a fusion of these two discourses.

Introduction

Since the end of the bipolar world, the realm of warfare has undergone several key transformations. The dissolution of the Soviet Union created a global security gap by abandoning many third world countries without political and military assistance. This security void caused the proliferation of incessant sanguinary civil wars in Africa and gave birth to several non-state conflict groups around the world¹. New threats meant new opportunities for private and non-state actors to play an increasing role in global governance. This historical context allowed private military and security companies (PMSCs) to be considered as a considerable security option for African governments². About three decades ago, British firm Sandline International and South African company Executive Outcomes revealed to the world the benefits and effectiveness of resorting to private companies to carry out military and security functions. Yet, what the international community didn't anticipate, was the explosion of these companies after the September 11 attacks.

One State that deserves particular attention when mentioning private military companies is without question the United States of America. Since the Gulf War, the country has over-relied on private contractors to carry out military functions. Today the United States has become by far the largest consumer of private military services to the point where the country cannot go to war without private military and security contractors³. But as history has shown, resorting to these actors can be problematic. Incidents in Iraq and Afghanistan have unveiled the dark nature of the private military industry. On September 16, 2007, a Blackwater convoy opened fired on Iraqi civilians resulting in the deaths of 17 innocents Iraqis⁴. Similarly, contractors from CACI International were accused of torturing and abusing prisoners within the Abu Ghraib prison⁵. Hence, this increasing reliance on private military companies by the U.S. government has raised some serious questions...

Resorting to private contractors remains a controversial phenomenon which deserves particular attention. The United States has reached a situation where the use of private contractors in contingency operations has become an ordinary phenomenon. From the Gulf War to Iraq and Afghanistan, the U.S. military has manifested its growing reliance on PMSCs. The goal of this study is to understand how the use of these actors has become normalized and politically accepted in the United States of America. To carry out this study, we will try to answer to the following research question:

¹ SINGER, Peter W., *Corporate Warriors. The Rise of the Privatized Military Industry*, Ithaca, Cornell University Press, 2007, 360p.

² HOWE, Herbert M., "Private Security Forces and African Stability: The Case of Executive Outcomes", *The Journal of Modern African Studies*, Vol. 36, n° 2, June 1998, pp. 307-331.

³ GILSINAN, Kathy, "The War Machine is Run on Contracts", *The Atlantic*, January 17, 2020

⁴ SAVAGE, Charlie, "Three Ex-Blackwater in Iraq War Massacre", *The New York Times*, September 5, 2019

⁵ WEINER, Rachel, "A suit over Abu Ghraib getting to what actually happened", *The Washington Post*, September 22, 2017

- *How did the resort to private military and security companies become accepted and normalized to the point where their use became commonplace in the United States of America?*

In order to answer this research question, we will formulate the two following hypotheses:

- 1) *If private military and security companies have become normalized and accepted, it is due to a set of political and military discourses aiming at consolidating and normalizing their use during the Clinton and George W. Bush administrations.*
- 2) *If private military and security companies have become accepted and legitimated it is due to a significant effort to recast their mercenary image by embracing an ethical and moral discourse.*

This study will be divided into three main chapters. The first chapter will provide a global overview of the topic and provide an adequate framework and methodology. The second chapter will examine the first hypothesis while the third chapter will test the second hypothesis. We will reveal our findings and results in the conclusion.

The first chapter will be divided into two separate parts. The first section will provide an historical overview of the resort to PMSCs in the United States. We will observe whether the resort to PMSCs has become an inherent tradition in the country. Moreover, we will examine how PMSCs have become an integral part of the new American way of war. Thirdly, we will analyze the different political ties and affiliations existing between PMSCs and the U.S. Federal Government. The second section will focus on the academic studies of PMSCs. In a first time, we will explore the different terminologies and concepts existing within the academic community. In a second time, we will investigate the different theories and topics related to our study. Finally, we will provide the framework and methodology to adopt.

The second chapter will examine the first hypothesis. By analyzing a set of political and military discourses within the Federal Government and in particular the Pentagon, we will see how PMSCs have been politically accepted and normalized through a certain period in time. We will particularly focus on the Clinton and George W. Bush administrations. Our main assumption suggests that normalization has taken place because of a discourse embraced within the Federal Government aiming at transforming the Department of Defense on the way it worked and how it operated. By leading a comprehensive discourse analysis, we will collect the different arguments composing this discourse. A particular focus on the voices of the different Secretaries of Defense will be required.

The third chapter will examine the second hypothesis. The chapter consists in analyzing a discourse embraced within the private military and security industry aiming at legitimizing its essence and status. On a micro level of analysis, we will explore the different arguments employed by a group of American PMSCs. On a macro level of analysis, we will focus on the industry's advocacy group and trade association and its role in legitimizing the industry. To examine the different arguments and strategies adopted by the industry and its members, we will resort to a comprehensive discourse analysis and to a particular examination of linguistics. Our main assumption is that PMSCs have achieved a certain degree of legitimacy and recognition because

they have managed to recast their unlawful and mercenary image. Last but not least, we will also discuss about international normalization and acceptance.

Chapter I – Private Military and Security Companies: A General Overview

Introduction

This introductory chapter will in a first time examine the resort to private military and security companies in the United States of America. The first section will provide historical facts and explore the country's past regarding the use of PMSCs. We will equally take into consideration recent experiences related to the use of contractors. Firstly, we will observe whether the resort to PMSCs has become a deep-rooted tradition in the United States. We will observe how through centuries the U.S. has resorted to private military contractors on its soil and overseas. Secondly, we will describe how PMSCs have become a fundamental part of the new American way of war and the U.S grand strategy. To support our argument, the following cases will be inspected: the Yugoslav Wars, Plan Colombia and the War on Drugs, Iraq and Afghanistan and the War on Terror. Thirdly, we will analyze the political and economic relationships existing between PMSCs and the U.S. Federal Government. Two companies in particular deserve to be mentioned: Halliburton and Blackwater USA. The second section of the chapter will focus on the study of PMSCs. We will take a look at what has been done in terms of researches and studies by the academic community. Firstly, we will scrutinize the different terminologies and concepts employed by scholars. In parallel, we will pay attention to the different typologies and categorizations of the private military and security industry. Hence, we will distinguish and identify the different categories of private companies. In a second time, we will explore the different literary movements and categories of authors. This subsection will analyze the different related theories and topics to our study. Ultimately, we will provide an adequate and appropriate methodology for the purpose of carrying out this research. We will propose for each chapter a rational framework and suggest an exhaustive list of empirical material. In sum, this chapter provides a global overview of the topic in question.

1. The Resort to PMSCs in the United States of America

1.1 An Inherent Tradition?

The United States of America has a deep-rooted and long tradition regarding the resort to private military and security contractors. From the War of Independence to the Global War on Terrorism the country has heavily relied on contractors. It is not surprising nowadays to see that in front of the White House is located a public park named after the Marquis de Lafayette. The Lafayette Square includes several statues of the heroes who fought during the American Revolutionary War. Figures such as the Major General Comte Jean de Rochambeau, Brigadier General Thaddeus Kosciuszko and Major General von Steuben are also present within the park. None of them were Americans, yet they were all instrumental in the United States winning its independence⁶. These foreign contractors and freedom fighters were prominent figures because they provided skillful services and outstanding military expertise to the British American colonies. Because the Continental Army at the time faced huge gaps in capability, training, experience and organization, the Continental Congress had to fill the gaps by turning to foreign professionals⁷. These contracted foreign soldiers, were credited with turning the Continental Army into a true fighting force⁸. Moreover, privateering which is considered as “another category of state-sponsored private force”⁹, was a common practice authorized by the Second Continental Congress under its president John Hancock¹⁰.

Nearly one century later, the United States would once again witness the presence of foreign fighters on their soil. The American Civil War seduced many European fighters who were burned by the desire to become the new Lafayette¹¹. One of the most well-known European volunteers fighting in the Civil War was the Prussian cavalry officer Heros von Borcke¹². The latter fought alongside the Confederate States Army and participated in one of the most important battles of the conflict: The Battle of Fair Oaks¹³. Furthermore, President Abraham Lincoln relied upon the Pinkerton National Defense Agency to build his domestic intelligence network and to gather military information in the South during the Civil War¹⁴. Founded in 1850 by Scotsman Allan Pinkerton, the firm is still operating today and is part of a Swedish security company named Securitas AB. We could highlight the fact that Pinkerton already possessed the present-day structure of some modern private military and security companies, and in addition provided similar services.

⁶ PRINCE, Erik, *Civilian Warriors. The Inside Story of Blackwater and the Unsung Heroes of the War on Terror*, London, Portfolio, 2014, 416 p. 60.

⁷ *Ibid.*, p. 63.

⁸ SINGER, Peter W., *op.cit.*, p. 33.

⁹ ANDREOPOULOS, George, BRANDLE, Shawna, “Revisiting the Role of Private Military and Security Companies”, *Criminal Justice Ethics*, vol. 31, n° 3, 2012, p. 142.

¹⁰ PRINCE, Erik, *op.cit.*, p. 64.

¹¹ BRUYERE-OSTELLS, Walter, *Histoire des mercenaires. De 1789 à nos jours*, Paris, Tallandier, 2011, 265 p.73.

¹² *Ibid.*, p.74.

¹³ *Ibid.*, p.75.

¹⁴ PRINCE, Erik, *op.cit.*, p. 65.

But the trend doesn't stop here. The two World Wars were marked by the presence of American contractors and volunteers. A year before the United States entered World War I, American aviators determined to battle the Kaiser volunteered for the French Air Service¹⁵. Pushed by ideological motivations, these volunteers created in April 1916 the famous *Escadrille de Lafayette* (also known as *Escadrille Américaine*), and were given the duty to protect British bombers¹⁶. Another group of popular aviators was the American Volunteer Group later known as the Flying Tigers which provided both relief and hope for Chinese cities during the Japanese invasion of Manchuria¹⁷. Led by retired United States Army Air Corps Captain Claire Lee Chennault, they managed to put an end to Japan's uncontested bombing raids and blocked the advance of the Japanese into China¹⁸. The squadrons commanded by Chenault were mainly constituted of disengaged U.S. Air Force soldiers and of mercenaries¹⁹. The Vietnam War also saw the participation of private firms working on the side of the American forces. President Johnson's escalation of the conflict resulted in the need for billions of dollars worth of bases, airstrips, ports, and bridges²⁰. Construction and project management behemoths such as Raymond International, Morris-Knudsen, J.A. Jones and Brown & Root formed one of the largest civilian-based military construction conglomerates in history²¹. The construction conglomerate, referred to as RMK-BRJ, built everything the American military needed in Vietnam: jet runways; deep-water piers; ammunition and fuel storage facilities; barracks; helicopter landing pads; pipelines; hospitals; communications facilities; and warehouses²². The amount of this monstrous contract was worth \$2 billion at the time, an equivalent of \$14 billion today²³. New York Times correspondent Hanson W. Baldwin considered the deal as "the largest military construction contract in history"²⁴. Other firms such as Vinnell Corporation performed tasks the US forces could not do for legal reasons or lack of resources²⁵. It is interesting to note that some of these private firms were also present in Iraq a couple of decades later. Halliburton's subsidiary, KBR (formerly known as Brown & Root during the Vietnam War) provided significant logistic services to the U.S. Army while in Bosnia and Iraq. On the other hand, Vinnell Corporation provided training to the Iraqi Army. Through centuries, the United States seemed to have relied to a large extent on private military contractors. It should be noted that contractors at the time didn't have the same identity as present day ones. During the American Revolutionary War and Civil War, they were more considered as foreign fighters, freedom fighters or simply as mercenaries pushed by ideological motivations and a desire to serve a specific cause. WWI and WWII saw the emergence of American volunteers willing to

¹⁵ *Ibidem*.

¹⁶ BRUYERE-OSTELLS, Walter, *op.cit.*, p. 109.

¹⁷ CORRELL, John T., "The Flying Tigers", *Air Force Magazine*, vol. 89, n° 12, December 2006, pp. 36-42.

¹⁸ *Ibidem*.

¹⁹ BRUYERE-OSTELLS, Walter, *op.cit.*, p. 112.

²⁰ BRIODY, Dan, *The Halliburton Agenda. The Politics of Oil and Money*, Hoboken New Jersey, John Wiley & Sons, Inc., 2004, 290 p. 164.

²¹ *Ibidem*.

²² *Ibid.*, p. 165.

²³ SCHENCK, Mel, "The Largest Military Construction Project in History", *The New York Times*, January 16, 2018.

²⁴ *Ibidem*.

²⁵ AVANT, Deborah D., *The Market for Force. The Consequences of Privatizing Security*, Cambridge, Cambridge University Press, 2005, 310 p. 115.

fight abroad for the same reasons of their predecessors. The Vietnam War saw the appearance of modern PMCs particularly in the realm of logistics. Their corporate structure, identity and services were equivalent to present day companies. As we discussed above, some firms are still present in today's conflicts. By the end of the Cold War, contracting with private companies for the delivery of military services was hardly new in the United States²⁶. Since the end of the bipolar world, though, the use of private contractors for military services has grown precipitously to the point where "the Pentagon cannot go to war without them"²⁷.

1.2 PMSCs and the New American Way of War

The end of the Cold War marked a turning point in the American grand strategy. The dissolution of the Soviet Union and the end of bipolarity had several consequences on the American military apparatus and on the rise of PMSCs in the new American way of war. The rivalry between the two superpowers was a historic period of hyper militarization and its culmination was the consequence of a massive military demobilization²⁸. During the first Bush administration, Secretary of Defense Dick Cheney, led a set of policies aimed at reducing the national military enterprise and military spending. In his first year in office, Cheney had reduced military spending by \$10 billion²⁹. Moreover, he canceled a number of complicated and expensive weapons systems, and number of troops were reduced from 2.2 million to 1.6 million³⁰. By the mid-90s, U.S. forces would have had to reach a reduction of 25 % according to Cheney himself³¹. The shrinkage of the State's military and the downsizing of professional careerist soldiers was the result of a sharp increase in military expertise available to the private sector³². This "era of dramatic defense spending cuts"³³, as the founder of Blackwater describes it in his book, benefitted the private military industry. During Cheney's tenure, the army depended very little on civilian contractors but the Secretary of Defense was inclined to change that³⁴. The idea was to free up the troops to do the fighting while private contractors handled the back-end logistics³⁵. However, the big shift came when the U.S Army awarded in 1992 the LOGCAP mega-contract to Halliburton's subsidiary Brown & Root, an American engineering and construction company which had already provided military support services to the Army during the Vietnam War. According to the U.S. Army's website, the LOGCAP contract (Logistics Civil Augmentation Program) is defined as "a program administered by the Army to provide logistical capabilities by using a contractor workforce. It is used primarily for base support operations and

²⁶ *Ibidem*.

²⁷ WAYNE, Leslie "America's For-Profit Secret Army", *The New York Times*, October 13, 2002.

²⁸ SINGER, Peter W., *op.cit.*, p.50.

²⁹ BRIODY, Dan, *op.cit.*, p.195.

³⁰ *Ibidem*.

³¹ *Ibidem*.

³² SINGER, Peter W., *op.cit.*, p.53.

³³ PRINCE, Erik, *op.cit.*, p.31.

³⁴ BRIODY, Dan, *op.cit.*, p.196.

³⁵ *Ibidem*.

sustainment services worldwide in both contingency and non-contingency locations”³⁶. The LOGCAP program was the result of George H.W. Bush’s policies towards shrinking and trimming the military. His policies paved the way for aggressive outsourcing and for launching a privatization agenda which would have later been carried out by future administrations. Nonetheless, it is important to mention that in the early 90s, the army did not rely as much on contractors as in the War on Terror. During the Gulf War, PMCs made about 2 percent of U.S. manpower³⁷. Moreover, during Operation Desert Storm, the ratio of contractors to U.S. troops was 1 to 100, a ratio which tremendously increased in the following years³⁸.

Nevertheless, PMSCs played a determining role in the post-Cold War U.S. grand strategy. Because training foreign militaries and advising foreign forces were considered as critical objectives for the United States and a centerpiece of the nation’s grand strategy after the Cold War, the private sector saw an opportunity to become a valuable client for the government³⁹. The U.S. government has used a particular tool in order to carry out its foreign policy objectives: the IMET program. The latter, formally known as International Military Education and Training program, is defined according to the U.S. Department of State as “a key component of U.S. security assistance, promoting regional stability and defense capabilities through professional military training and education, [...] and serving as an effective means to strengthen military alliances and international coalitions critical to U.S. national security goals”⁴⁰. IMET programs were extensively used during the 90s and the American government turned to PMSCs to provide military training to developing and newly independent states and former Yugoslavian countries⁴¹. In Africa for example, the United States has significantly relied on the private sector to support missions such as military training and peacekeeping operations through a series of programs falling within the AFRICOM, the U.S. military command for Africa⁴². Companies such as DynCorp were awarded contracts by the AFRICOM for training Liberia’s armed forces⁴³. Nevertheless, the case which deserves particular attention is MPRI’s involvement in the Yugoslav Wars. Founded in 1987, Military Professional Resources Incorporation is one of the most notorious military consulting firms having worked for the U.S. government. Some authors have described the firm as being parastatal and depicted the firm as a mere extension of the American government⁴⁴. The firm has indeed played an important part in the Yugoslavian conflict to the point where it altered the course of the war⁴⁵. The first country that hired MPRI

³⁶ U.S. Army, “Army Sustainment Command preps to help ensure smooth transition to LOGCAP V”, Website army.mil, https://www.army.mil/article/228147/army_sustainment_command_preps_to_help_ensure_smooth_transition_to_logcap_v, accessed on September 19, 2019

³⁷ PRINCE, Erik, *op.cit.*, p.67.

³⁸ MAKKI, Sami, “Les acteurs privés dans le développement capacitaire de la PESD. Enjeux et perspectives”, *Les Champs de Mars*, n° 19, Janvier 2008, p.76.

³⁹ AVANT, Deborah, *op.cit.*, p.121.

⁴⁰ U.S. DEPARTMENT of STATE, “Key Topics-Office of Security Assistance, Bureau of Political-Military Affairs”, Website state.gov, <https://www.state.gov/about-us-office-of-security-assistance/>, accessed October 22, 2019

⁴¹ AVANT, Deborah, *op.cit.*, p.121.

⁴² AVANT, Deborah, DE NEVERS, Renée, “Military Contractors & the American Way of War”, *Daedalus*, vol. 140, n° 3, 2011, pp. 88-99.

⁴³ AVANT, Deborah, DE NEVERS, Renée, *loc.cit.*, p.91.

⁴⁴ BRICET DES VALLONS, Georges-Henri, *Irak, terre mercenaire. Les armées privées remplacent les troupes américaines*, Lausanne, Favre, 2010, 268 p.

⁴⁵ SINGER, Peter W., *op.cit.*, p.119.

was Croatia. Because Yugoslavia was placed under a United Nations arms embargo at the time, the United States had found an alternative way to train the Croatian forces and to circumvent international sanctions. The Croatian Defense Minister and the American consulting firm signed two contracts: the first one, was for a management program, in which MPRI would advise Croatia's Ministry of Defense in the creation of strategic long-term capabilities⁴⁶; the second contract called for MPRI to design and administer a Democracy Transition Assistance Program with the object of advising Croatia on how to transition its military from an old Soviet model to one that reflected Western-style democracy⁴⁷. Moreover, the goal of the contract was to make Croatia a suitable candidate for the Partnership for Peace program, a NATO program aimed at building and developing relationships between partners and the North Atlantic Alliance⁴⁸. However, the most significant result was that MPRI's contract gave the ability to Croatia to expel Serbian forces from its territory and allowed the beginning of a process of state building in the country⁴⁹. The Croat army had completely transformed itself into a highly professional fighting force able to repel the Krajina Serb defenses during the counteroffensive "Operation Storm" in the summer of 1995⁵⁰. What drew particular attention though, was the surprising ability of the Croat force to defeat the Serbs. Some specialists of the topic have argued that the operation bore all the hallmarks of an American-style operation⁵¹. Although MPRI categorically denied any involvement in Operation Storm or related training, the dramatic overall improvement of the Croat Army was difficult to ignore⁵². On the other hand, it is certain that through the use of MPRI, the United States carried a successful secret foreign policy by maintaining official neutrality while still supporting its allies in the Balkans⁵³. The other country in the region that hired the consulting firm was Bosnia in 1996. The purpose of the contract was to advise the Bosnian force during its reorganization and professionalization process, and to restructure the Bosnian Ministry of Defense⁵⁴. The \$50 million contract differed from that with Croatia in that this one specifically contained provisions for MPRI to provide combat training⁵⁵. As in Croatia, the firm's performance proved to be efficient and this allowed to consolidate its position among other companies. Today, MPRI has the reputation and the distinction of being the firm that literally wrote the book on rules for contractors on the battlefield⁵⁶. In addition, the Balkans saw the deployment of another type of firm, more focused on the provision of logistic services. Brown & Root Services, the company which had won the \$3.9 million LOGCAP contract in 1992 was deployed in

⁴⁶ AXELROD, Alan, *Mercenaries. A Guide to Private Armies and Private Military Companies*, Washington, CQ Press, 2014, 440p.

⁴⁷ *Ibidem*.

⁴⁸ NATO, "Partnership for Peace program" Website nato.int, https://www.nato.int/cps/en/natohq/topics_50349.htm, accessed on October 16, 2019

⁴⁹ AVANT, Deborah, *op.cit.*, p.113.

⁵⁰ SINGER, Peter W., *op.cit.*, p.126.

⁵¹ COKER, Christopher, "Outsourcing War", *Cambridge Review of International Affairs*, vol. 13, n° 1, 1999, pp. 95-113.

⁵² SINGER, Peter W., *op.cit.*, p.126.

⁵³ MAOGOTO, Jackson Nyamuya, "Subcontracting Sovereignty. Commodification of Military Force and Fragmentation of State Authority", *The Brown Journal of World Affairs*, vol. 13, n° 1, 2006, pp. 147-160.

⁵⁴ SINGER, Peter W., *op.cit.*, p.129.

⁵⁵ LANNING, Michael Lee, *Soldiers of Fortune, from Ancient Greece to Today's Private Military Companies*, New York, Presidio Press, 2005, 296 p.

⁵⁶ ISENBERG, David, *Shadow Force. Private Security Contractors in Iraq*, Westport, Praeger Security International, 2009, 244 p. 101.

former Yugoslavia in order to provide support services to the U.S. Army. There, the company won one of the biggest contracts in the sector's history: The Army had paid BRS \$546 million to provide logistical support for the 20 000 American soldiers who were deployed to the region as part of NATO's IFOR peace enforcement mission⁵⁷. Identically, Brown & Root also participated in NATO's mission in Kosovo. Its services were once again critical to the U.S. Army's mission in the country⁵⁸. BRS was very instrumental to the mission because not only it provided the entire lifecycle of the operation, from the troops being able to eat and sleep, to the maintenance of their weapons systems and vehicles, but also established a "template for future military interventions"⁵⁹. Indeed, U.S. troops would rely to a greater extent on logistic firms in future contingency operations in Iraq and Afghanistan. The Balkan episode offered a clear image of how the U.S. government has used PMSCs to pursue its foreign policy and interests abroad. By resorting to private companies, the American government did not only deny its involvement in military operations but it also allowed itself to circumvent international sanctions and national domestic restrictions. During the IFOR peacekeeping mission in Bosnia, Congress had imposed a 20 000 limit on the numbers of U.S. troops. Because the DoD wanted a larger presence on the scene, it quietly augmented that number with 2000 contractors who were not considered as being part of the Army's forces⁶⁰. The Balkan chapter clearly highlighted how contractors can be used as a tool for carrying out secret foreign policy and showed that they are key players for the appropriate implementation of America's grand strategy.

Another case which deserves particular emphasis is U.S.' reliance on PMSCs in implementing Plan Colombia and carrying it out the so-called War on Drugs. Plan Colombia was the name of an aid program and bilateral agreement between the United States and Colombia, aimed at combating drug cartels and putting an end to the country's armed conflict⁶¹. Since 2000, the United States has invested more than \$10 billion to improve citizen security, disrupt the drug trade, and combat criminal networks to advance peace and prosperity in the country⁶². In order to implement this major foreign aid and military initiative, the U.S. government hired the Virginia-based DynCorp firm. The PMC was awarded a five-year contract worth of \$170 million and was allowed to deploy a number of three hundred contractors to the region⁶³. The contract included different tasks such as aerial reconnaissance, restructuring, equipping and advising the Colombian Military and National Police, but the main task undertaken by the firm was the aerial eradication of coca crops⁶⁴. The latter strategy though, proved to be relatively unsuccessful resulting in massive contamination of the environment. But in reality, DynCorp's activities in Colombia remained controversial. It is said that DynCorp was also engaged in

⁵⁷SINGER, Peter W., *op.cit.*, p.143.

⁵⁸ *Ibid.*, p.145.

⁵⁹ *Ibid.*, p.146.

⁶⁰ PRINCE, Erik, *op.cit.*, p.67.

⁶¹ MIROFF, Nick, "Plan Colombia: How Washington learned to love Latin American intervention again", *The Washington Post*, September 18, 2016.

⁶² U.S. DEPARTMENT of STATE, "Assessing the Colombia Peace Process: The Way Forward in U.S.-Colombia Relations", Website state.gov, <https://www.state.gov/about-us-office-of-security-assistance/>, accessed October 22, 2019

⁶³ FORERO, Juan, "U.S. Pilots Fight Coca in Colombia", *The New York Times*, August 17, 2001

⁶⁴ HOBSON, Christopher, "Privatising the War on Drugs", *Third World Quarterly*, vol. 35, n° 8, 2014, pp. 1441-1456.

counterinsurgency operations against the local FARC rebels⁶⁵. In February 2001, when the rebels downed a Colombian military helicopter, DynCorp contractors organized a search and rescue operation to save the Colombian crew⁶⁶. DynCorp's personnel were heavily armed with machine guns and also possessed helicopter gunships to provide covering fire⁶⁷. In the end, the firm's activities in Colombia were more than just crop eradication... Because firms are generally not bound by the same rules as U.S. military forces, DynCorp's use in the War on Drugs offered a much more flexible approach and a "small foot print" alternative to the U.S. government⁶⁸. Furthermore, the use of contractors may have rendered U.S. involvement less important to the U.S. media and to the American public than if official military members were used in counterinsurgency operations in Colombia⁶⁹. This privatization of security in the Colombian case shows how it is possible to outsource a war by resorting to business proxies. As a further matter, Plan Colombia once again illustrated how U.S. foreign policy can depend on PMSCs, and how the use of proxies can be instrumental in carrying out military actions abroad.

However, there is one case where PMSCs became vital actors to the point where they became indispensable in the new American way of war. The Afghanistan and Iraq Wars are nowadays considered and described as the "first contractor wars" by some of the major figures of the private military industry⁷⁰. The September 11 attacks which led the United States to launch its so-called War on Terror triggered the industry's boom and gave birth to the most privatized conflict in history. Just by looking at numbers, we understand the significance of private military and security contractors in the Afghan and Iraqi conflicts. The ratio of contractors to troops was estimated at the beginning of the conflict around 1 to 10 and contractors represented the second largest contingent of the coalition⁷¹. But as the War on Terror went on, contractors started to remarkably outnumber U.S. troops. According to a CRS report for Congress, as of March 2011, the ratio between contractor and uniformed personnel was about 1:1 in Afghanistan while in Iraq the number of contractors exceeded the amount of U.S. soldiers by reaching a ratio of 1.41:1⁷². Although precise figures are difficult to determine, it is generally said that the number of personnel in Iraq and Afghanistan under contract with the U.S. government, roughly equaled or was greater than the number of U.S. soldiers on the ground⁷³. This increasing dependency on PMSCs in the Iraq and Afghanistan wars has multiple reasons. Because of the disastrous Iraqi post-invasion planning set by the Bush administration, the U.S. army became quickly

⁶⁵ SINGER, Peter W., *op.cit.*, p.208.

⁶⁶ *Ibidem*.

⁶⁷ *Ibidem*.

⁶⁸ SCAHILL, Jeremy, *Blackwater. The Rise of the World's Most Powerful Mercenary Army*, New York, Nation Books, 2008, 560 p. 449.

⁶⁹ ROCHLIN, Jim, "Plan Colombia and the Revolution in Military Affairs: The Demise of the FARC", *Review of International Studies*, vol. 37, 2011, p. 728.

⁷⁰ PRINCE, Erik, *op.cit.*, p.68.

⁷¹ IRONDELLE, Bastien, OLSSON, Christian, "La privatisation de la guerre : le cas anglo américain", in C. MALIS, D. DANET, H. STRACHAN (eds.), *La Guerre irrégulière*, Paris, Economica, 2011, pp. 113-143.

⁷² CRS Report for Congress, *Department of Defense Contractors in Afghanistan and Iraq: Background and Analysis*, Moshe Schwartz, Joyprada Swain, Washington D.C., May 13, 2011, R40835, p.6.

⁷³ AVANT, Deborah, DE NEVERS, Renée, *loc.cit.*, p.89.

overtasked and had to resort to outside suppliers for the provision of certain services⁷⁴. Fighting a war and trying to rebuild a shattered nation at the same time wasn't easy thing for the United States, and as the coalition of the willing left Iraq, the U.S. started over relying on contractors⁷⁵. Moreover, as seen in the Balkans, the usefulness of PMSCs was to primarily release uniformed personnel to carry out their core mission and to reduce the pressure on the U.S. military⁷⁶. But as the country started plunging in total chaos and the insurgency growing, the U.S. government started to rely on another type of PMSCs. Private companies providing security and tactical military capabilities became prominent actors in both Iraq and Afghanistan. Representing only a small fraction of the industry (18 % of the overall number of contractors⁷⁷), they provided a vast array of armed and unarmed services to various agencies of the U.S. government. Static site security, convoy security, PSDs, security escorts, security training, intelligence analysis and operational coordination were the fundamental services which these firms provided in Iraq and Afghanistan⁷⁸. The infamous Blackwater firm provided such services and was considered as a sort of Praetorian Guard for the Bush administration's Global War on Terrorism⁷⁹. Erik Prince's company was mostly working at the time for the DoD and DoS. Their lucrative contracts consisted in the protection of U.S. and foreign government high-level officials such as Ambassador Paul Bremer, Secretary of State Colin Powell and British prime minister Tony Blair⁸⁰. In addition, it is commonly said that the killing program set by the CIA which consisted in hunting and killing Al-Qaeda members was partly outsourced to Blackwater in 2004⁸¹. In fact, Blackwater's owner had a close relationship with the CIA and the company was portrayed during the War on Terror as an extension of the agency⁸². At the same time other companies providing logistic and reconstruction services played a prominent role in Iraq and Afghanistan. Companies such as KBR, Bechtel and Fluor provided logistics support and crucial life support services to the U.S. military while in Iraq and Afghanistan. Most contract obligations over the 2003-2007 period were for logistics support, construction, petroleum products, or food⁸³. By focusing on numbers, the third contract for the Army's Logistics Civil Augmentation Program (LOGCAP III) was the largest one in the Iraq theater, with obligations totaling \$22 billion⁸⁴. Furthermore, Military consulting firms such as DynCorp and Northrop Grumman's subsidiary Vinnell Corporation, provided training services to the Iraqi and Afghan national armies and polices. In a nutshell, it would have been difficult conducting the wars in Iraq and

⁷⁴ BICANIC, Nick, BOURQUE, Jason, "Shadow Company", Purpose Films, Canada, August 23, 2006

⁷⁵ *Ibidem*.

⁷⁶ PERCY, Sarah, "Private Security Companies and Civil Wars", *Civil Wars*, vol. 11, n° 1, 2009, pp. 57-74.

⁷⁷ CRS Report for Congress, May 13, 2011, R40835, *op.cit.*, p.15.

⁷⁸ CRS Report for Congress, *Department of Defense's Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress*, Moshe Schwartz, Washington D.C., September 29, 2009, R40764, 32 p.

⁷⁹ SCAHILL, Jeremy, *op.cit.*, p.54.

⁸⁰ PRINCE, Erik, *op.cit.*, p.82.

⁸¹ OLSSON, Christian, "Coercion and Capital in Afghanistan: The Rise, Transformation & Fall of the Afghan Commercial Security Sector", in J. BERNDTSSON & C. KINSEY (eds.), *The Routledge Research Companion to Outsourcing Security*, NY & London, Routledge, 2016, pp.41-51.

⁸² PRINCE, Erik, *op.cit.*, p.351.

⁸³ Congressional Budget Office Report, *Contractors' Support of U.S. Operations in Iraq*, Washington D.C., August 2008, n° 3053, 28p.

⁸⁴ *Ibidem*.

Afghanistan without resorting to PMSCs. Critics of the industry pointed out that instead of building a Coalition of the Willing, the U.S. government had built a “Coalition of the Billing”⁸⁵. This case demonstrates how PMSCs have become key players in the new American way of war to the point where they have perfectly integrated the U.S. war machine.

Last but not least, the ongoing Syrian civil war and the fight against ISIS also witnessed the presence of American contractors. According to a CENTCOM quarterly report released in October 2019, the DoD is employing an amount of 7155 contractors in Syria and Iraq – 3152 of whom are U.S. citizens⁸⁶. Before President Trump’s announcement of withdrawing U.S. troops from Syria, Blackwater’s former CEO had proposed to replace U.S. troops with private military contractors⁸⁷. The latter added that “contractors would allow President Trump to keep his campaign promise to end ‘forever wars’, and still leave behind some protection”⁸⁸. Despite the fact that the ongoing civil war in Syria is marked by the presence of multinational PMSCs, little is known concerning the use of private military firms by the United States.

To sum up, we have seen how since the end of the Cold War, PMSCs have played a prominent role in the new American way of war. From the Yugoslav Wars to Iraq and Afghanistan, the United States has extensively resorted to PMSCs in order to achieve its military and political objectives. Moreover, they have been key players in carrying out the country’s foreign policy and the government has used them as proxy armies in several cases. As academic Deborah Avant puts it, “PMSCs have become so deeply intertwined with the American military and U.S. foreign policy, that the United States cannot go to war without them”⁸⁹.

1.3 Political Ties and Affiliations

On January 17, 1961, President Dwight Eisenhower delivered on television his farewell address to the nation. In his final public speech, President Eisenhower warned the nation against the establishment of a dangerous “military-industrial complex”, and the disastrous rise of misplaced power and unwarranted influence it could engender⁹⁰. Sometimes referred as the *Iron Triangle*, the term represents the informal alliances and relationships existing between politics, the business world and the military. The resort to PMSCs in the United States of America is also a story of close links and ties between private military contractors, the Pentagon and the government. In this section we will analyze two distinct cases which embody the perfect symbiosis existing between private military contractors and politics.

Richard Bruce Cheney had served from March 21, 1989 to January 20, 1993 as Secretary of Defense

⁸⁵ SINGER, Peter. W., “Warriors for Hire in Iraq”, *Salon*, March 15, 2004

⁸⁶ CENTCOM, Quarterly Contractor Census Reports, Office of the Assistant Secretary of Defense for Sustainment – *Contractor Support of U.S. Operations in the USCENTCOM Area of Responsibility*, Washington D.C., October 2019, 6 p.

⁸⁷ HALL, Richard, “Former Navy Seals Says Contractors Could Protect US Allies”, *Independent*, January 15, 2019

⁸⁸ *Ibidem*.

⁸⁹ AVANT, Deborah, DE NEVERS, Renée, *loc.cit.*, p.88.

⁹⁰ OURDOCUMENTS.GOV, “Transcript of President Dwight D. Eisenhower’s Farewell Address (1961)”, Website ourdocuments.gov, <https://www.ourdocuments.gov/doc.php?flash=false&doc=90&page=transcript>, accessed on October 2, 2019

under George H. W. Bush. Two years after his tenure as chief of the Pentagon, he joined the private sector and became Halliburton's CEO, one of the largest oil field service companies in the world. With Cheney as their CEO, Halliburton had considerable leverage in Washington and Cheney's contacts on Capitol Hill and the Pentagon offered a new level of access for the company⁹¹. What is most striking is that Halliburton's subsidiary, Brown & Root, the firm which had supported U.S. troops in Bosnia and Kosovo, nearly doubled its government contracts from \$1.2 billion in the five years prior to Cheney's arrival, to \$2.3 billion during his five years as CEO⁹². Moreover, Halliburton soared from seventy-third to eighteenth on the Pentagon's list of top contractors, and its government contracting business grew by ninety one percent.⁹³ It is important to remember that Brown & Root had won in 1992 the first LOGCAP contract when Cheney was in office. A couple of years later, in January 1997, Halliburton's subsidiary lost the LOGCAP II contract to DynCorp in a competitive bidding process. Unsurprisingly, when Dick Cheney was nominated as the 46th Vice President of the United States on January 2001, KBR won back the LOGCAP contract in December 2001 for a total contract value of \$35.7 billion⁹⁴. On the other hand, what was regarded as disputable and controversial was the award in 2003 of a sole-source contract to KBR to restore and operate Iraqi oil wells⁹⁵. This no-bid contract which was classified before the invasion of Iraq was worth \$7 billion and did not fall under LOGCAP III⁹⁶. Cheney's company had established itself in Iraq and was in a position to profit from the decisions Cheney would make or influence while in office⁹⁷. Despite Cheney's denial of any involvement and relationships with the company, there was clear evidence of political favoritism in the awarding of Iraq contracts to Halliburton⁹⁸. According to various newspapers, the Texan company was still making annual payments to its former CEO, the Vice-President Dick Cheney⁹⁹. From 2001 to 2005, Cheney received "deferred salary payments" up to one million of dollars during the time he served as vice-president¹⁰⁰, and still held hundreds of thousands of stock options worth millions in the company¹⁰¹. In short Cheney's value to Halliburton was symbolic since the beginning. The company possessed a clear competitive advantage compared to other firms as a result of its close relationships with politics. Halliburton's government contracts awarding was synonym of flagrant political favoritism.

However, relationships between private military contractors and the U.S. government have also included political contributions and lobbying efforts to support politicians. According to David Isenberg, writer and analyst of the industry, the top twenty private military contractors have spent nearly \$300 million

⁹¹ BRIODY, Dan, *op.cit.*, p.198.

⁹² *Ibid.*, p.211.

⁹³ *Ibidem.*

⁹⁴ U.S. Army, "LOGCAP III Task Order continues support in Iraq", Website army.mil, https://www.army.mil/article/38607/logcap_iii_task_order_continues_support_in_iraq, accessed on September 18, 2019

⁹⁵ ROSENBAUM, David. E., "A Closer Look at Cheney and Halliburton", *The New York Times*, September 28, 2004

⁹⁶ *Ibidem.*

⁹⁷ BRIODY, Dan, *op.cit.*, p.236.

⁹⁸ *Ibid.*, p.228.

⁹⁹ BRYCE, Robert, "Cheney is still paid for Pentagon Contractor", *The Guardian*, March 12, 2003

¹⁰⁰ CHATTERJEE, Pratap, "Dick Cheney's Halliburton: A Corporate Case Study", *The Guardian*, June 8, 2011

¹⁰¹ EDITORIAL, "Dick Cheney Rules" *The New York Times*, June 3, 2007

since 2000 on lobbying and have donated \$23 million to political campaigns.¹⁰² Blackwater USA, Erik Prince's former company, had a close relationship with the Bush administration and was depicted as a partisan company serving the Republicans. When the company gained international attention after the Nisour Square massacre on September 16, 2007, the State Department was apparently corrupting, stifling the investigation or hindering a successful prosecution of Blackwater¹⁰³. Despite the disputed events, Republicans still praised Prince for his patriotism and service to the nation, something that Erik Prince really liked to put forward¹⁰⁴. The latter would later write in his book that "the people who worked for his company were proudly patriotic"¹⁰⁵ and that the real story of Blackwater was "a tale of patriots"¹⁰⁶. So far, the former Navy Seal has personally donated an amount of \$235,000 to Republican causes and federal campaigns¹⁰⁷. Yet, what is stunning is that after the tragic Fallujah Ambush in 2004 where four employees of Blackwater were mutilated and murdered by Iraqis, the company had hired the powerful well-connected Republican lobbying firm, Alexander Strategy Group (ASG), to help the company handle its newfound fame¹⁰⁸. Prince's friend Paul Behrends, chief lobbyist at ASG and former senior national security advisor to California Congressman Dana Rohrabacher, helped the company in a lobbying effort to promote its services¹⁰⁹. More recently though, rumors have spread concerning Prince's involvement in Trump's presidential campaign. According to some sources, Erik Prince helped fund former Trump adviser Michael Flynn's effort to find Hillary Clinton's deleted emails¹¹⁰. Other sources have claimed that Prince met with Kirill Dmitriev, a Russian billionaire close to President Vladimir Putin in order to forge new alliances between the Trump administration and the Russians¹¹¹.

Other examples could have been mentioned, but these ones seemed to be relevant to a certain extent. Halliburton and Blackwater's cases illustrate how private military businesses can be entangled with politics and vice versa. On the one hand, Halliburton has behaved as a political animal, while on the other hand Blackwater has hid behind a sort "cloak of patriotism" which the Republicans seemed to have cherished and praised over time. In sum, resorting to PMSCs is also a story of political favoritism and of permanent interpenetration of businesses, politics and the military.

¹⁰² ISENBERG, David, *op.cit.*, p. 20.

¹⁰³ SCAHILL, Jeremy, *op.cit.*, p.29.

¹⁰⁴ *Ibid.*, p.29.

¹⁰⁵ PRINCE, Erik, *op.cit.*, p.178.

¹⁰⁶ *Ibid.*, p.5.

¹⁰⁷ *Ibid.*, p.254.

¹⁰⁸ SCAHILL, Jeremy, *op.cit.*, p.176.

¹⁰⁹ SCAHILL, Jeremy, *op.cit.*, p.213.

¹¹⁰ DERYSH, Igor, "Mueller: Erik Prince funder hunt for Hillary's emails, lied about Russian meeting", *Salon*, April 19, 2019

¹¹¹ HARRIS, Shane, DEMIRJIAN, Karoum, "Congressional Democrats examine Erik Prince's statements on 2017 Seychelles meeting for possible perjury", *The Washington Post*, April 19, 2019

2. The Study of Private Military and Security Companies

2.1 Terminologies, Definitions and Concepts

The studies of private military and security companies have always tended to employ different terminologies when arguing about PMSC. The multiple use of terms and typologies have generally blurred the lines between PMCs and PSCs to the point where scholars and academics never agreed on a common terminology. Normally, authors have tended to employ terms such as PSC, PMC, PMF or PMSC to describe the entities of the private military industry. But the first main criteria to take in consideration when discussing about PMSCs is the difference between defense contractors and private military and security contractors. According to David Isenberg, a military affairs analyst and a prominent author of the private military industry, the difference between PMCs and regular military contractors is that the former are service providers and not manufacturers¹¹². As opposed to building tanks, planes, ships or missiles they provide armed guards, military advisers, cooks, truck drivers, translators, mechanics and weapons technicians¹¹³. The second criteria to take in account when mentioning PMSC, is the main difference which exists with companies providing security guards and patrol services¹¹⁴. These commercial private security companies usually operate away from battlefields and are present in the day-to-day activities of ordinary life¹¹⁵. Moreover, the latter usually have at the top of their hierarchy chief executives coming from the business sector rather than the military, intelligence agencies or the government¹¹⁶. On the other hand, it is commonly agreed that both PSCs and PMCs provide military services and generally operate in regions or countries experiencing armed conflict¹¹⁷. According to academic and former president of the ISOA, PSCs refer to companies that provide passive security in high-risk environments to TNCs, while PMCs refer to companies that provide more active services such as military training or offensive combat operations, generally to individual states or international organizations¹¹⁸. Here the distinction primarily relies on an “active-passive” basis. This assumption is also supported by associate professor of international relations at the University of Western Australia, Sarah Percy, who describes PMCs as engaging in active combat and using offensive force contrarily to PSCs who do not engage in any type of active combat activities and resort to force only in self-defense¹¹⁹. She also adds that the main distinction is rather focused on time: PMCs have operated in the mid-1990s as opposed to PSCs which have expanded

¹¹² PRIO Report, ISENBERG, David, *Private Military Contractors and U.S. Grand Strategy*, Oslo, 2009, ISBN 9788272883248, 49 p.

¹¹³ *Ibidem*.

¹¹⁴ BIGO, Didier, “Editorial : Les entreprises de coercition para-privées : de nouveaux mercenaires ?”, *Cultures & Conflits*, n° 52, 2003, pp. 5-10.

¹¹⁵ ABRAHAMSEN, Rita, WILLIAM, Michael C., “Security beyond the State: Global Security Assemblages in International Politics”, *International Political Sociology*, vol. 3, n° 1, 2009, pp.1-17.

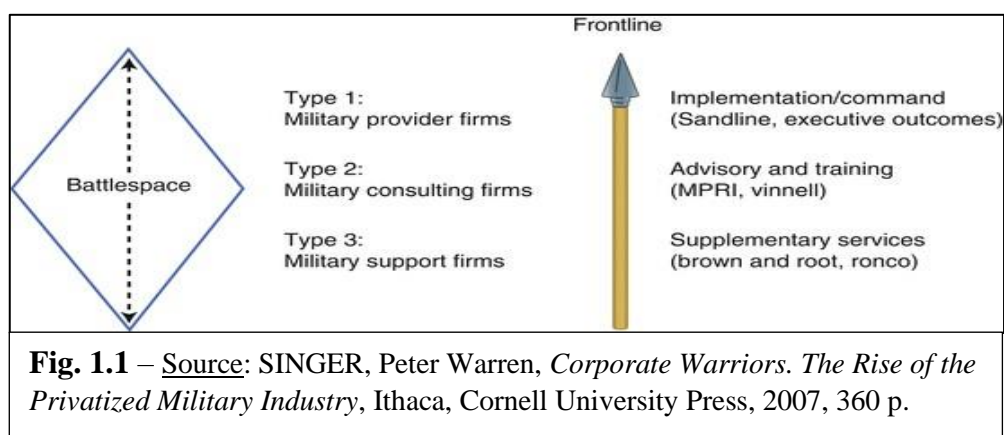
¹¹⁶ BIGO, Didier, *loc.cit.*, p.7.

¹¹⁷ BROOKS, Doug, “Messiahs or Mercenaries? The Future of International Private Military Services”, *International Peacekeeping*, vol.7, n° 4, 2000, pp. 129-135.

¹¹⁸ *Ibidem*.

¹¹⁹ PERCY, Sarah, *Mercenaries, The History of a Norm in International Relations*, Oxford, Oxford University Press, 2007, 267 p.

enormously after 2001¹²⁰. Furthermore, it is essential to point out that in the American literature, the term *Security Services Providers* is commonly used to describe the activities of companies being engaged in military operations¹²¹. Additionally, the Anglo-Saxon term *contractor*, is generally adopted by the general public to designate the employees and personnel of these companies¹²². The other arising issue concerning the nature and the very essence of PMSCs' is differentiating one company from another. The blurring between the terms usually happens because of the differences in contracts and services these private companies provide. Differentiating one PMSC from another based on their primary function becomes nearly impossible because a contractor can do more than one task and offer more than one capability at any given time¹²³. As Deborah Avant puts it, the same PSC may provide "type-one" services in one contract (implementation and command) and "type-three" (military support) in another¹²⁴. This means that certain firms have the potential to cross sectors and vary their activities. As we saw earlier, some firms are specialized in the provision of certain services which constitute their very essence as a company. KBR is limited to providing mostly logistical support and engineering services, and doesn't provide any military training or armed operational support. Generally, authors and academics usually separate firms in three distinct categories. Although multiple categorizations and typologies exist, Peter Warren Singer's "Tip of the Spear" Typology remains one of the most illustrative templates up to date. In Figure 1.1, we can distinguish three different types of firms. "Type 1" companies are represented by what Singer calls "Military Provider Firms". These companies provide services at the forefront of the battlespace and are usually engaged in actual fighting¹²⁵. Defunct companies such as Sandline and Executive Outcomes provided these services in the mid-90s. Recently, firms such as Blackwater and Wagner Group have taken over these tasks. Secondly, "Type 2" firms are represented by "Military Consultant Firms" which provide advising and training services. Military consulting companies, MPRI being considered as the pioneer of the sector, still operate nowadays in various parts of the world. Finally, "Type 3" firms, usually provide non-lethal aid and support services. KBR, Bechtel or SAIC have been delivering such services.



¹²⁰ PERCY, Sarah, *op.cit.*, p.206.

¹²¹ HOGARD *et al.*, *Les Nouveaux Mercenaires. La Fin des Tabous*, Fontainebleau, Ès Stratégies Éditions - CEREM, 2008, 120 p.

¹²² HOGARD *et al.*, *op.cit.*, p.28.

¹²³ PRIO Report, 2009, *op.cit.*, p.12.

¹²⁴ AVANT, Deborah, *op.cit.*, p.17.

¹²⁵ SINGER, Peter W., *op.cit.*, p.92.

Similarly, Trevor Taylor has published a couple of years later another typology where contractor roles and activities are represented on a theater of operations (See Appendix 1)¹²⁶. Yet, classifying firms in three broad sectors or categories remains difficult for the reasons explained above. Authors and scholars tend to employ their own typologies and terminologies and this often leads to confusion and misunderstandings. Sometimes, by focusing more on services and contracts academics subdivide one type of company in three distinct categories¹²⁷. Because terms and typologies usually blur the lines and lead to confusion, we will employ throughout this study the term “PMSC” (Private Military and Security Company). This specific term was established by the Montreux Document, an initiative launched in 2008 by the Government of Switzerland and the International Committee of the Red Cross with the purpose of “establishing pertinent international legal obligations and good practices for states related to operations of PMSCs during armed conflict”¹²⁸. By using this terminology, we will reunite all types of categories and companies and will exclude from our study commercial private security companies which do not operate in conflict zones. Moreover, we will also employ terms such as “contractors” when discussing about PMSCs.

2.2 Related Theories and Topics

PMSCs and the Industry's Advocates

There is one part of the literature which focuses primarily on the benefits and value that PMSCs can bring to the world. This favorable and optimistic view of PMSCs is shared by many academics and scholars. First of all, David Shearer, former research associate at the International Institute for Strategic Studies and now Head of the United Nations Mission in South Sudan, suggests that the international community needs to engage with private military companies and argues that they give governments the means to quell civil conflicts that appear out of control¹²⁹. The latter also claims that as the political and economic costs of peacekeeping continue to escalate, it may increasingly make sense for multilateral organization and western governments to consider outsourcing some aspects of these interventions to PMSCs in order to fill the gap left by the former¹³⁰. Rather than being destabilizing, military companies may offer new possibilities to build peace¹³¹. Since western governments are generally unwilling to intervene and because the United Nations has experienced some failures over time, PMSCs could be considered as a corporate alternative according to

¹²⁶ TAYLOR Trevor, “Private security companies in Iraq and beyond”, *International Affairs*, 2011, Vol. 87, n° 2, p. 447.

¹²⁷ ISENBERG, David, *op.cit.*, p.158.

¹²⁸ THE MONTREUX DOCUMENT On pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict, Federal Department of Foreign Affairs FDFA, International Committee of the Red Cross, Geneva, September 17, 2008

¹²⁹ SHEARER, David, *Private Armies and Military Intervention*, Oxford, Oxford University Press, 1998, 88 p.

¹³⁰ SHEARER, David, “Outsourcing War Fall”, *Foreign Policy*, vol. 112, 1998, pp. 68-81

¹³¹ SHEARER, David, “Private military forces and challenges for the future”, *Cambridge Review of International Affairs*, vol.13, n° 1, 1999, pp. 80-94.

Australian academic Malcolm Patterson¹³². The latter proposes a set of new alternatives in the form of a “peacekeeping model” where a UN Directorate for Military Contracting subordinated to the UN Security Council would coordinate PMSCs’ actions in order to overcome this inherent UN weakness¹³³. The same argument is supported by academic fellow at the South African Institute for International Affairs, Doug Brooks, who underlines the value of private security services in filling this gap¹³⁴. Moreover, there is the cost-efficiency and time-saving argument, employed by Brooks and Shevlin. According to them, deployment times for private contractors are generally lower compared to government or UN ones¹³⁵. Contractors are cost-effective and are usually able to move faster and more quickly than the regular military¹³⁶. Furthermore, another argument that highlights the benefits of resorting to PMSCs, is that they provide plausible deniability to governments and allows them to shed military personnel while simultaneously “retaining the capacity to influence and direct huge missions abroad”¹³⁷. Peter W. Singer of the Brookings Institution also seems to agree with Silverstein’s argument. The former argues that the rationale for using PMFs instead of official covert actions is that they give the cover of plausible deniability that public forces lack¹³⁸. Similarly, O’Brien claims that PMSCs act as the “covert wing” of western governments’ foreign policies¹³⁹. Besides the plausible deniability argument, Deborah Avant, an American political scientist and faculty member at the University of Denver’s Josef Korbel School of International Studies, also comments that sending private contractors does not require the same level of political mobilization as sending national troops, serving their country¹⁴⁰. In a nutshell, it is generally less costly to deploy private military contractors¹⁴¹. Other scholars have also shared this “optimist” stance and posture by suggesting that PMSCs provide vital “surge capacity” to national armed forces. In a survey led by Sarah K. Cotton *et al.*, the results show that private security contractors are usually welcomed by both the government and the military as providing surge capacity and critical security¹⁴². American national security affairs specialist Marion Bowman, equally underlines the contractor’s aptitude for providing surge capacity to the military. Because conflicts can erupt suddenly, the ability to gather the logistical, support, maintenance, and related capabilities that sustain a fighting force must be readily available¹⁴³. According to Bowman much of this capability has been removed from the operating forces, so a

¹³² PATTERSON, Malcom, “A corporate alternative to United Nations ad hoc military Deployments”, *Journal of Conflict & Security Law*, vol. 13, 2008, pp. 215-232.

¹³³ *Ibidem*.

¹³⁴ BROOKS, Doug, *loc.cit.*, p.130.

¹³⁵ BROOKS, Doug, SHEVLIN, Jim, “Reconsidering Battlefield Contractors”, *Georgetown Journal of International Affairs*, vol. 6, n° 2 Summer 2005, pp. 103-112.

¹³⁶ *Ibid.*, p.107.

¹³⁷ SILVERSTEIN, Ken, “Privatizing War: How Affairs of State Are Outsourced to Corporations Beyond Public Control”, *The Nation*, vol. 265 n° 4, 1997, pp. 11-17.

¹³⁸ SINGER, Peter. W., “Corporate Warriors: The Rise of the Privatized Military Industry and its Ramifications for International Security”, *International Security*, vol. 26, n° 3, Winter 2001-2002, pp. 186-220.

¹³⁹ O’BRIEN, Kevin, “PMCs, Myths and Mercenaries. The Debate on Private Military Companies”, *The RUSI Journal*, vol. 145, n° 1, 2000, pp. 59-64.

¹⁴⁰ AVANT, Deborah, “Private security companies”, *New Political Economy*, 2005, vol. 10, n°1, pp. 121-131.

¹⁴¹ *Ibidem*.

¹⁴² COTTON, Sarah K., *et al.*, *Hired Guns. Views About Armed Contractors in Operation Iraqi Freedom*, Santa Monica, RAND Corporation, 2010, 60 p.

¹⁴³ BOWMAN, Marion E., “Privatizing While Transforming”, *Defense Horizons*, n° 57, July 2007, pp. 1-8.

significant part of U.S. military surge capability in modern theaters of war derives exclusively from the private sector¹⁴⁴. In parallel, Deborah Avant uses Iraq's case to illustrate how PSCs can provide surge capacity to quickly field additional forces¹⁴⁵. Because mobilizing military forces usually requires slow political and bureaucratic maneuvers, contractors can offer flexibility¹⁴⁶.

In sum, PMSCs seem to be considered by a part of the literature as providing effective and efficient alternatives to governments and international organizations. We can classify these scholars and academics as "optimist" or "advocates" of the private military industry because they generally tend to have a favorable view of resorting to PMSCs. At the same time, it is important to bear in mind that some authors included in this category may adopt a more pessimist and critical point of view in other writings and publications.

PMSCs and the Skeptical Posture

Another part of the literature is focused on a more critical and condemnatory approach towards the resort to PMSCs. Critics usually depict PMSCs as mercenary companies and set the focal point of their discussion on the undesirable and negative consequences of resorting to PMSCs. As we saw above, advocates of the private military industry generally tend to think that hiring PMSCs would establish stability and security within failed and quasi states. On the other hand, Franco-Swedish sociologist and political scientist Anna Leander of the Graduate Institute of International and Development Studies of Geneva, argues that the assumption of restoring public security in the weakest states by encouraging the use of private actors is paradoxical in nature¹⁴⁷. According to her, reliance on PMCs does not enhance public security¹⁴⁸. On the contrary, the market for force weakens the foundations of public security¹⁴⁹. Moreover, Leander demonstrates how privatization and outsourcing erode political, cultural and symbolic foundations for state authority to rule the use of force¹⁵⁰. Furthermore, recent experience in Iraq has also showed that PMCs can undermine democracy and civil-military relations as suggested by Turcan and Ozpinar¹⁵¹. Because private security contractors have adopted particular aggressive tactics while operating in Iraq (e.g. driving aggressively, intimidating the local population and firing randomly at innocent civilians), have violated human rights in several occasions (e.g. Abu Ghraib prison scandal) and have killed dozens of civilians (e.g. Nisour Square massacre) they have undermined the thrust of the mission and hurt counterinsurgency efforts¹⁵². By not calibrating properly their use of force, they have undermined the "heart and minds" strategy and consequently

¹⁴⁴ *Ibidem*.

¹⁴⁵ AVANT, Deborah, "Contracting for Services in U.S. Military Operations", *Political Science and Politics*, vol. 40, n° 3, 2007, pp. 457-460

¹⁴⁶ *Ibidem*.

¹⁴⁷ LEANDER, Anna, "The Market for Force and Public Security: The Destabilizing Consequences of Private Military Companies", *Journal of Peace Research*, vol. 42, n° 5, 2005, pp.605-622

¹⁴⁸ LEANDER, Anna, *op.cit.*, p. 606.

¹⁴⁹ *Ibidem*.

¹⁵⁰ LEANDER, Anna, *Eroding State Authority? Private Military Companies and the Legitimate Use of Force*, Soveria Mannelli, Rubbettino Editore, 2006, 179 p.

¹⁵¹ TURCAN, Metin, OZPINAR, Nihat, "Who Let The Dogs Out? A Critique of the Security for Hire Option in Weak States", *Dynamics of Asymmetric Conflict*, vol. 2, n° 3, 2009, pp. 143-171.

¹⁵² PERCY, Sarah, *loc.cit.*, p.64.

alienated the Iraqi population according to Petersohn¹⁵³. Singer also notes that “the use of contractors appears to be hampering efforts to actually win the counterinsurgency campaign on multiple levels”¹⁵⁴. By the same token, Schreier and Caparini argue that by being present on the battlefield, unarmed support contractors run the risk of getting in “harm’s way”¹⁵⁵. By providing force protection to contractor personnel, it can have an impact on the conduct of operations and could influence the ability of the commander to achieve his mission goals and objectives¹⁵⁶. On the other hand, the resort to PMSCs has also had an impact on U.S. domestic and international politics. Some prominent authors such as Deborah Avant, Peter Warren Singer and David Isenberg have focused on this particular topic. Firstly, resorting to private military companies has several implications for the American democratic system. According to Peter W. Singer, PMFs allow leaders to short-circuit democracy by turning over important foreign policy tasks to outside, unaccountable companies¹⁵⁷. The result is that it is easier for Washington to ignore the consequences and fudge the responsibility¹⁵⁸. Moreover, U.S. law states that PMSCs must notify Congress if a contract reaches a \$50 million threshold¹⁵⁹. If under the limit, PMSCs can carry on their activities without Congressional notification or approval¹⁶⁰. Singer argues that by circumventing congressional authority, the outcomes are a marginalization of the legislature and the judiciary, and a loss of public oversight and transparency¹⁶¹. As we saw earlier, private firms offered an alternative mechanism for the executive body to conduct secret foreign policy, and this without the other two branches of government being involved. This lack of legislative oversight and marginalization of the legislature erodes what is at the heart of the U.S. Constitution: the system of checks and balances¹⁶². Identically, Deborah Avant claims that using market allocation generally advantages executives relative to legislatures and reduces transparency¹⁶³. Secondly, according to Isenberg the reliance on PMSCs has supported the U.S.’ effort to maintain its role as world hegemon¹⁶⁴. The latter claims that this growing reliance on contractors is linked to an attempt to circumvent and evade public skepticism about the U.S.’ self-appointed role as global policeman¹⁶⁵. Because the American public is unwilling to provide the necessary resources to support this strategy, private contractors offer a new possibility to maintain this role of guarantor of global stability¹⁶⁶. In parallel, Deborah Avant seems to agree with Isenberg’s arguments. The former argues that the

¹⁵³ PETERSOHN, Ulrich, “The Other Side of the COIN: Private Security Companies and Counterinsurgency Operations”, *Studies in Conflict & Terrorism*, vol. 34 n° 10, 2011, pp. 782-801.

¹⁵⁴ SINGER, Peter W., “Can’t Win With ‘Em, Can’t Go To War without ‘Em: Private Military Contractors and Counterinsurgency”, *Foreign Policy at Brookings*, n° 4, September 2007, pp. 1-18.

¹⁵⁵ CAPARINI, Marina, SCHREIR, Fred, *Privatising Security: Law, Practice and Governance of Private Military and Security Companies*, DCAF, Geneva, March 2005, 168 p.

¹⁵⁶ *Ibid.*, p. 86.

¹⁵⁷ SINGER, Peter W., *op.cit.*, p. 214.

¹⁵⁸ *Ibidem*.

¹⁵⁹ SPERLING, Valerie, *Altered States: The Globalization of Accountability*, Cambridge, Cambridge University Press, 2009, 396 p.184.

¹⁶⁰ *Ibidem*.

¹⁶¹ SINGER, Peter W., *op.cit.*, p. 214.

¹⁶² *Ibid.*, p.210.

¹⁶³ AVANT, Deborah, *op.cit.*, p. 258.

¹⁶⁴ PRIO Report, 2009, *op.cit.*, p. 44.

¹⁶⁵ *Ibidem*.

¹⁶⁶ *Ibidem*.

U.S. has seized PMSCs as a potential new resource for exercising its power abroad and consequently, increased its imperial role¹⁶⁷. To another extent, because PMSCs have generally hired third country nationals, they have contributed to the creation of an imperial force¹⁶⁸. This ability to hire an international force, may curb the willingness of American leaders to bargain with other governments to build effective international coalitions¹⁶⁹. Therefore, reliance on PMSCs reinforces the tendency to approach global crisis in a unilateral way, as opposed to a multilateral manner¹⁷⁰.

To sum up, critics of the industry have put forward interesting arguments related to the use of PMSCs. In some circumstances, the consequences of resorting to private companies in conflict zones does not prove to be so beneficial compared to the supporters' statements seen above. Resorting to PMSCs may affect in negative ways democratic principles and civil-military relations. The use of contractors does not only alter the course of the mission, but also misplaces power within a government.

PMSCs and Legitimacy

Aside the “pros and cons” or “optimist versus pessimist” debate, a part of the literature has focused on legitimate issues related to PMSCs. This section of the literature is intrinsically linked to our subject and every potential gap will be taken in account for the purpose of this study. First and foremost, it is significant to mention the existence of a norm against mercenary use which is embodied in multiple international conventions such as the OAU Convention for the Elimination of Mercenarism in Africa and the United Nations Mercenary Convention. Associate professor of International Relations Sarah Percy states that the norm against mercenary use has two components: first, mercenaries are considered to be immoral because they use force outside legitimate authoritative control; secondly, they are considered to be morally problematic because they fight wars for selfish financial reasons [...] and for themselves rather than for any cause¹⁷¹. Because PMSCs seem to match to a certain extent the anti-mercenary norm they have been constantly targeted by society as being unlawful and illegitimate actors. But how did PMSCs gain legitimacy to the point where they are constantly being used by states and non-state actors? The first argument comes from Ulrich Petersohn, a senior lecturer and associate professor in International Politics at the University of Liverpool, who asserts that PMSCs have affected the anti-mercenary norm in such a way that they have nowadays gained legitimacy¹⁷². The latter argues that when they emerged, PMSCs initially had violated the anti-mercenary norm, and were, hence considered as illegitimate actors¹⁷³. According to him, PMSCs became exempt and legitimized by what he calls a “self-defense” norm¹⁷⁴. As opposed to traditional and free-lance mercenaries, their use of force is no

¹⁶⁷ AVANT, Deborah, *op.cit.*, p. 262.

¹⁶⁸ *Ibid.*, p. 259.

¹⁶⁹ *Ibid.*, p. 261.

¹⁷⁰ PRIO Report, 2009, *op.cit.*, p. 44.

¹⁷¹ PERCY, Sarah, *op.cit.*, p. 1.

¹⁷² PETERSOHN, Ulrich, “Reframing the Anti-Mercenary Norm: Private Military and Security Companies and Mercenarism.” *International Journal: Canadas Journal of Global Policy Analysis*, vol. 69 n° 4, 2014, pp. 475–493.

¹⁷³ *Ibid.*, p. 477.

¹⁷⁴ *Ibidem.*

longer considered as combat in nature, but rather self-defensive and therefore legitimate¹⁷⁵. This is primarily due to the industry's founding fathers strategy to disassociate security companies from out-of-control and gun slinging mercenary gangs¹⁷⁶. In sum, Petersohn points out that PMSCs are legitimate because the anti-mercenary norm has changed, and because they have created an alternative interpretation that framed the practice as appropriate¹⁷⁷. By providing a reshaped normative structure, PMSCs do not violate the anti-mercenary norm anymore and hence have become legitimate actors¹⁷⁸. The second argument, held by professor Elke Krahmann of the Witten/Herdecke University, describes how changes in the behavior of major governments with regard to PMSCs and the private use of armed force have led the way towards norm change¹⁷⁹. By adopting Finnemore and Sikkink's three stages of a norm life cycle, Krahmann claims that the United States and other powerful actors (NATO, EU, UN) have contributed to spreading the acceptance of armed PMSCs among allies and member states by hiring these firms for joint military bases and operations¹⁸⁰. According to her, the U.S. has acted intentionally or unintentionally as a norm entrepreneur by setting important precedents for the use of PMSCs in international interventions and by adopting new laws and regulations that have promulgated its new understanding of the norm as limited to offensive action¹⁸¹. In sum, the U.S. are leading the way towards a transformation of the international norm of the state monopoly on violence, and hence legitimizing the use of armed PMSCs¹⁸². Thirdly, Christian Olsson, an associate professor of Politics and International Relations of the Université Libre de Bruxelles and member of the REPI research unit, seems to deal to a great extent with this particular topic. Olsson focuses on another dimension of the subject, the analysis of legitimation strategies which military entrepreneurs and governmental bureaucracies resort to¹⁸³. According to him, PMSCs use a clear discourse strategy aimed at imposing and setting a certain representation of themselves¹⁸⁴. These "para-private coercion companies" as he designates them, want to be perceived by the general public as "like-other companies" (*comme les autres*) in the sense that they want to be recognized as commonplace and ordinary companies¹⁸⁵. Moreover, they want to show that privatization of security is an ordinary phenomenon and they do not hesitate to carefully shape their corporate identity¹⁸⁶. Furthermore, because these companies equally want to be perceived as peace enforcers, Olsson compares the companies' ethical discourses with their social practices and concludes by claiming that usually there is a significant distortion existing between the discourses being held and the practices being developed on the

¹⁷⁵ *Ibidem*.

¹⁷⁶ *Ibid.*, p. 482.

¹⁷⁷ *Ibid.*, p. 492.

¹⁷⁸ *Ibidem*.

¹⁷⁹ KRAHMANN, Elke, "United States, PMSCs and the State Monopoly on Violence: Leading the Way towards Norm Change", *Security Dialogue*, vol. 44, n° 1, 2013, pp. 53-71.

¹⁸⁰ *Ibidem*.

¹⁸¹ *Ibidem*.

¹⁸² *Ibidem*.

¹⁸³ OLSSON, Christian, "Vrai procès et faux débats : perspectives critiques sur les argumentaires de légitimation des entreprises de coercition para-privées", *Culture & Conflits*, n° 52, 2003, pp. 11-45.

¹⁸⁴ *Ibid.*, p. 17.

¹⁸⁵ *Ibidem*.

¹⁸⁶ *Ibidem*.

field¹⁸⁷. In brief, the discourse strategy and the arguments used by these “para-private coercion companies” demonstrate that they not only want to be perceived as ordinary businesses but also as legitimate actors.

These different theoretical contributions seem to be significantly relevant for the purpose of this study. According to these authors, the reason why these PMSCs are nowadays considered as legitimate, is because they do not seem to match anymore the anti-mercenary norm and have managed to make their practices look appropriate. Moreover, they have adopted discourse strategies that helped them gain a legitimate status within society. On the international scale, powerful actors who acted as norm entrepreneurs have managed to transform the general norm of the state’s monopoly on violence by legitimizing the use of private armed force.

2.3 **Approach and Methodology**

In order to carry out this study we will need to establish a coherent and constructive methodology. To understand how the use of PMSCs was accepted and normalized in the United States of America, the adoption of a comprehensive discourse analysis will be more than necessary. Through the second and third chapter we will resort to different types of empirical material.

First of all, *Chapter II* which focuses on the Federal Government and in particular on the U.S. Department of Defense, will require the examination of federal defense reports, government reform initiatives and political speeches. Other federal reports will be equally taken into consideration. The empirical data selected for this study dates back to the Clinton and George W. Bush administrations. Our time period will stretch from Bill Clinton’s first tenure in 1993 to Donald Rumsfeld’s resignation in 2006. To verify our hypothesis, we will explore and examine the different arguments composing the discourse aiming at transforming the Department of Defense on the way it worked and how it operated. To do so, we will need in a first instance to focus on the discourse being embraced within the DoD. Hence, we will set our center of attention on the voices of the different U.S. Secretaries of Defense having served during the selected timeframe. The following major defense reviews will be examined:

- *The Bottom-Up Review*
- *The Quadrennial Defense Reviews*
- *The Defense Reform Initiative*
- *The United States Army Posture Statements*

It is noteworthy to mention that we will equally resort to other types of materials such as DoD Instructions, interviews given to government executives, political speeches and American newspaper articles. Then, in a

¹⁸⁷ *Ibid.*, p. 18.

second time, we will concentrate on some major government reform initiatives introduced by the two Presidents and by the Federal Government. The following federal reports and initiatives will be examined:

- *The National Performance Review Reports*
- *Office of Management and Budget Reports*
- *Congressional Research Service Reports*
- *Government Accountability Office Reports*

By scrutinizing these federal reports, we will be able to draw the different arguments constituting this discourse. Our main assumption which suggests that normalization and acceptance have taken place due to a set of discourses within the Federal Government, will only be verified by employing a comprehensive and qualitative discourse analysis. Consequently, analyzing these major defense reviews and federal reports will be crucial for the accomplishment of this study.

In the second place, *Chapter III* will analyze the discourse held within the private military and security industry. The chapter will be divided in three separate sections. The first section of the chapter will try to explore the different arguments developed by PMSCs. We will consequently focus on a database of ten American private military and security companies. For the purpose of this study, firms from each sector will be taken into consideration. By analyzing their respective web contents and advertising campaigns we will demonstrate how these PMSCs have resorted to different arguments in order to promote their legitimate status. The following private companies will be examined:

- *Academi*
- *Constellis Group*
- *DynCorp International*
- *Kellogg Brown & Root, Inc.*
- *Patriot Group International*
- *REED International Inc.*
- *Science Applications International Corporation*
- *SOC USA*
- *Torres Advanced Enterprise Solutions*
- *VxL Enterprises LLC*

The second section of the chapter will focus on the role of the industry's trade association and advocacy group in legitimizing the industry. To do so, we will have to analyze the different arguments and strategies employed by the IPOA/ISOA. Focusing on the association's publications will be consequently crucial. Our empirical data will be based on the association's newsletter *IPOA Quarterly* and its succeeding bi-monthly *Journal of International Peace Operations*. Each of these publications contain specific sections where the president of the association usually delivers a message to his audience and readers. By analyzing the president's voice and

by particularly concentrating on the use of linguistics we will be able to understand the association's role in legitimizing the industry. Additionally, studying other executives' publications will be equally imperative. Furthermore, the third section of the chapter, will discuss about international normalization and acceptance. We will analyze how the international community has contributed to the legitimization process which the industry is currently undergoing. Moreover, we will examine three different countries and their relations regarding PMSCs. The cases studies retained for this study are the following ones: France, the United Kingdom and the European Union. Therefore, we will analyze several international regulatory initiatives such as the Montreux Document of 2008, the International Code for Private Security Providers of 2010 and the UN Draft International Convention on the Regulation, Oversight and Monitoring of Private Military and Security Companies of 2008. Through our three case studies, we will also explore what has been realized in terms of domestic legislation.

Conclusion

This introductory chapter has provided a global overview of the topic in question. The first section of the chapter gives a historical perspective of the resort to PMSCs in the United States of America. In a first instance, we saw that the use of private military contractors has indeed become an American deep-rooted tradition. From the American Revolutionary War to the War of Vietnam, the country has significantly relied on contractors. During the American War of Independence and the Civil War, contractors were more considered as foreign fighters and freedom fighters pushed by ideological motivations. On the other hand, WWI and WWII saw the appearance of American volunteers willing to fight abroad for specific causes. The war in Vietnam started to witness the presence of modern PMSCs particularly in the field of logistics. By the end of the Cold War, resorting to private companies for the delivery of military and security services was hardly new in the United States¹⁸⁸. However, the collapse of the Soviet Union marked a turning point in consolidating this American reliance on PMSCs. In fact, we observed in a second time that PMSCs started to play a prominent role in the new American way of war. The U.S. resorted to PMSCs to carry out its foreign policy objectives. Training foreign militaries and advising foreign forces were considered as critical objectives for the United States and a centerpiece of the nation's grand strategy after the Cold War¹⁸⁹. Consequently, the U.S. turned to PMSCs to carry out these objectives in Croatia and Bosnia. Through the use of PMSCs, the United States carried a successful secret foreign policy by maintaining official neutrality while still supporting its allies in the Balkans¹⁹⁰. By resorting to private companies, the American government did not only deny its involvement in military operations but it also allowed itself to circumvent international sanctions and national domestic restrictions. Similarly, the country relied on PMSCs to implement Plan Colombia and carry out the so-called

¹⁸⁸ AVANT, Deborah, *op.cit.*, p. 115.

¹⁸⁹ *Ibid.*, p. 121.

¹⁹⁰ MAOGOTO, Jackson Nyamuya, *loc.cit.*, p.153.

War on Drugs. Because private companies were equally engaged in counterinsurgency operations, they offered a much more flexible approach and a “small foot print” alternative to the U.S. government¹⁹¹. The case of Plan Colombia highlights how the use of business proxies can be instrumental in carrying out military actions abroad while maintaining at the same time a low level of U.S. military involvement overseas. However, the War Against Terror gave birth to the most privatized conflict in history. The U.S. over relied on PMSCs while in Iraq and Afghanistan. In fact, private contractors outnumbered U.S. troops on the ground. The former carried out a wide variety of functions, such as the protection of U.S. government high-level officials and the provision of logistic support services to the U.S. military. PMSCs were also contracted by the CIA to hunt down and kill Al-Qaeda members. The experiences in Iraq and Afghanistan highlight how PMSC have become prominent players in the new American way of war and demonstrate their perfect integration in the U.S. war machine. Finally, resorting to PMSCs is also a story of political favoritism and of permanent interpenetration of businesses, politics and the military. Through the cases of Halliburton and Blackwater we have noticed how private military businesses can be entangled with politics and vice versa. These close relationships are also marked by political contributions and lobbying efforts to support politicians.

The Second section of the chapter focused on what the academic community has already worked on. In a first instance we explored the different terminologies and concepts developed by scholars and academics. Because of a considerable number of terms and a substantial lack of a common terminology among the academic community, we decided to employ the term “PMSC” (Private Military and Security Company). Moreover, we explored the different typologies and categorizations of the private military and security industry. For the purpose of this study we reunited all types of categories and companies under the “PMSC” terminology. On the other hand, we will not retain commercial private security companies which do not operate in conflict zones. Moreover, we will also employ terms such as “contractors” when discussing about PMSCs. Secondly, we explored the different related theories and topics to our study. We distinguished three major literary movements and categories of authors. First of all, there is one part of the literature which focuses primarily on the benefits and the value that PMSCs can bring to the world. This favorable and optimist view of PMSCs is shared by many academics and scholars. We depicted them as the “industry’s advocates”. The latter usually employ an optimist stance when discussing about the resort to PMSCs. They generally agree on the fact that PMSCs provide effective and efficient alternatives to governments and international organizations. Diversely, a part of the literature employs a more critical and condemnatory approach concerning the resort to PMSCs. This skeptical posture, usually depicts PMSCs as mercenary companies and sets the focal point of their discussion on the undesirable and negative consequences of resorting to PMSCs. According to the critics of the industry the consequences of resorting to private companies in conflict zones does not prove to be so beneficial compared to the advocates’ arguments. Resorting to PMSCs may affect in negative ways democratic principles and civil-military relations. The use of contractors can alter the course of

¹⁹¹ SCAHILL, Jeremy, *op.cit.*, p. 449.

the mission, and misplace power within a government. Aside the “optimist versus pessimist” debate, a part of the literature has focused on legitimate issues related to PMSCs. According to this category of authors, the reason why these PMSCs are nowadays considered as legitimate, is because they do not seem to match anymore the anti-mercenary norm. In addition, PMSCs have managed to make their practices look appropriate and legitimate. On the international scale, powerful actors who acted as norm entrepreneurs have managed to transform the general norm of the state’s monopoly on violence by legitimizing the use of private armed force. Finally, the methodology and approach used for this study will be based on a comprehensive and qualitative discourse analysis. The second chapter will require the examination of federal defense reports, government reform initiatives and political speeches. The timeframe selected will range from 1993 to 2006. A particular attention on the voices of the different U.S. Secretaries of Defense will be required. The third chapter, will focus on ISOA’s publications. By analyzing the president’s voice and by concentrating on linguistics we will be able to understand the different arguments employed by the association. Moreover, we will also explore on the international level a series of legal instruments and regulatory initiatives.

Chapter II – Transforming the DoD: The Doorway to Normalization

Introduction

We have seen in the previous chapter that the United States has increasingly relied on PMSCs since the end of the Cold War. From the Yugoslav Wars to the War against Terror, the U.S. has always depended on the private sector's ability to provide essential services to the national armed forces. The common argument would suggest that they have been indeed effective in providing a vast array of services to the military to the point where the U.S. couldn't refuse resorting to these private actors in theaters of war. They are henceforth part of what we can call the 'New American Way of War'. This chapter will provide another approach to the phenomenon and will try to explain why and how the resort to PMSCs has become normalized and politically accepted in the United States of America. Our main hypothesis suggests that if private military and security companies have become normalized, it is due to a set of political and military discourses aiming at consolidating and normalizing their use in a certain period in time. The chapter will focus on empirical data dating from the Clinton and George W. Bush administrations. Hence, our time period will stretch from Bill Clinton's first term in 1993 to Donald Rumsfeld's resignation in 2006. Our main assumption is that normalization and consolidation have taken place because of a discourse embraced within the Federal Government aiming at transforming the Department of Defense on the way it works and how it operates. By analyzing a set of federal defense reports, government reform initiatives and political speeches we will try to examine the different arguments constituting this discourse. Analysis of statistical data will also be relevant for the purpose of this study. The first section of the chapter will try to analyze the first argument composing this discourse. We will see how the different Secretaries of Defense led a considerable effort on transforming America's military capability by reshaping the defense enterprise and by leading a logistics transformation within the Pentagon. The second section of the chapter will try to explore and analyze the second argument constituting the discourse aiming at transforming the DoD. Through this section we will try to understand the reasons of the adoption of an entrepreneurial approach within the Federal Government which led to the establishment of a corporate culture within the Department of Defense. We presuppose that the normalization of the use of PMSCs is located at the intersection of these two arguments.

1. Transforming America's Military Capability

1.1 Reshaping the Defense Enterprise

The dissolution of the Soviet Union and the end of the Cold War brought fundamental changes within the American military and defense apparatus. Since the end of bipolarity, the United States launched several review programs of their military to replace its Cold War strategy and to better adapt to the changing environment and future challenges. In 1991, the U.S. Department of Defense had published the Base Force Review report which principally called for substantial changes in U.S. military forces, in order to set a new strategy focused on regional threats and forward presence¹⁹². Other prominent reviews and reexamination programs of America's military capabilities were the Bottom-Up Review in 1993, the Commission on Roles and Missions of the Armed Forces in 1995, the Defense Reform Initiative of 1997 and the five Quadrennial Defense Reviews from 1997 to 2015. We can also mention the multiple Base Realignment and Closure (BRAC) rounds which took place after the end of the Cold War and consisted in closing and realigning several military installations in the country. Having crossed different political administrations, these programs and reviews seemed to stay on the same line over time and marked a certain continuity in achieving particular objectives. The first Bush administration, and in particular the Clinton and second Bush administration which will be considered as our objects of study, seemed to share the same vision in matters of transformation and modernization of the military.

First of all, the first comprehensive review of the defense enterprise during the Clinton era, was the Bottom-Up Review (BUR) report released in September 1993 by Secretary of Defense Leslie Aspin Jr. The document provided a comprehensive review of the nation's defense strategy, force structure, modernization, infrastructure, and foundations¹⁹³. The report stated that due to dramatic changes in the international security environment, there was an urgent need to reassess all of America's defense concepts, plans and programs from the ground up¹⁹⁴. The defense strategy set by Les Aspin marked the starting point for the transformation of America's military capabilities and to the embracement of the so-called Revolution in Military Affairs (RMA). Because President Clinton had pledged to keep America's military the "best-trained, best-equipped and best-prepared fighting force in the world"¹⁹⁵, the DoD had to set an effective strategy to build future capabilities able to fulfill that pledge¹⁹⁶. According to the BUR report, the country had to keep its forces ready to fight and also to maintain a technological superiority of its weapons and equipment¹⁹⁷. Great emphasis is put on

¹⁹² LARSON, Eric V., ORLETSKY, David T., LEUSCHNER, Kristin J., *Defense Planning in a Decade of Change. Lessons from the Base Force, Bottom-Up Review, and Quadrennial Defense Review*, RAND, Santa Monica, 2001, 192 p.

¹⁹³ DEPARTMENT OF DEFENSE, ASPIN, Les, *Report on the Bottom-Up Review*, Washington D.C., October 1993, 19990217020, 109 p.

¹⁹⁴ *Ibid.*, p.iii.

¹⁹⁵ "We Force the Spring": Transcript of Address by President Clinton, *The New York Times Archives*, January 21, 1993

¹⁹⁶ ASPIN, Les, October 1993, *op.cit.*, p.12.

¹⁹⁷ *Ibidem*.

technological change and modernization by the Secretary of Defense throughout the BUR report. The latter stated that this technological edge could help the country achieve victory “more swiftly and with fewer casualties”¹⁹⁸. On the other hand, what is at the core of the plan is the redefinition of the force structure. In order to support the national defense strategy established by the *SecDef*, the Army, the Navy, and Air Force which are the main components of the Department, had to implement several changes within their individual organizations¹⁹⁹. This meant not only making changes in order to support the defense strategy but also to provide the capabilities needed to win major regional conflicts, quickly and decisively²⁰⁰. Concerning the Department of the Army, the report stated that “battlefield mobility and flexibility had to be enhanced through helicopter and other selected modernization programs”²⁰¹. Regarding the USAF, the BUR report underlined the necessity to “reshape the Air Force in order to increase its ability to bring early firepower to regional battlefields”²⁰². This would have been feasible only by “enhancing their capabilities with improved munitions and the continued introduction of stealth technology”²⁰³. What we can note in these last sentences is an urging need not only to reshape the services’ abilities but also to enhance military capabilities by developing new modernization programs and by introducing new technologies. Furthermore, the report mentions the technological revolution and the revolution in weapons technology which were emerging at the time. The Head of the Pentagon, ordered the Department to exploit technological advances because they would have provided “significant advantages for the U.S. forces against potential adversaries”²⁰⁴.

The same rhetoric is identified a few years later in the first Quadrennial Defense Review (QDR) report published by Defense Secretary William S. Cohen. The QDR was a legislatively-mandated review of DoD strategies and priorities²⁰⁵. The Pentagon designed the QDR to be a fundamental and comprehensive examination of America’s defense needs from 1997 to 2015 and was intended to provide a blueprint for a strategy-based, balanced and affordable defense program²⁰⁶. The QDR report basically served as the overall strategic planning document of the Department²⁰⁷. In May 1997, Secretary of Defense Cohen established the strategies and the defense program which the country had to undertake for the upcoming years. As his predecessor, his message was clear: the world was uncertain and changing, and new threats were emerging²⁰⁸. To a similar extent, the Head of the Pentagon added that “the United States had to be ready to meet future challenges and to adopt a new defense strategy”²⁰⁹. As new technologies and information systems were

¹⁹⁸ *Ibidem*.

¹⁹⁹ *Ibid.*, p.29.

²⁰⁰ *Ibidem*.

²⁰¹ *Ibidem*.

²⁰² *Ibidem*.

²⁰³ *Ibidem*.

²⁰⁴ *Ibid.*, p.33.

²⁰⁵ U.S. Department of Defense, “Quadrennial Defense Review”, Website [dod.defense.gov](https://dod.defense.gov/News/Special-Reports/QDR/), <https://dod.defense.gov/News/Special-Reports/QDR/>, accessed on October 7, 2019

²⁰⁶ DEPARTMENT OF DEFENSE, COHEN, William S., *Report of the Quadrennial Defense Review*, Washington, D.C., May 1997, 19970630034, 69 p.

²⁰⁷ *Ibid.*, p.1.

²⁰⁸ *Ibid.*, p.7.

²⁰⁹ *Ibidem*.

emerging on the market, the country had to embrace what the Secretary of Defense called a “Revolution in Military Affairs”²¹⁰. According to him, an Information Revolution was taking place and creating a Revolution in Military Affairs that would fundamentally change the way U.S. forces would fight²¹¹. The accelerating incorporation of new technologies and operational concepts into the force called for a reexamination of the forces and capabilities required for fighting²¹². In the report, the Secretary of Defense keeps referring to a compelling need of transforming U.S. combat capabilities and support structures in order to respond better to future challenges²¹³. Moreover, Secretary of Defense Cohen invited the Department to “pursue a focused modernization effort” and to continue to “exploit the Revolution in Military Affairs”²¹⁴. In order to attain these goals, modernizing and transforming U.S. military capabilities were to be accomplished according to the report. Reshaping and transforming the country’s forces would have consequently resulted in the reduction and the downsizing of military manpower. The 1997 QDR report mentioned a list of personnel reductions by branch of the United States Armed Forces with the aim of preserving the critical combat capabilities of the military forces (the tooth) while reducing infrastructure and support activities (the tail)²¹⁵. These manpower reductions need to be taken in account because it is at the heart of this “transformation” that we can only understand the integration of PMSCs in the defense equation. By preserving the “tooth” while cutting “the tail”, the Department invites indirectly private companies to fulfill support activities which used to be accomplished by military personnel. Another argument that the DoD’s chief executive officer employs, is the compelling need of creating “lighter and more versatile forces”²¹⁶. By pursuing this modernization effort, the U.S. would integrate sophisticated weapon systems in its warfighting capabilities and consequently alter the structure of the national armed forces and the way they would fight in the future.

Transforming America’s military capabilities was also part of George W. Bush’s administration plans and objectives. The actor who embodied this transformation within the defense enterprise was Secretary of Defense Donald Rumsfeld. His discourse was split in two parts: the first one primarily focused on reshaping and transforming the country’s defense enterprise while the second concentrated on developing a more entrepreneurial approach within the Department. For the purpose of this study, the second part will be explored in the second section of this chapter. When Donald Rumsfeld came into office in 2001, he had in mind of carrying out the same objectives of his predecessors. Transforming U.S. forces, capabilities and institutions were to be considered as an “endeavor” according to Rumsfeld himself.²¹⁷ In his famous speech about bureaucratic waste held a day before the 9/11 terrorist attacks, the Secretary pledged to transform America’s

²¹⁰ *Ibidem*.

²¹¹ *Ibid.*, p. iv.

²¹² *Ibid.*, p.13.

²¹³ *Ibid.*, p.14.

²¹⁴ *Ibid.*, p.26.

²¹⁵ *Ibid.*, p.31.

²¹⁶ *Ibid.*, p.40.

²¹⁷ DEPARTMENT OF DEFENSE, RUMSFELD, Donald, *Report of the Quadrennial Defense Review*, Washington, D.C., September 2001, 71 p.

military capability, and that the modernization of the Department of Defense was a matter of some urgency²¹⁸. The latter insisted on developing and building weapons to deter new potential threats and to undertake a campaign to shift Pentagon resources from the tail to the tooth²¹⁹. In an interview given to CNN Moneyline, the DoD's leader claimed that making a 15 % cut in the tail would be a reasonable decision in order to increase this so-called "tooth-to-tail" ratio²²⁰. Moreover, by focusing on the language employed in his speech, we observe a particular will to use some specific terms such as "transform; modernize; revolutionize and rebuild". There is clearly a willingness to emphasize change and transformation within the Department of Defense. Sentences such as "we must transform America's military capability; we must transform the way the Department works; the modernization of the Department of Defense"²²¹ illustrate this need for transformation. Moreover, in the QDR report of 2001, Donald Rumsfeld introduced to the American public what he called a "capabilities-based" model for the future²²². The report actually states that "this model focuses more on how an adversary might fight rather than specifically whom the adversary might be or where a war might occur"²²³. Adopting this capabilities-based approach would entail adapting existing military capabilities to new circumstances, while experimenting the development of new military capabilities²²⁴. Hence, it would require transforming the U.S. forces, capabilities and institutions according to the Secretary of Defense²²⁵. This capabilities-based model clearly embodied the process of transforming America's defense and certainly led to the integration of contractors in the defense equation a few years later. Once again, the report underlines the ongoing revolution in military affairs and how technological innovation can contribute to conferring enormous advantages to U.S. forces and increase U.S. military superiority²²⁶. However, exploiting this revolution in military affairs would require the development of operational concepts, undertaking organizational adaptations and experimenting transformation within the country's military forces²²⁷. The Secretary puts it this way: "without transformation, the U.S. military will not be prepared to meet emerging challenges"²²⁸. Another argument that Rumsfeld puts forward, is that "this revolution in military affairs is not only about building new high-tech weapon systems but is also about new ways of thinking and new ways of fighting"²²⁹. The Pentagon and the Armed forces needed to change the way they trained, fought and thought if they wanted to properly exploit these new technologies and high-tech weapons²³⁰. Even the Department of the Army recognized the time to make changes and to better align its capabilities in comprehensive ways in order to become the most

²¹⁸ RUMSFELD, Donald, *Bureaucracy to Battlefield*, Washington D.C., September 10, 2001

²¹⁹ *Ibidem*.

²²⁰ U.S. Department of Defense, "Secretary Rumsfeld Interview with CNN Moneyline", Website [archive.defense.gov](https://archive.defense.gov/Transcripts/Transcript.aspx?TranscriptID=1907), <https://archive.defense.gov/Transcripts/Transcript.aspx?TranscriptID=1907>, accessed on October 27, 2019

²²¹ RUMSFELD, Donald, *Bureaucracy to Battlefield*, *op.cit.*

²²² RUMSFELD, Donald, September 2001, *op.cit.*, p.iv.

²²³ *Ibid.*, p.14.

²²⁴ *Ibid.*, p.iv.

²²⁵ *Ibidem*.

²²⁶ *Ibid.*, p.6.

²²⁷ *Ibidem*.

²²⁸ *Ibid.*, p.16.

²²⁹ RUMSFELD, Donald, "Transforming the Military", *Foreign Affairs*, vol. 81, Fasc. 3, May/June 2002, pp. 20-32.

²³⁰ *Ibid.*, p.22.

strategically responsive and dominant land force of the 21st Century²³¹. Within the Army there was also an urging need to transform and to accelerate change according to Army Secretary Thomas E. White and to Chief of Staff Army General Eric K. Shinseki²³². The Army Posture Statement of 2003 also mentioned a key management initiative regarding personnel transformation²³³. Its goal was to modernize and integrate human resource programs, policies, processes and systems into a multi-component force that included civilians and contractors²³⁴. Nonetheless, the most emblematic and representative example of the reshaping of the defense enterprise is the development and the reorganization of the 21st century Total Force. The Quadrennial Defense Review report of 2006, published during the War Against Terror, marked a turning point towards the normalization process which private military and security contractors were experiencing at the time. In fact, the 2006 QDR report states that “the Department’s Total Force – its active and reserve military components, its civil servants, and its contractors – constitutes its warfighting capability and capacity”²³⁵. In order to understand the contractors’ integration within the Total Force we must focus on the Department’s efforts towards rebalancing its military capabilities and forces. This integration is due to this compelling need of developing new skills and rebalancing the Total Force’s capabilities and people. Because the Total Force had to adapt to different operating environments according to the report, there was a necessity of designing and creating the right mix of people and skills across the defense enterprise²³⁶. Moreover, the past operational experiences in Iraq and Afghanistan highlighted this need of rebalancing military skills across the Department and the military²³⁷. In parallel, the DoD released an Instruction entitled “Contractor Personnel Authorized to Accompany U.S. Armed Forces” (formally known as DoDI 3020.41) a year before publishing the third QDR report. DoD Instruction number 3020.41 “established and implemented policy and guidance, assigned responsibilities, and served as a comprehensive source of DoD policy and procedures concerning DoD contractor personnel authorized to accompany the U.S. Armed Forces”²³⁸. This instruction served as a framework for the adequate use of Defense contractors deployed in contingency operations and set the rules, their legal status and obligations. It also provided a set of rules and responsibilities for the use of armed private contractors on the battlefield. The implementation of DoD Instruction 3020.41, was a significant step toward integrating contractors into the Total Force²³⁹. According to the QDR report, contractors performing commercial activities, contingency contractors and contractors providing logistics support were to be included in operational plans and orders under the Department’s policy²⁴⁰. We must underline that this reconfigured

²³¹ DEPARTMENT OF THE ARMY, *The United States Army Posture Statement.*, Washington, D.C., August, 2001, 17 p.

²³² DEPARTMENT OF THE ARMY, *The United States Army Posture Statement.*, Washington, D.C. February, 2003, 41 p.

²³³ *Ibid.*, p.36.

²³⁴ *Ibidem.*

²³⁵ DEPARTMENT OF DEFENSE, RUMSFELD, Donald, *Report of the Quadrennial Defense Review*, Washington, D.C., February 2006, p.75.

²³⁶ *Ibid.*, p.80.

²³⁷ *Ibid.*, p.76.

²³⁸ DEPARTMENT OF DEFENSE, Instruction Number 3020.41, *Contractor Personnel Authorized to Accompany the U.S. Armed Forces*, Washington D.C, October 3, 2005, 33 p.

²³⁹ RUMSFELD, Donald, February 2006, *op.cit.*, p.81.

²⁴⁰ *Ibidem.*

Total Force must be interpreted in a broader context, one that takes in consideration the Global War on Terrorism and the need to transform the Total Force in order to better be able to address threats and potential challenges the United States would face in the future.

In sum, we can observe an evident continuity in the discourses held by the Secretaries of Defense of the Clinton and George W. Bush administrations. They all emphasized this need of transforming and reshaping the defense enterprise in order to carry on the so-called revolution in military affairs. The embracement of the latter engendered a total transformation of U.S. military capabilities and led the Department to progressively normalize and consolidate the use of contractors through time. It is important to underline that transforming the military was an ongoing process, and that PMSCs were progressively integrated in the U.S.' military apparatus. This did not happen in a certain point in time, but was rather the result of a slow and lengthy process. This section of the chapter illustrated how both administrations shared a common vision regarding the transformation of America's military capabilities. It provided an overview of the transformation of U.S. military forces and only focused on one aspect of the phenomenon. Transforming America's military capabilities was not only about broadly reshaping the Defense Enterprise and reconfiguring the Total Force, but also about developing a smaller logistical footprint within the Department and the military.

1.2. The Logistics Transformation

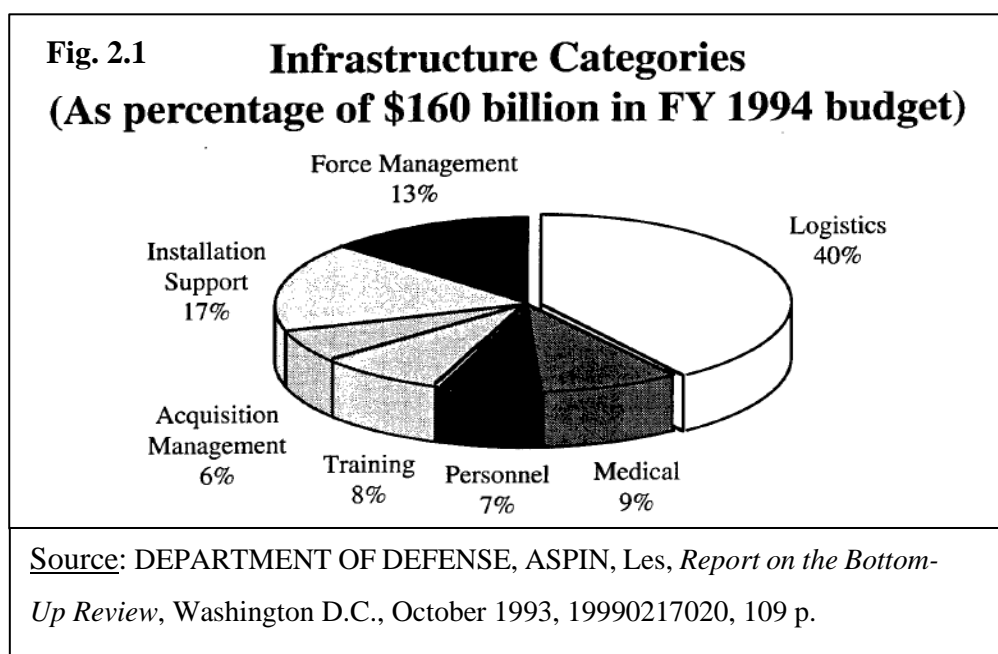
We have seen earlier that reshaping the defense enterprise was about embracing the so-called revolution in military affairs. The latter phenomenon implied personnel and manpower reductions across the Department of Defense and the military. The general aim was to increase the tooth-to-tail ratio by preserving the critical combat capabilities while at the same time reducing infrastructure and support activities. To put it simply, military analysts refer to the ratio of combat versus non-combat troops as the "tooth-to-tail" ratio²⁴¹. At the heart of this strategy can be observed a "logistics transformation" within America's military capability. This alleged logistics transformation was useful towards normalizing the resort to private military and security contractors in the United States. Through this section we will consider infrastructure and support activities as the "tail" of America's military capability. Because logistics are an essential part of the "tail" and of the military we will consider them as a part of these infrastructure activities and functions.

Reducing infrastructure and support activities were objectives mentioned in the first major defense review of the Clinton administration: the BUR report of 1993. The report stated that the objective of the review was to "identify potential savings cut to launch a long-term process of reducing and streamlining DoD's infrastructure without harming readiness²⁴²". By readiness, the military refers to the capability of U.S. forces

²⁴¹ BROOKS, R, "Fog of War, How can we talk about the military if we can't define what it is?", *Foreign Policy*, August 8, 2012

²⁴² ASPIN, Les, October 1993, *op.cit.*, p.97.

to conduct the full range of military operations to defeat all enemies²⁴³. In a broader sense, the BUR's objective was to preserve combat capabilities. On the other hand, the BUR defines the term "infrastructure" as "the foundation upon which U.S. military strength is built"²⁴⁴. It includes according to the report "all DoD activities other than those directly associated with operational forces, strategic defense, and applied research and development"²⁴⁵. By focusing on numbers, we can understand the significance of infrastructure activities within the Department. The Report states that in FY 1994, infrastructure activities would account for an amount of \$160 billion in appropriated and revolving funds, representing approximately 59 % of DOD total obligational authority²⁴⁶. Concerning human resources, 61 % of people employed by the Department in FY 1997 were performing infrastructure functions²⁴⁷. Furthermore, it is essential to understand what exactly constitutes infrastructure activities. The report reads that infrastructure activities fall into seven broad categories: central logistics; central medical; central personnel; central training; science and technology, DoD labs, and acquisition management; installation support; and finally, force management²⁴⁸. The share of these infrastructure categories can be observed in Figure 2.1.



By analyzing the chart, we can notice that Logistics which include depot maintenance and supply operation and transportation, represent the biggest share of all infrastructure categories in terms of costs. The second biggest share is represented by the Installation Support category which includes costs driven by the number and size of DoD installations²⁴⁹. As a result of the strategy imposed by the Department, savings of between

²⁴³ DEPARTMENT OF THE ARMY, *Memorandum for all Army Leaders. Army Readiness Guidance*, Calendar Year 2016-17, Washington D.C, January 20, 2016, 9 p.

²⁴⁴ ASPIN, Les, October 1993, *op.cit.*, p.97.

²⁴⁵ *Ibidem.*

²⁴⁶ *Ibidem.*

²⁴⁷ COHEN, William S., May 1997, *op.cit.*, p.53.

²⁴⁸ ASPIN, Les, October 1993, *op.cit.*, p.97.

²⁴⁹ *Ibidem.*

\$10 billion and \$11 billion were to be realized in areas such as training, supply and transportation²⁵⁰. These infrastructure savings would directly result from the reduction of manpower within the military. Yet, in order to realize these savings, the Pentagon had set a clear strategy that would be equally embraced by the next administration and hence invite PMSCs to fulfill military tasks within the Department. According to the BUR there are three general methods of reducing variable infrastructure costs²⁵¹. These include “increased use of privatization for business operations, additional consolidations and expanded use of executive agents, and better business practices and incentives”²⁵². The privatization of DoD operations was fundamental in consolidating the logistics transformation. What the Department had in mind was to privatize different infrastructure activities in order to provide considerable savings within the defense structure. The report explains that “transferring operations to the private sector could yield savings in areas such as maintenance, base operations and concession functions [...] and employing better business practices over a range of DoD activities would enable the Department to reduce infrastructure costs without cutting outputs”²⁵³. Moreover, the report urged the Department to pursue the maximum savings possible in each infrastructure category while maintaining “an adequate level and quality of infrastructure to support U.S. forces”²⁵⁴.

Similarly, a couple of years later Secretary of Defense William S. Cohen employed the same narrative. To respond to future threats and challenges, the Department had to transform its forces, capabilities and support structures. The Secretary underlined at the time that “by preserving combat capability and readiness, the Services had targeted the reductions by streamlining infrastructure and outsourcing non-military essential functions”²⁵⁵. Moreover, according to the 1997 QDR, the Department “would pursue an aggressive outsourcing plan that would accelerate competition of support functions”²⁵⁶ something that would later normalize the use of private military support firms which are logistics services providers. In addition, streamlining infrastructure, outsourcing and privatizing a wide range of support activities would lead to freeing resources for investment in high-priority areas²⁵⁷. By analyzing these statements, we can understand how the Department was aiming at shifting resources from the tail to the tooth. This strategy principally called for outsourcing, eliminating and privatizing support and infrastructure functions. The goal was to yield significant savings within the defense enterprise by applying these measures. As Secretary of Defense Cohen put it, “we must get every dollar we can by reducing our infrastructure”²⁵⁸. To another extent, the head of the Pentagon urged to change the way the Department supported the warfighter and demanded to search for new ways in which DoD could improve its support operations²⁵⁹. This is the reason why the latter underlined the fact that

²⁵⁰ *Ibid.*, p.98.

²⁵¹ *Ibidem.*

²⁵² *Ibidem.*

²⁵³ *Ibidem.*

²⁵⁴ *Ibidem.*

²⁵⁵ COHEN, William S., May 1997, *op.cit.*, p.vii.

²⁵⁶ *Ibidem.*

²⁵⁷ *Ibid.*, p.15.

²⁵⁸ *Ibid.*, p.66.

²⁵⁹ *Ibid.*, p.53.

the Department was also examining expanding the use of contractors for support functions in some circumstances, in order to release military support units²⁶⁰. Following this statement, we understand that the logistics transformation is not only about streamlining or outsourcing support functions and activities with the aim of realizing savings within the Department, but also about shifting human resources from the tail to the teeth by delegating to contractors non-military essential functions. This whole speech relies in the fact that during the post-Cold War military drawdown the DoD had attempted to reduce the defense infrastructure, including military bases and personnel associated with them²⁶¹. However, infrastructure reductions had lagged behind force structure reductions and the DoD wasn't satisfied with the numbers concerning the reduction of infrastructure activities. From 1989 to 1997 the Department had reduced total active duty military end strength by 32 % while on the other hand infrastructure activities had been reduced only by 28 % since 1989²⁶². As a result, the QDR had set a 33 % threshold to reach by 2003 in order to close this gap between force structure and infrastructure reduction²⁶³. Closing this gap would have been crucial in reducing the share of the defense budget devoted to infrastructure, and in order to achieve this goal, competition, outsourcing and privatization of military department infrastructure functions were the appropriate methods to carry out this strategy²⁶⁴.

However, the most significant tool which the Department relied on in order to generate savings was the Office of Management and Budget (OMB) Circular A-76. The Circular provides instructions for cost comparison studies between the federal government and the private sector to determine who should perform recurring commercial-type activities for the government²⁶⁵. Under A-76, "commercial activities may be converted to or from contractor performance either by direct conversion or by cost comparison"²⁶⁶. In August 1995, the Deputy Secretary of Defense gave renewed emphasis to the A-76 program when he directed the services to make outsourcing of support activities a priority "in an effort to reduce operating costs and free up funds to meet other priority needs"²⁶⁷. Because infrastructure and support activities were considered by the Department as "closely related to commercial enterprises"²⁶⁸ the DoD had extensively relied on OMB Circular A-76 in order to yield savings. According to the Defense Reform Initiative of 1997, experience demonstrated that competition had yielded both significant savings and increased readiness for each of the Military Departments²⁶⁹. As stated by the report, between 1979 and 1994, the Department had conducted over 2000 competitions using the A-76 process and consequently generated significant cumulative savings of \$1.5 billion

²⁶⁰ *Ibid.*, p.36.

²⁶¹ *Ibid.*, p.53.

²⁶² *Ibidem.*

²⁶³ *Ibid.*, p.54.

²⁶⁴ *Ibidem.*

²⁶⁵ GAO, *DoD Competitive Sourcing: Results of A-76 Studies Over the Past 5 Years*, Washington, D.C, December 2000, GAO-01-20, 20 p.

²⁶⁶ *Ibid.*, p.5.

²⁶⁷ GAO, *DoD Competitive Sourcing: A-76 Program has Been Augmented by Broader Reinvention Options*, Washington, D.C, June 2001, GAO-01-907T, 16 p.

²⁶⁸ COHEN, William S., *Report of the Quadrennial Defense Review*, 1997, *op.cit.*, p.55.

²⁶⁹ DEPARTMENT OF DEFENSE, COHEN, William S., *Defense Reform Initiative Report*, Washington D.C., November 1997, 85p.

a year²⁷⁰. Appendix 2 shows the results of A-76 cost comparison studies from 1978 to 1994 and presents the private and public sector's performance of commercial activities. What is surprising is the number of support functions being contracted to the private sector. Yet, what highlights this willingness of privatizing and outsourcing military department infrastructure functions is the following data provided by the Defense Reform Initiative published in November 1997. More than 34,000 positions were to be conducted by A-76 competitions within the Department of Defense in FY 1997²⁷¹. These competitions cut across a wide array of functions but the most "full-time equivalents" (FTEs) – the workload of an employee – studied for A-76 competitions were principally represented by infrastructure and support activities such as base multifunction services, general maintenance and repair and installation support.

Fig 2.2 A-76 Studies Initiated in FY 1997	
Functions	# FTEs
Social services	2,331
General maintenance and repair	6,460
Installation support	5,868
Real property maintenance	5,168
Base multifunction services	9,223
Data processing	751
RDT&E support	743
Other nonmanufacturing	2,817
Education and training	569
Health services	350

Source: DEPARTMENT OF DEFENSE, COHEN, William S., *Defense Reform Initiative Report*, Washington D.C., November 1997, 85 p.

With the data provided in Figure 2.2 we can understand how some functions of the Department were later outsourced and fulfilled by private military contractors. These functions do not concern armed security or consultant services providers. On the other hand, these functions are carried out by private military support firms which provide services such as technical support, logistics and maintenance, transportation and supply. By turning over infrastructure and support activities to private companies the Department accelerated this normalization process to the point where a couple of years later the U.S. Army recognized this logistics transformation. In fact, the Army Posture Statement of 2003 reads that "The Army cannot be transformed without a transformation in logistics"²⁷². Moreover, the report declares that "The Army's Logistics Transformation will focus on creating an overarching corporate logistics enterprise that employs industries'

²⁷⁰ *Ibidem*.

²⁷¹ *Ibid.*, p.30.

²⁷² DEPARTMENT OF THE ARMY, February 2003, *op.cit.*, p.38.

best business practices”²⁷³. The goals of the Army were to enhance strategic mobility and ‘deployability’; optimize the logistics footprint; and reduce the cost of logistics support without reducing readiness or warfighting capability²⁷⁴. In order to achieve these objectives, the Army needed to design a more versatile and flexible sustainment organization. This is why the selective use of the LOGCAP program to augment military logistics force structure, provided commanders with the flexibility to reallocate manpower, resources, and materiel by adding contractors to the equation of logistics support²⁷⁵. According to Secretary of the Army Thomas E. White, “contractors can quickly deploy to establish base camps, receive and process soldiers as they begin arriving in theater, and provide vital support to troops”²⁷⁶. Consequently, military support companies would not only provide flexibility but also a cost-efficient alternative to the U.S. Army. The following Army Posture Statements would recognize the successes of integrating private contractors to the defense equation. In 2004, General Peter J. Schoomaker and Secretary of the Army R. Leslie Brownlee pointed out that the successes enjoyed during Operation Iraqi Freedom were “the result of the integrated logistics team of Soldiers, civilians and contractors”²⁷⁷. This marks a turning point towards the consolidation of deploying contractors to the battlefield. The Department and The Army had recognized the benefits and the successes of integrating contractors to the defense equation. This would have not been possible without this so-called logistics transformation and the Department’s effort towards trimming and streamlining the defense infrastructure and support functions.

This subsection illustrated how the logistics transformation was indispensable towards implementing the Department’s strategy. If the revolution in military affairs was to be achieved, shifting resources from the tail to the tooth was more than a necessary strategy. Reallocating financial resources to finance modern high-tech weapon systems resulted in transforming infrastructure activities and support functions within the Department. The logistics transformation was an inevitable phenomenon. In order to be effective in the future, there was an urging need to revolutionize and transform the Department’s support activities otherwise the revolution in military affairs would have quickly outran the ability of logistics, personnel and other systems to support it²⁷⁸. Both phenomena are interlinked. It is critical to underline the fact that the division of the Department which was the most struck by the revolution in military affairs was the logistics and support sector. In sum, by achieving this logistics transformation, we can understand how private military support firms were later integrated to the defense equation and normalized through time. Nonetheless, the normalization of the resort to PMSCs is located at the intersection of two major distinct phenomena. Another revolution allowed to consolidate the utilization of private companies within the government and the Department of Defense. As Secretary of Defense William Cohen quoted in 1997: “we will not be able to realize the promise inherent in

²⁷³ *Ibidem.*

²⁷⁴ *Ibidem.*

²⁷⁵ *Ibid.*, p.39.

²⁷⁶ *Ibidem.*

²⁷⁷ DEPARTMENT OF THE ARMY, *The United States Army Posture Statement.*, Washington, D.C., February 2004, p.20.

²⁷⁸ COHEN, William S., November 1997, *op.cit.*, p.30.

the Revolution in Military Affairs unless we embrace the Revolution in Business Affairs”²⁷⁹. The other prominent part of the discourse within the Federal Government focuses on another dimension this time. If the use of contractors was normalized through time, it is due to the adoption of an entrepreneurial approach and to the implementation of a market-based model within the Federal Government, and in particular inside the Department of Defense.

2. The Entrepreneurial Approach and the Market-Based Model

2.1. Adopting and Adapting the Lessons of the Private Sector

When Ronald Wilson Reagan came into office in 1981, he brought with him an economic and political agenda which future administrations would later try to imitate and implement. Reagan had “a mandate to pare back the Federal Government”²⁸⁰. President Reagan complained that the Federal Government was too large and tried unsuccessfully to abolish several Departments such as the Departments of Education and Energy, created by his predecessor Jimmy Carter²⁸¹. Even though he realized during his presidency significant cuts in government spending and tax rates, Reagan failed to radically reduce the size of the government²⁸². His successor George H. W. Bush, had pledged during his campaign not to raise taxes but found himself in a difficult position of trying simultaneously to balance the budget and reduce the deficit²⁸³. In the end, the latter opted for measures aimed at cutting government expenditures and raising taxes. The following two administrations, the Clinton and Bush Junior administrations, shared a common vision on how the Federal Government should be organized and operate. They both adopted an entrepreneurial approach within the government by relying on the private sector’s lessons. For the scope of this study, this subsection of the chapter will be more government-focused compared to the second subsection which will predominantly focus on the Department of Defense.

The first inauguration of Bill Clinton, highlighted what plans and reforms would constitute the presidential economic agenda. The following words were pronounced on January 20, 1993 during his inaugural address: “We must invest more in our own people, in their jobs, in their future, and at the same time cut our massive debt; and we must do so in a world in which we must compete for every opportunity”²⁸⁴. During his tenures, President Clinton launched a number of government reform initiatives aimed at

²⁷⁹ COHEN, William S., May 1997, *op.cit.*, p.55.

²⁸⁰ SAMPLES, John, “Limiting Government, 1980- 2010”, *CATO Policy Report* vol. 32, n°2, March/April 2010, pp. 5-8.

²⁸¹ “Reagan Would Elevate V.A. to Cabinet Level”, *The New York Times Archives*, November, 1987

²⁸² SAMPLES, John, March/April, 2010, *op.cit.*, p.6.

²⁸³ UVA/Miller Center, “George H.W. Bush: Domestic Affairs”, Website millercenter.org, <https://millercenter.org/president/bush/domestic-affairs>, accessed on December 18, 2019

²⁸⁴ CLINTON, Bill, *First Inaugural Address*, Washington D.C. January 20, 1993

reorganizing the Federal Government. His major goal was similar as one of his predecessors, to reduce the government to a smaller size. Clinton had promised to shrink bureaucracy, free up money to pay down the deficit and invest in people²⁸⁵. Because he had pledged to cut the deficit by \$700 billion, he called for a review of every single Department programs in order to deepen reductions²⁸⁶. In his address to the Nation from the Oval Office in 1994, Clinton expressed the following statements: “we propose to stop doing things that government doesn’t do very well and that don’t need to be done by government”²⁸⁷. Furthermore, the latter added “I want a leaner government [...] a new government for the new economy, creative, flexible, high quality, low-cost, service oriented, just like our most innovative private companies”²⁸⁸. By reading these statements we clearly understand Bill Clinton’s willingness to reorganize and redesign the Federal Government by inviting the private sector to compete with and perform government functions. Reducing the size and scope of the government would be embodied in one of his major reform initiatives: The National Performance Review. On March 3, 1993, Clinton indicated he was initiating a National Performance Review (NPR) to be conducted by a task force headed by Vice President Albert Gore with the aim of making the entire Federal Government both less expensive and more efficient²⁸⁹. The goal of the NPR was intended to eliminate waste within the Federal Government. In order to achieve this objective, the effort was to:

*evaluate the efficiency of every federal program and service; identify specific spending cuts that could be made in federal programs and services not operating effectively and no longer advancing the mission they were intended to serve; recommend ways to streamline bureaucracy by eliminating unnecessary layers of management and reducing duplication of effort; and find ways to improve services by making better use of new information technology and by making government programs more responsive to the clientele they served*²⁹⁰.

In brief, the objective of the NPR was to “reinvent, redesign and reinvigorate the entire National Government”²⁹¹. The initial NPR report, titled “From Red Tape to Results: Creating a Government That Works Better & Costs Less”, offered a significant number of recommendations seeking to reduce waste and to create a leaner government by streamlining government operations, improving management, and promoting efficiency and economy in administration²⁹². Moreover, the report specified that if NPR recommendations were to be enacted, they would produce savings of \$108 billion over five years²⁹³. Despite the critics, NPR recommendations were being implemented by the Clinton administration, and according to the First NPR

²⁸⁵ CLINTON, Bill, *Address to the Nation from the Oval Office*, Washington D.C. December 15, 1994

²⁸⁶ *Ibidem*.

²⁸⁷ *Ibidem*.

²⁸⁸ *Ibidem*.

²⁸⁹ CRS Report for Congress, *The National Performance Review and Other Government Initiatives: An Overview, 1993-2001*, Washington D.C, June 4, 2001, RL30596, 35 p.

²⁹⁰ *Ibid.*, p.3.

²⁹¹ *Ibidem*.

²⁹² OFFICE OF THE VICE PRESIDENT, GORE, Al, *From Red Tape to Results: Creating a Government That Works Better & Costs Less. Report of the National Performance Review*, Washington D.C., September 10, 1993, ED384294, 175 p.

²⁹³ *Ibid.*, p.2.

Status Report, results were positive. The report claimed that over 90 % of NPR recommendations were under way; over 100 agencies were publishing customer service standards; nine agencies had started major streamlining initiatives; [...] and agencies were slashing red tape²⁹⁴. In sum, the report affirmed that the government was starting to work better. On the other hand, the government was achieving considerable savings. The report stressed that the administration obtained \$46.9 billion of the \$108 billion in savings over five years that the NPR outlined²⁹⁵. Another \$16 billion in NPR-recommended savings were pending before Congress, and an estimated 71,000 FTE positions of the 252,000 NPR's proposed workforce reduction were eliminated²⁹⁶. However, the turning point came in 1994 during the U.S. midterm elections when the Republicans gained the majority of seats in the House of Representatives. By dominating the 104th Congress, the Republicans implemented their legislative agenda which had been prepared before the elections in case they would take over the House. Formally known as the "Contract with America" it formed the cornerstone of the agenda of the new Republican majority in Congress²⁹⁷. The agenda included recommendations focused on devolving, discontinuing or privatizing some government functions with the purpose of reducing the size and scope of government²⁹⁸. Despite the similarities, the Contract marked a certain contrast with the NPR, because Republican congressional leaders had a bold agenda for decreasing the size of government through contracting out, privatizing government functions, and cutting the number of programs and agencies²⁹⁹. While the Administration promoted reductions in government through the efficiencies of reinvention, Congress legislation made deep cuts in government agencies. A couple of years later during the final phase of the NPR's reinvention effort (from 1997 to 1999), the NPR engaged in three campaigns to further define its agenda and strategies³⁰⁰. In 1997 the NPR issued "Businesslike Government: Lessons Learned from America's Best Companies", a publication that demonstrated how American businesses and corporations could bring crucial advices and value to the Federal Government. Al Gore's report emphasized what the government had learned from business and affirmed that the best examples of reinvented government were in fact the result of ongoing partnerships with high-performing private-sector companies³⁰¹. Furthermore, Al Gore added these final words in his report: "we appreciate the willingness of the business community to share lessons"³⁰². In short, the goal was to apply all the tools and techniques that helped American companies get back on their feet to the government in order to make it work better"³⁰³. Finally, in 1998, on its fifth anniversary, the National Performance Review became the "National Partnership for Reinventing Government". By adopting new

²⁹⁴ OFFICE OF THE VICE PRESIDENT, GORE, Al, *Creating a Government That Works Better & Costs Less. Status Report. Report of the National Performance Review*, Washington D.C., September 1994, ED384295, 123 p.

²⁹⁵ *Ibid.*, p.6.

²⁹⁶ *Ibidem.*

²⁹⁷ CRS Report for Congress, June 4, 2001, *op.cit.*, p. 7.

²⁹⁸ *Ibid.*, p.8.

²⁹⁹ *Ibid.*, p.13.

³⁰⁰ *Ibid.*, p.17.

³⁰¹ GORE, Al, *Businesslike Government: Lessons Learned from America's Best Companies. National Performance Review*, Collingdale, Diane Pub Co, 1997, 115 p.

³⁰² *Ibid.*, p.103.

³⁰³ *Ibid.*, p.109.

strategies and principles, the NPR no longer sought merely to make government work better and cost less³⁰⁴. Instead it reorganized itself to create the most well-managed government in history³⁰⁵. In January 2001, with the end of President Clinton's tenure, the NPR ceased to function and permitted to set for George W. Bush's administration an adequate template for his future policies.

On January 20, 2001 former Governor of Texas George W. Bush became the 43rd President of the United States of America. Having graduated from the Harvard Business School, he became the first president with a master's degree in business administration³⁰⁶. George W. Bush is also one of the few U.S. presidents who had a business career prior to his presidential nomination. As a matter of fact, Bush worked in the oil business sector for several years and founded his own company Arbusto Energy in 1977. The company was succeeded by Bush Exploration, which later merged with Spectrum 7 in 1984³⁰⁷. From his experience in the oil business, Bush learned many valuable lessons³⁰⁸. This may explain in part why he wanted to establish within the Federal Government a managerial and entrepreneurial culture. A month following his inauguration, President Bush presented to Congress a budget plan titled "A Blueprint for New Beginnings" which offered a "new vision for governing the Nation for a new generation"³⁰⁹. The report mentions that American businesses have restructured over time in order to face new challenges and opportunities, while on the other hand the Federal Government has lagged behind and has become both insensitive and expensive³¹⁰. As a further matter, it states that a true government reform must be based on a reexamination of the role of the Federal Government³¹¹. This is why the President has called for "active, but limited" Government: one that empowers States, cities and citizens to make decisions; ensures results through accountability; and promotes innovation through competition³¹². Furthermore, the report comments that "if reform is to help the Federal Government adapt to a rapidly changing world, its primary objectives must be a government that is: Citizen-centered – not bureaucracy-centered; Results-oriented – not process-oriented; and Market-based – actively promoting rather than stifling innovation through competition"³¹³. These statements will also be mentioned and emphasized in the President's Management Agenda. We immediately understand through these statements Bush's willingness to adopt a more entrepreneurial approach within the Federal Government, one that fosters competition and which is based on market principles. In addition, the budget plan proposes to expand the use of performance-based contracts. It explains that because of expanding missions and declining staff, agencies are increasingly relying on outside contractors³¹⁴. It further asserts that the amount and type of contracting

³⁰⁴ CRS Report for Congress, June 4, 2001, *op.cit.*, p.19.

³⁰⁵ LAURENT, A, "Revamping Reinvention", *Government Executive*, April 10, 1998

³⁰⁶ SOLOMON, J, "Bush Harvard Business School and the Makings of a President", *The New York Times*, June 18, 2000

³⁰⁷ UVA/Miller Center, "George W. Bush: Life Before the Presidency", Website millercenter.org,

<https://millercenter.org/president/bush/domestic-affairs>, accessed on December 18, 2019

³⁰⁸ *Ibidem*.

³⁰⁹ EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, *A Blueprint for New Beginnings: A Responsible Budget for America's Priorities*, Washington D.C., February 2001, ISBN0160506832, 207 p.

³¹⁰ *Ibid.*, p.179.

³¹¹ *Ibidem*.

³¹² *Ibidem*.

³¹³ *Ibidem*.

³¹⁴ *Ibid.*, p.181.

creates the opportunity and the necessity to move toward “performance-based contracting” – where the focus is on the results to be achieved, rather than the manner in which the work is performed or the “effort” involved³¹⁵. This statement is quite relevant to our study, because it reflects the government’s attitude towards contracting out its functions. The same narrative goes for the Department of Defense: The Pentagon increasingly contracted out non-military essential functions (or not inherently governmental functions) to private military and security contractors because they would provide positive results and significant savings. The section of the report concludes by claiming that Agencies will convert Federal service contracts to “performance-based contracts” wherever possible, saving an estimated \$8.3 billion over five years³¹⁶. In the summer of 2001, The President’s Management Agenda (PMA) was announced to the Federal Government and to the American public. The initiative represented a bold and aggressive strategy to make the government more efficient and effective³¹⁷. Straight away, the initiative repeats that what matters the most are performance and results³¹⁸. As his predecessor’s famous “reinvention of government”, George W. Bush puts it similarly by asserting that in order “to reform government, we must rethink government”³¹⁹. The main assumption of the PMA was that within the Federal Government, waste, fraud and abuse were omnipresent and impeding government programs to deliver adequate services³²⁰. This general waste of money was not only causing the taxpayer to suffer, but was also affecting the government to work effectively. The purpose of the PMA was to increase government’s performance by adopting several measures aimed at reducing waste and inefficiencies within the government. This is why George W. Bush wanted to set up a manageable government that would wisely use its resources. The latter argued that “we should identify mismanaged, wasteful or duplicative government programs, with an eye to cutting their funding, redesigning them, or eliminating them altogether”³²¹. In order to implement this strategy, agencies would have to determine their “core competencies” and decide whether to build internal capacity, or contract for services from the private sector³²². The final result would only increase performance and offer significant results to the government. In fact, the initiative states that it “will maximize agencies’ flexibility in getting the job done effectively and efficiently”³²³. One of the measures adopted to pursue this strategy was competitive sourcing, a policy that former Governor of Texas had already promised to implement before becoming President of the United States. While candidate at the presidential elections, George W. Bush pronounced the following statements: “government should be market-based – we should not be afraid of competition, innovation and choice; I will open government to the discipline

³¹⁵ *Ibidem*.

³¹⁶ *Ibidem*.

³¹⁷ OFFICE OF MANAGEMENT AND BUDGET, “President’s Management Agenda”, Website georgewbush-whitehouse.archives.gov, https://georgewbush-whitehouse.archives.gov/omb/budintegration/pma_index.html, accessed on December 16, 2019

³¹⁸ EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, *The President’s Management Agenda*, Washington D.C., 2002, 64 p.

³¹⁹ *Ibid.*, p.3.

³²⁰ *Ibidem*.

³²¹ *Ibid.*, p.7.

³²² *Ibid.*, p.14.

³²³ *Ibidem*.

of competition”³²⁴. This would literally mean inviting private sector companies to compete with government functions. According to the report, the problem is that “nearly half of all federal employees perform tasks that are readily available in the commercial marketplace”³²⁵. The PMA states that historically, the government has realized cost savings in a range of 20 to 50 percent when federal and private sector service providers compete to perform these functions³²⁶. In order to achieve efficient and effective competition between public and private sources, the administration would rely on two different tools: The Federal Activities Inventory Reform (FAIR) Act and OMB Circular A-76. In accordance with the FAIR act, agencies would provide their inventories to Congress with the activities that could be potentially carried out by private sector enterprises. Moreover, the administration would adopt procedures to improve and expand competition³²⁷. As stated by the PMA, these policies would produce significant savings and enhance performance within the Federal Government. For example, competitions under OMB Circular A-76 have resulted in savings of more than 20 percent for work that stays in-house and more than 30 percent for work outsourced to the private sector³²⁸. Furthermore, from 1995 through 2000, the DoD completed over 550 A-76 competition studies which resulted in an average of 34 percent reduction in cost³²⁹. In sum, the general discourse is that increased competition through competitive sourcing would enhance performance and yield significant savings for the government. To put it simply, the private sector could provide efficient and effective solutions to the Federal Government. Other prominent management initiatives during Bush’s first tenure were the Legislative Proposals on Management such as the Freedom to Manage Act of 2001, and the Program Assessment Rating Tool (PART). Similar to the PMA, these government-wide management reforms attempted “to forge a stronger connection between program performance and the budget process”³³⁰. For example, PART was crucial in supplying performance information to federal agencies and recommendations to improve planning and management³³¹. In sum, all these initiatives and management plans presented a number of characteristics of the president’s management style³³².

We have seen through this subsection that the Clinton and George W. Bush administrations shared a common vision on how to run the Federal Government. Both adopted an entrepreneurial and managerial approach within the government by relying on the private sector’s lessons. Their government reform initiatives were implemented in order to create a less expensive and more efficient government. Trimming, eliminating, privatizing and outsourcing government functions were indispensable methods in order to reduce the size and

³²⁴ TMP Features, “The History of Privatization: How an Ideological and Political Attack on Government Became a Corporate Grab for Gold”, Website [talkingpointsmemo.com](https://talkingpointsmemo.com/features/privatization/one/), <https://talkingpointsmemo.com/features/privatization/one/>, accessed on September 23, 2019

³²⁵ EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, 2002, *op.cit.*, p.17.

³²⁶ *Ibidem.*

³²⁷ *Ibid.*, p.18

³²⁸ *Ibidem.*

³²⁹ *Ibidem.*

³³⁰ BREUL, Jonathan D., “Three Bush Administration Management Reform Initiatives: The President’s Management Agenda, Freedom to Manage Legislative Proposals, and the Program Assessment Rating Tool”, *Public Administration Review*, vol. 67, n°1, January - February 2007, pp. 21-26.

³³¹ *Ibid.*, p.24.

³³² *Ibid.*, p.21.

the scope of the Federal Government. By applying these strategies, they directly invited private companies to compete with government functions in a vast array of fields. By analyzing their policies, one can undoubtedly understand why and how private military contractors were allowed to perform former government functions and activities. Moreover, they both seemed to praise the private sector's lessons by adapting them to the functioning of the National Government. They both placed similar attention on improving program performance and obtaining significant results within the government's bureaucracy³³³. Achieving these goals would have only been possible by reinventing and rethinking government. Their government reform initiatives also allowed to establish a certain culture within the bureaucracy: One that focuses on market principles and on private sector's lessons. Briefly, their discourse was marked by a certain rhetoric that would also be observed within the Department of Defense. The same challenges and urgent needs were to be faced inside the Pentagon. This government-focused section emphasized the continuity in discourse content between the Clinton and Bush Junior administrations. Finally, it is important to underline that their discourse would have a significant impact on the establishment of a corporate culture within the Department of Defense.

2.2. Establishing a Corporate Culture within the Department of Defense

As seen in the previous section of the chapter, transforming America's military capability was about leading a revolution in the DoD's support activities and functions. The strategy was to shift resources from the tail to the tooth in order to embrace the so-called revolution in military affairs. We concluded earlier the section by mentioning a quote from Secretary of Defense William Cohen, who pointed out in 1997 that "the U.S. would not be able to realize the promise inherent in the Revolution in Military Affairs unless it would embrace the Revolution in Business Affairs"³³⁴. Two distinct but complementary phenomena which led to one particular event: The transformation of the DoD. This quote reflects the second part of the discourse which is focused on the establishment of a corporate culture within the Pentagon. In other words, in order to transform America's defense enterprise, the Department must equally achieve a transformation in business practices. In this subsection of the chapter we will first analyze the DoD's discourse during the Clinton era, by then focusing on the George W. Bush years.

The first Clinton major defense review that introduced this corporate and business culture to the DoD was the Bottom-Up Review published in 1993. Aside from defining the DoD's strategy and force structure in the post-Cold War environment, the review also provided a clear strategy on how to enhance performance within the Department. Because the objective of the review was to identify potential savings cuts in order to reduce DoD's infrastructure, it provided a series of methods that could be implemented to reduce variable

³³³ BREUL, Jonathan D., KAMENSKY, John M., "Federal Government Reform Initiatives: Lessons from Clinton's "Reinventing Government" and Bush's "Management Agenda", *Public Administration Review*, vol. 68, n°6, November - December 2008, pp. 1009-1026.

³³⁴ COHEN, William S., May 1997, *op.cit.*, p.55.

infrastructure costs³³⁵. They mostly included an increased use of privatization for business operations and better business practices and incentives to be adopted and implemented within the Department³³⁶. The report asserted that “privatization of DoD operations could, in selected cases, provide cost savings”³³⁷. We have observed earlier that this main assumption was also maintained by Clinton in person and the Administration through the famous “Contract with America” Republican agenda. By outsourcing and contracting out, the government could achieve significant savings. Moreover, the BUR indicates the Department “the right path to reform”. Secretary of Defense Leslie Aspin expresses these following words which emphasize this compelling necessity of embracing business practices within the Department: “we must adopt commercial practices to the maximum extent possible to make DoD a better customer and to foster the integration of the defense and commercial industrial bases”³³⁸. Furthermore, he positions these “commercial practices” at the core of his strategy by declaring that “adopting the best practices of today’s commercial industries is the key to our reforms”³³⁹. In a nutshell, the Head of the Pentagon seems to be extremely determined to apply business practices to the functioning of the Department. On the other hand, the notion of Revolution in Business Affairs (RBA) is only introduced to the Federal Government a few years later with the publication of the first Quadrennial Defense Review. In the *Secretary’s Message*, a section usually located at the beginning of a QDR report, *SecDef* Cohen compels the Department to “take advantage of the revolution in business affairs that has occurred in the commercial world”³⁴⁰. The latter also recognizes that the business sector has achieved positive results by adopting new strategies and methods. In fact, the report reads that:

*over the past decade, the American commercial sector has reorganized, restructured, and adopted revolutionary new business and management practices in order to ensure its competitive edge in the rapidly changing global marketplace. It has worked*³⁴¹.

In order to achieve its national defense strategy and to maintain its status of global leader, the Department needs to reproduce the same lessons of the commercial world. By doing so, the U.S. armed forces “would be able to maintain their competitive edge in the rapidly changing global security arena”³⁴². The Department seems to recognize to a great extent the private sector’s positive results. The quote mentioned earlier also expresses the Department’s desire to be modeled on a corporate structure. What is also noteworthy is the Department’s discourse concerning the way it should operate. Section VIII of the 1997 QDR report, highlights the Department’s willingness to follow the administration’s discourse towards “reinventing government”. The report states that “the department must be leaner, more efficient, and more cost effective in order to serve the

³³⁵ ASPIN, Les, October 1993, *op.cit.*, p.98.

³³⁶ *Ibidem*.

³³⁷ *Ibidem*.

³³⁸ *Ibid.*, p.101.

³³⁹ *Ibid.*, p.102.

³⁴⁰ COHEN, William S., May 1997, *op.cit.*, p.v.

³⁴¹ *Ibid.*, p.ix.

³⁴² *Ibidem*.

warfighter faster, better, and cheaper”³⁴³. These last statements were in fact pronounced by President Clinton during his Address to the Nation in December 1994. We can observe here, a certain parallelism between the DoD’s and the President’s discourse. Other similarities between both discourses appear through the QDR report. The Secretary of Defense communicates that there is a necessity to “deregulate defense” in order to exploit and enjoy the benefits of wide-open private competition³⁴⁴. Besides the need to deregulate defense, the report calls for a “reinvention” and a “reengineering” of DoD support functions that would allow to enhance performance and obtain significant results³⁴⁵. It is important to comprehend that the revolution in military affairs and the revolution in business affairs are intertwined phenomena that both led to a major transformation of DoD’s infrastructure and support functions. Only by seizing this context, we can understand why and how private firms were invited to carry out non-warfighting support functions or non-military essential activities. In order to embrace this so-called revolution in business affairs, the Department needed to reduce overhead costs and streamline infrastructure by outsourcing and privatizing a wide range of support activities³⁴⁶. As explained in the previous subsection, the general idea of the Federal Government was to create an efficient and effective government which would be able to generate significant savings. To do so, contracting out, privatizing and streamlining government functions were the only adequate measures to adopt. Additionally, there was this general perception that the private sector would be more effective, cost-efficient and more performant than the Federal Government. This worshipping discourse is constantly emphasized in DoD’s reports. The Defense Reform Initiative which was published a couple of months later, equally recognizes the benefits of adopting and adapting business practices within the Department. It states that DoD support systems and practices are old-fashioned and out of date compared to the corporate world³⁴⁷. The Secretary of Defense keeps underlining the fact that the Department is a generation out of step with corporate America, and that systems within the defense enterprise grew up in their own defense-unique culture and that in the end never corresponded with the private’s sector best business practices³⁴⁸. The Secretary vows that “this cannot and will not continue”³⁴⁹ and keeps showing his devotion towards bringing competition and best commercial practices within the business of the Department³⁵⁰. Once again, Secretary of Defense Cohen praises and worships the benefits of the free-market economy and in particular one of its founding principles, competition. The latter affirms that:

³⁴³ *Ibid.*, p.53.

³⁴⁴ *Ibid.*, p.x.

³⁴⁵ *Ibid.*, p.54.

³⁴⁶ *Ibid.*, p.15.

³⁴⁷ COHEN, William S., November 1997, *op.cit.*, p.14.

³⁴⁸ *Ibidem.*

³⁴⁹ *Ibidem.*

³⁵⁰ *Ibid.*, p.i.

*competition is the driving force in the American economy. It forces organizations to improve quality, reduce costs, and focus on customers' needs. Continuously spurred by these forces, American firms are now global leaders in innovation, cost performance, and technological development.*³⁵¹

The argument is supported by the fact that private firms have successfully managed to use competition in order to increase performance and efficiency within their organizations. Only by understanding this, we can apprehend this willingness of instilling a corporate culture and of establishing a market-based model within the Department. As we illustrated earlier, we explained to a small extent that in order to sharpen performance and efficiency the Department had extensively relied on OMB Circular A-76 process. This tool was particularly used by the Federal Government in order to yield significant savings by putting to competition the functions considered to be commercial in nature. According to a 2005 CRS report for Congress, the DoD has been the leader among federal agencies in using A-76 studies³⁵². From 1988 to 1997, DoD FTEs have largely exceeded Civilian Agencies FTEs (See Appendix 3). Yet, what is interesting to point out is that the DoD has managed through the 90s, to recently augment its A-76 process with what it termed “strategic sourcing” – “a broader array of reinvention and reengineering options that may not necessarily involve A-76 competitions”³⁵³. The difference between competitive sourcing and strategic sourcing is to a certain extent relevant for our study. First of all, A-76 cost comparison studies generally referred as “competitive sourcing”, only focus on commercial activities that “may be converted to or from contractor performance either by direct conversion or by comparison”³⁵⁴. Commercial activities are also identified as “not inherently government function.” The FAIR Act of 1998, which directs agencies to submit annual inventories of their commercial activities, defines the term “inherently government function” as “a function that is so intimately related to the public interest as to require performance by Federal Government employees”³⁵⁵. On the other hand, the 2001 GAO report describes that:

*‘strategic sourcing’ can involve functions or activities, regardless of whether they are considered inherently governmental, military essential or commercial; [...] strategic sourcing may provide smarter decisions because it determines whether an activity should be performed before deciding who should perform it*³⁵⁶.

The report reads that from 1997 to 2000 more than 110 000 positions were being studied under A-76 process against 98 000 positions studied under strategic sourcing³⁵⁷. By reuniting the two strategies together, the Department was expected to produce cumulative savings of almost \$11,7 billion from FY 2001 to 2007³⁵⁸. In

³⁵¹ *Ibid.*, p.27.

³⁵² CRS Report for Congress, *Defense Outsourcing: The OMB Circular A-76 Policy*, Valerie Bailey Grasso, Washington D.C, June 30, 2005, RL30392, 30 p.

³⁵³ GAO, June 2001, *op.cit.*, p.1.

³⁵⁴ *Ibid.*, p.2

³⁵⁵ PUBLIC LAW 105-270, Federal Activities Inventory Reform Act of 1998, 105th Congress, Washington D.C., October 19, 1998

³⁵⁶ GAO, June 2001, *op.cit.*, p. 4

³⁵⁷ *Ibid.*, p.6.

³⁵⁸ *Ibidem.*

sum, during the Clinton years, the DoD seemed to support the same discourse being held at the top of the executive branch. By following the President's guidelines, the different Secretaries of Defense managed to instill a corporate culture within the Pentagon. This same "worshipping" discourse would be held by George W. Bush's first Secretary of Defense Donald Rumsfeld, from 2001 to 2006.

Donald Rumsfeld, was one of the most prominent actors that contributed to the consolidation of this corporate culture within the U.S. Department of Defense. Before serving as the 21st Secretary of Defense he worked in the private sector for many years where he held the position of chief executive officer at two Fortune 500 companies³⁵⁹. Rumsfeld was also one of the many bureaucrats having worked in the private sector before becoming part of George W. Bush's administration. Donald Rumsfeld's corporate vision can be firstly observed in one of his famous speech concerning bureaucratic waste when he criticized the Pentagon's way of functioning. In his speech, he does not only refer to the transformation of the military as we have explored in the section above, but also to the way the Department conducts its daily business³⁶⁰. The Secretary of Defense explains that because systems and processes are redundant and inefficient within the Department, resources are mismanaged causing the taxpayer to suffer³⁶¹. Through his speech, he employs the same arguments of his predecessors concerning the benefits and effectiveness of the private sector. Rumsfeld invites the Department to take advantage of the private sector's expertise³⁶². Once again, he illustrates his example by claiming that the private sector is leading the way in many respects, and that the solutions to the Pentagon's problems could be found through commercial outsourcing and through contracting out services as in the business community³⁶³. Furthermore, the Secretary of Defense seems to be quite determined to bring people from the private sector inside the DoD's structure. In an interview given to CNN Moneyline a day before the September 11 terror attacks, Rumsfeld affirms that the Department "brought in several service secretaries who all had proven track records in the private sector"³⁶⁴. He also provides a plan to privatize many utility services to military installations and asserts that \$400 million are being invested in public-private partnerships for military housing³⁶⁵. Because housing is not considered as a core military competency, it "can be performed more efficiently in the private sector" according to Donald Rumsfeld³⁶⁶. Secondly, the establishment of his "capabilities-based model" would also entail a transformation within the Department's way of working and thinking. His words once again emphasize this willingness of adopting a business model within the Defense enterprise. In fact, in one of his articles published to American magazine *Foreign Affairs*, the Secretary writes:

³⁵⁹ U.S. Department of Defense, "Donald H. Rumsfeld", Website defense.gov, <https://www.defense.gov/Our-Story/Biographies/Biography/Article/602800/>, accessed on September 15, 2019

³⁶⁰ RUMSFELD, Donald, *Bureaucracy to Battlefield*, Washington D.C., September 10, 2001

³⁶¹ *Ibidem*.

³⁶² *Ibidem*.

³⁶³ *Ibidem*.

³⁶⁴ U.S. Department of Defense, "Secretary Rumsfeld Interview with CNN Moneyline", Website archive.defense.gov, <https://archive.defense.gov/Transcripts/Transcript.aspx?TranscriptID=1907>, accessed on October 27, 2019

³⁶⁵ RUMSFELD, Donald, September 2001, *op.cit.*

³⁶⁶ EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, 2002, *op.cit.*, p.42.

*We must transform not only our armed forces but also the Defense Department that serves them – by encouraging a culture of creativity and intelligent risk-taking. We must promote a more entrepreneurial approach: one that encourages people to be proactive, not reactive, and to behave less like bureaucrats and more like venture capitalists*³⁶⁷.

This statement confirms the arguments mentioned above. Transforming the military is not only about reshaping the national armed forces in the strict sense, but is also about embracing an “entrepreneurial approach” within the Department. Through his article, the Secretary indicates that it is the time to make significant changes within the institution, and claims that the revolution in military affairs will not transform the U.S. armed forces if the Department doesn’t transform “the way it thinks, trains, exercises, and fights”³⁶⁸. Furthermore, as his predecessors, Rumsfeld seems to praise the private sector and the business world to a great extent. This “worshiping discourse” as we can describe it, is notably present in the 2001 and 2006 QDR reports. The QDR report of 2001 highlights how America’s businesses have successfully streamlined and adopted new business models while the DoD has lagged behind without having improved its business practices³⁶⁹. Moreover, the 2006 QDR explains that “successful modern businesses are leaner and less hierarchical than ever before; they reward innovation and they share information; they have to be nimble in the face of rapid change or they die”³⁷⁰. This constant comparison between the business world and the Department of Defense in these documents shows this inclination to imitate the private sector’s methods and strategies. The Secretary justifies his discourse by claiming that businesses have succeeded and achieved significant results over time. Because they have generally obtained positive results, the Department should try to learn the lessons and try to imitate corporations’ ways of working and functioning. One interesting example that the reports point out is how private sector corporations have concentrated their efforts on core functions and businesses³⁷¹. Because they have ceased to provide some of their own services by concentrating on more urgent priorities, the Department should try to implement the same strategy. As a matter of fact, the second QDR report clarifies that “only those functions that must be performed by DoD should be kept by the DoD” and that “any function that can be provided by the private sector is not to be considered as a core government function”³⁷². To put it differently, core government functions are considered as inherently governmental functions, and activities or functions that can be performed by the private sector are generally considered as commercial in nature. In order to separate the different functions and to identify who should carry them out, the report sets a clear framework for the Department. In the report we can read that the DoD will have to divide these functions into 3 broad categories:

³⁶⁷ RUMSFELD, Donald, *loc.cit.*, p.26.

³⁶⁸ *Ibidem*.

³⁶⁹ RUMSFELD, Donald, September 2001, *op.cit.*, p.50.

³⁷⁰ RUMSFELD, Donald, February 2006, *op.cit.*, p.63.

³⁷¹ RUMSFELD, Donald, September 2001, *op.cit.*, p.53.

³⁷² *Ibidem*.

- *Functions directly linked to warfighting and best performed by the federal government;*
- *Functions indirectly linked to warfighting capability that must be shared by the public and private sectors;*
- *Functions not linked to warfighting and best performed by the private sector*³⁷³.

We can observe through this division that the adjectives “governmental” or “core” are absent and are instead replaced by the term “warfighting”. The Department seems to be quite determined to set the rules on who should perform which functions. Dividing these functions as observed above, in three distinct categories, has a direct impact on the privatization of certain functions and activities. By setting this typology and framework, the Department calls for aggressive outsourcing of “functions not linked to warfighting” within the defense establishment. As we introduced earlier, because military housing wasn’t considered as a “core function” and hence considered as a “function not linked to warfighting” it was outsourced to the private sector with the simple reason that the latter would perform it in a more efficient way. Similarly, the effort is also observed within Secretary of the Army’s “Third Wave”, a three-phase initiative with the aim of achieving considerable savings and efficiency within the Army’s Department. Secretary of the Army Thomas E. White describes the different stages of the process as the following:

- *First, we determined what activities were core or non-core to The Army's mission;*
- *In the second phase, we are validating the breakout between core and non-core functions by determining if any non-core functions should be exempted;*
- *In the third phase, key Army leaders will assess appropriate plans to execute non-core functions, select the best means to proceed, and develop implementation plans*³⁷⁴.

The discourse being held by the *SecDef* is also being systematically adopted by The Army’ Secretary and Army’s Chief of Staff. They both invite the Department of the Army to transform the way they do business and to aggressively pursue efforts to outsource non-core functions³⁷⁵. The objective remains the same which is to “to streamline or eliminate redundant operations to free financial and human resources to redirect to the Army’s core warfighting missions³⁷⁶.” Yet, one of the major privatization programs of the Department is the one concerning military housing. The Privatization of military housing was initially mentioned in the PMA. The first problem was that military family housing was inadequate while the second problem was that the number of military family housing units was excessive. According to DoD estimates, fixing the first problem with traditional military construction funding “would have cost about \$16 billion and taken over 20 years”³⁷⁷.

³⁷³ *Ibid.*, p.54.

³⁷⁴ DEPARTMENT OF THE ARMY, February 2003, *op.cit.*, p.36.

³⁷⁵ *Ibid.*, p. 35.

³⁷⁶ DEPARTMENT OF THE ARMY, *The United States Army Posture Statement.*, Washington, D.C., February 2006, 26 p.

³⁷⁷ EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, 2002, *op.cit.*, p.39.

On the other hand, maintaining unneeded housing units which were about 9,000 out of 290,000 housing units “would divert funding from higher priority defense needs”³⁷⁸. The solution according to the report, was an increased reliance on private-sector housing as the primary source of housing³⁷⁹. The effort was later integrated in a larger program called the Residential Communities Initiative. By 2005, the Army had already privatized more than 50,000 housing units and would have planned for the following years to privatize other 32,000 units³⁸⁰.

We have observed through this subsection how the different Secretaries of Defense held a similar discourse during the Clinton and George W. Bush’s tenures. By representing the voice of the Department of Defense they led a significant effort to establish within the institution a corporate culture. Through these reports we understood their willingness of embracing free-market principles and to adopt the lessons of the corporate world. Their discourse is motivated by the fact that the private sector delivers services more efficiently and effectively compared to the Federal Government. In fact, they all praise through their reports the private sector’s way of doing business and criticize on the other hand the Department’s way of functioning. According to them, the DoD should learn from businesses on how to operate. Finally, if the Secretaries of Defense have employed these arguments it is because they have followed the President’s agendas and objectives in both administrations. Reinventing the Federal Government and adopting a market-based model within the executive branch would lead to the establishment of a corporate culture within the Pentagon.

Conclusion

Through this chapter we have analyzed the different arguments supported by the Clinton and George W. Bush administrations concerning the transformation of the Department of Defense. We have witnessed a remarkable continuity in the positions being held by both administrations. It is noteworthy to mention that normalizing and accepting the use of PMSCs was the result of a lengthy process that was to a great extent initiated during Clinton’s first tenure and later accelerated during the Bush Junior administration.

The first part of the discourse consisted in transforming America’s military capability. The section emphasized how the reshaping of the defense enterprise and the logistics transformation allowed to normalize and consequently consolidate the resort to PMSCs and contractors in both administrations. We explained that the Department was devoted to embrace the so-called revolution in military affairs in order to maintain its military supremacy and its status of global leader. But realizing this strategy led to a reexamination of U.S. forces and capabilities. In fact, the Pentagon needed to realign its capabilities in comprehensive ways. The strategy was to increase the so-called “tooth-to-tail” ratio by preserving the critical combat capabilities while cutting unneeded infrastructure and support functions. In order to develop a smaller logistical footprint, the

³⁷⁸ *Ibidem.*

³⁷⁹ *Ibidem.*

³⁸⁰ DEPARTMENT OF THE ARMY, *The United States Army Posture Statement.*, Washington, D.C., February 2005, 23 p.

Department called for aggressive outsourcing and privatization of support and infrastructure positions within the institution. This privatization of DoD operations was fundamental in consolidating the use of private military contractors. By putting to competition a tremendous number of logistics and support functions, the Department opened the door to a particular type of PMSC: support firms who usually provide services such as technical support, logistics and maintenance, transportation and supply. The Pentagon also examined expanding the use of contractors for infrastructure and support functions in order to release military support units. Outsourcing support activities became a priority in the agenda of both administration's Secretaries of Defense. Furthermore, we must interpret the normalization of PMSCs' use in a broader context. Exploiting the RMA and adopting Rumsfeld's "capabilities-based" model led to the reshaping of the defense enterprise. There was a compelling need of developing new skills and rebalancing the Total Force's capabilities and manpower in order to be able to address potential challenges. The result was the integration of contractors to the defense equation. This event marked a turning point in normalizing and consolidating the use of PMSCs and in integrating contractors in the U.S. war machine.

The second part of the discourse consisted in adopting an entrepreneurial approach and establishing a market-based model within the Federal Government, and in particular within the Pentagon. The section underlines how the lessons of the private sector were adopted first, within the Federal Government, and then contributed to the establishment of a corporate and business culture within the Department of Defense. Bill Clinton and George W. Bush administrations shared a common vision on how to run the Federal Government. Their main idea was to create a less expensive and performant government while at the same time reducing its size and scope. This would entail adopting methods already observed in the private sector. Outsourcing, privatizing and trimming government functions would be the ultimate tools employed by both administrations. Their government reform initiatives and policies have consequently increased the use of private companies and strengthened the relationships between the Federal Government and the business community. Adopting and adapting the lessons of the private sector within the executive branch was justified by the fact that private companies were successful in achieving their goals and objectives. Both administrations praised the private sector's way of working and functioning. This explains why we have observed a similar "worshipping discourse" between both administrations and a desire to imitate corporations' ways of doing business. In sum by adopting an entrepreneurial and managerial approach, Clinton and George W. Bush established a certain culture within the bureaucracy: one that focuses on market principles and on private sector's lessons. This cultural change in the bureaucracy also managed to penetrate the Department of Defense structure. The different Secretaries of Defense applied the same discourse to the functioning of their institution. By following their President's agendas, they managed to establish a corporate culture within the Pentagon. They equally praised the private sector's way of doing business and were also committed to apply the same methods used by the Federal Government in terms of privatization. Remarkably, the DoD was considered as the leading federal agency in using OMB Circular A-76 process and it showed its commitment of contracting out non-warfighting functions to the private sector. It is essential to understand how this whole discourse benefitted

the private military industry. The arguments supported by both administration's Presidents and Defense Secretaries gave PMSCs a certain degree of recognition. One must not forget that first and foremost PMSCs are in essence businesses and private companies. By establishing a corporate culture within the bureaucracy, by delegating to private companies governmental functions and by praising their efficiency and performance, the Federal Government significantly contributed to this normalization process. Hence, PMSCs are henceforth perceived as ordinary companies and this allows them to become politically accepted.

Finally, it is important to point out that the normalization and the acceptance of the use of PMSCs is located at the intersection of two major phenomena which consequently led to the transformation of the DoD. The Revolution in Military Affairs and the Revolution in Business Affairs permitted to normalize and consolidate the resort to PMSCs in the United States of America.

Chapter III – The Private Military and Security Industry: The Legitimization Discourse

Introduction

Past experiences in Iraq and Afghanistan have raised some serious questions concerning the use of PMSCs in theaters of war. Several companies have been involved in scandals due to their unethical behaviors on the ground. Acts such as abuse, murder, manslaughter and intimidation were constantly being reported by Iraqi authorities³⁸¹. More recently, employees of the Wagner Group, a Russian private security company close to the Kremlin, were reported of torturing and beheading a Syrian army deserter³⁸². These continuous inhuman and monstrous acts have deeply affected the industry's reputation and legitimacy. In consequence, private contractors are usually depicted by mainstream media as shady mercenaries and illegitimate actors³⁸³. But why are they still being used by the U.S. despite their unlawful conducts? This chapter provides the answers to the question. Our hypothesis suggests that private military and security companies have become accepted because they have managed to lead a significant effort to recast their mercenary image by adopting a moral and legitimate discourse. Through the following chapter we will analyze the discourse being held within the private military and security industry which aims at legitimizing the companies' status and essence. The first section of the chapter, will demonstrate how PMSCs have resorted to different arguments in order to be perceived as legitimate. This micro level analysis will focus on a database of ten American private companies. Their respective website contents and advertising campaigns will be examined in order to extract potential arguments. The second section of the chapter, will focus on the role of the IPOA/ISOA in legitimizing the industry. This macro level analysis will focus on empirical data published by the advocacy group. By analyzing the association's newsletters and journals we will identify the different strategies employed by the trade association in order to legitimize the industry. The third section of the chapter, will discuss about international normalization and acceptance. We will analyze how the international community has contributed to the legitimization process which the industry is currently undergoing. Moreover, we will examine three different countries and their relations regarding PMSCs. The cases studies retained for this study are the following ones: France, the United Kingdom and the European Union.

³⁸¹ SCAHILL, Jeremy, *op.cit.*, p.11.

³⁸² VITKINE, Benoit, "Des mercenaires russes accusés d'avoir torturé et décapité un déserteur de l'armée syrienne", *Le Monde*, Novembre 21, 2019

³⁸³ HAUER, Neil, "The Rise and Fall of a Russian Mercenary Army", *Foreign Policy*, October 6, 2019; TIOLADY-BISHOP, Lottie, "Horror Deaths Putin's shady Wagner Group mercenary army flee Mozambique after 10 are beheaded by ISIS", *The Sun*, November 25, 2019

1. Private Military and Security Companies as Legitimate Actors

1.1 Ethics, Standards and Professionalism

Private military and security companies have always taken care of promoting a clean-cut image of themselves. To gain legitimacy and acceptance they generally opt for a strategy aiming at differentiating their appearance from the unlawful and brutal mercenary. In fact, they present themselves as ethical and legitimate actors that comply with ethical codes of conducts and standards. They also gain recognition by demonstrating their professionalism. By analyzing the different websites of these companies, their respective web contents and advertising campaigns we can extract several arguments that compose their legitimization discourse.

First of all, they never identify themselves as PMCs, PSCs, PMSCs or security services providers as such. They practically never employ the terms “security”, “armed services” or “military” when introducing themselves to the public. Instead they tend to use different expressions and usually tend to favor terms that are different in nature from the ones mentioned above. For example, the company Academi, formerly known as Xe Services and Blackwater USA, presents itself as a “provider of sustainable training solutions and secure logistics management”³⁸⁴. Similarly, historical rival Triple Canopy identifies itself as a “provider of risk management services”³⁸⁵ while Virginia based company Patriot Group International (PGI), calls itself a “global mission support service provider”³⁸⁶. To another extent, the company SOC USA describes itself as a “global provider of mission solutions”³⁸⁷. We can see that despite being PMSCs, they all employ different words and terms when introducing each other to the general public. This strategy of selecting specific words and expressions when defining their identity is crucial for developing their legitimization discourse. Moreover, when defining the purpose of their missions and existence, they generally evoke the peacekeeping quest. As observed in several websites and advertising campaigns, PMSCs provide services that can contribute to the establishment of a safer world. DynCorp firm has the following motto appearing at the center of its home page: “We serve today for a better tomorrow”³⁸⁸. The latter message appears several times in different sections of the company’s website. In a letter written by Constellis’ CEO we can read that “Constellis employees bring unparalleled dedication and passion for creating a safer world”³⁸⁹. By scrolling down the letter, the latter

³⁸⁴ ACADEMI A CONSTELLIS COMPANY, “About Us”, Website academy.com, <https://www.academi.com/pages/about-us>, accessed on September 12, 2019

³⁸⁵ CONSTELLIS SECURE SUCCES, “Who We Are”, Website constellis.com, <https://constellis.com/who-we-are/overview>, accessed on September 6, 2019

³⁸⁶ PATRIOT GROUP INTERNATIONAL, “Enabling your mission success while reducing uncertainty” Website patgroupi.com, <https://patgroupi.com/expertise/global-security-risk-management/>, accessed on October 1, 2019

³⁸⁷ SOC ADAY & ZIMMERMANN COMPANY, “About SOC”, Website soc-usa.com, <https://www.soc-usa.com/about-us/about-soc>, accessed on September 13, 2019

³⁸⁸ DYNACORP INTERNATIONAL, “We Serve Today for a Better Tomorrow” Website dyn-intl.com, <https://www.dyn-intl.com/>, accessed on September 11, 2019

³⁸⁹ ACADEMI A CONSTELLIS COMPANY, “About Us”, Website academy.com, <https://www.academi.com/pages/about-us>, accessed on September 12, 2019

declares that “he is honored to work for a company that, as its core, focuses on making the world a little bit safer”³⁹⁰. To a similar extent, VxL Enterprises, a veteran-owned small business, asserts that their mission is “to save lives by providing the highest quality services available”³⁹¹. We can note that these companies are devoted to establishing and bringing peace around the planet. Their advertising campaigns overemphasize this adherence to the mission of peacekeeping. In several advertising campaigns of the now defunct Blackwater USA, we can observe how the company wanted to be perceived by its customers and hence by society, as a supporter of peace and freedom. For instance, Appendix 4 shows an advertisement with at the top a title that reads “In Support of Freedom and Democracy Everywhere”³⁹². Identically, Appendix 5 includes an ad that illustrates perfectly this willingness of sharing the peacekeeper or peace operator image. The advertisement mentions the names of different countries that have been torn by war and that have suffered crimes against humanity (Bosnia, Somalia, Afghanistan, Rwanda, Iraq). Underneath appears a small paragraph which reads as follows: “Through selfless commitment and compassion for all people, Blackwater works to make a difference in the world and provide hope to those who still live in desperate times”³⁹³. These last words are equally employed in another advertising campaign (see Appendix 6). The picture being taken from the inside of a vehicle, shows a group of children (possibly coming from a developing country) waving and smiling at the driver or passenger. On the right-side rear review mirror of the car we can see a man smiling back at the children. At the top of the picture appears the sentence “serving to make a difference”³⁹⁴. We can remark that the same words and expressions are constantly being employed by these companies. The use of a specific vocabulary and the utilization of the semantic field of peace are at the core of their legitimization strategy. Furthermore, these companies generally claim that they abide by a set of strict rules and ethical codes of conduct. They also affirm to comply with international norms and standards. In fact, every single company abides by a code of business ethics and conduct. Their websites usually contain a specific section dedicated to the company’s values and codes of ethics and conduct. These *About Us* sections enumerate the different values of a company in particular. Integrity, empowerment, dignity, teamwork, trust, respect, etc., are usually put forward on their websites. The latter tend to draw a portrait of a moral and holy company that is committed to the respect of business ethics, human rights and international standards. For example, REED International Incorporated has a whole page dedicated to the respect of ethics and human rights. Its code of business ethics and standards of conduct statement of conformance claims that:

It is, therefore, critical that companies in our industry conduct operations in a safe and responsible manner that promotes the ethical treatment of people and best-in-class operations and that we uphold the highest of standards. It is also imperative that we operate in accordance with internationally accepted

³⁹⁰ *Ibidem*.

³⁹¹ VXL, “Never Compromise” Website vxlenterprises, <http://vxlenterprises.com/>, accessed on September 11, 2019

³⁹² *IPOA Quarterly*, April 2005, 4 p.

³⁹³ *IPOA Quarterly*, October, 2005, 4 p.

³⁹⁴ *Journal of International Peace Operations* vol. 3, n° 3, November-December, 2007, 2 p.

*standards for Private Security Companies and that we abide by international and local laws and highly regard humanitarian law and human rights*³⁹⁵.

Similar statements are being held in other companies' websites and are constantly being mentioned in these *About Us* sections. Another argument that PMSCs use is the possession of specific certifications related to the industry. For example, the firm Torres argues that it is "one of a select few PSCs that possesses Audited Certifications endorsed and sanctioned by internationally recognized bodies"³⁹⁶. These certifications include the American National Standards Institute (ANSI) and the International Standards Organizations (ISO).

Nonetheless, one of the main arguments being employed by PMSCs is the "expertise" argument. Private contractors do not hesitate to put forward their professionalism through their websites and advertising campaigns in order to attract customers and to gain legitimacy. Firstly, most of these private companies affirm that they serve customers and operate everywhere across the globe. The Constellis Group, the parent company of Academi and Triple Canopy asserts that it "operates globally across the Americas, Africa, Asia, Europe and the Middle East"³⁹⁷. In parallel, Day & Zimmermann's subsidiary SOC USA claims that it operates in "more than 150 worldwide locations"³⁹⁸. Secondly, these companies usually highlight their professional records and outstanding performances. Constellis' website mentions that the company does not only have decades of operational experience on the field but also has a "strong track-record of performance supported by deep relationships across key government agencies and blue-chip commercial customers"³⁹⁹. What is interesting to point out, is that at the bottom of their *Who We Are* website section, appears a message from former Secretary of State John F. Kerry praising the company's performance, courage and professionalism⁴⁰⁰. Similarly, KBR argues that governments partner with the company because of their "proven record for delivering leading-edge solutions on time and on budget"⁴⁰¹. In another way, SOC USA exhibits its professionalism through the zero-loss argument. The firm holds that the company "has achieved zero loss of client life on all contracts, for all customers, in all locations globally"⁴⁰². As an illustration, we can take a look at Appendix 7 which shows how a company's advertisement puts emphasis on its professional aspect. This Triple Canopy ad presents the different services provided by the company (convoy security, PSDs, security planning, advisory and training). At the center of the ad appears a list of the company's values. Adjectives such as "accountable, ethical, disciplined, reliable, dedicated and professional" can be read on the advertisement. On the bottom of the

³⁹⁵ REED, "About Us" Website reedinc.com, <http://www.reedinc.com/about-us/conformance/>, accessed on October 25, 2019

³⁹⁶ TORRES ADVANCED ENTREPRISE SOLUTIONS, "About Us" Website torresco.com, <https://www.torresco.com/about-us/>, accessed on October 3, 2019

³⁹⁷ CONSTELLIS SECURE SUCCES, "Serving Customers across the Globe", Website constellis.com, <https://constellis.com/>, accessed on September 6, 2019

³⁹⁸ SOC ADAY & ZIMMERMANN COMPANY, "About SOC", Website soc-usa.com, <https://www.soc-usa.com/about-us/about-soc>, accessed on September 13, 2019

³⁹⁹ CONSTELLIS SECURE SUCCES, "Who We Are", Website constellis.com, <https://constellis.com/who-we-are/overview>, accessed on September 6, 2019

⁴⁰⁰ *Ibidem*.

⁴⁰¹ KBR, "Aerospace & Defense", Website kbr.com, <https://www.kbr.com/en/markets/aerospace-defense>, accessed on October 4, 2019

⁴⁰² SOC ADAY & ZIMMERMANN COMPANY, "Current and Past Performance", Website soc-usa.com, <https://www.soc-usa.com/core-services/current-and-past-performance>, accessed on September 13, 2019

advertisement campaign appears the following quote: “as our customer, you can rest assured that the security of your people, infrastructure and assets are safeguarded by the very best”⁴⁰³. It is noteworthy to point out that PMSCs resort to these kind of advertising campaigns in order to attract potential clients. Thirdly, their professionalism is generally embodied through the quality of their leadership and personnel. The latter usually come from the most talented and well reputed parts of the military, but also from different branches of the U.S. Federal Government. As a matter of fact, Academi’s instructors include U.S. Navy SEALs, U.S. Marine Corps, U.S. Army Special Forces, U.S. Army Rangers, SWAT Teams, and Canadian Special Forces⁴⁰⁴. The company clearly asserts that they are “carefully chosen professionals”⁴⁰⁵. By the same token, the Constellis Group affirms that their team of professionally trained, protective security specialists are “led by former senior government officials with preeminently military, law enforcement and special operations backgrounds”⁴⁰⁶. PGI’s CEO Greg Craddock served as an Anti-terrorism Force Protection consultant to the U.S. government, worked in the intelligence community and was a Ranger and Special Forces soldier during his time with the U.S. Army⁴⁰⁷. On the other hand, PGI’s Senior Vice President Michell Quinn, previously served at VxL Enterprises but also worked at the White House Office of Management and Budget⁴⁰⁸. Similarly, SAIC executives have served in the U.S. Army, Navy and Air Force⁴⁰⁹. The list could continue but what we can draw from these facts is the companies’ willingness to manifest their professionalism through the quality and diversity of their personnel and leadership. On the other hand, some companies focus more on the appropriate selection methods of their personnel. REED International maintains that it pays attention to the selection of suitable qualified personnel “through effective recruiting, vetting and screening processes in compliance with applicable laws and host country regulations”⁴¹⁰.

In sum, we can note that PMSCs employ different arguments in order to be perceived as legitimate actors. One of their main arguments is that by complying with business ethics and international standards they can gain recognition and acceptance. Moreover, their commitment to creating and establishing a safer world allows them to be recognized as legitimate actors. Finally, the “professional and expert” arguments give them a high degree of legitimacy and recognition. Coming from the most elite units of the U.S. military is synonym of acceptance by the military community. They are hence being respected and trusted by their customers and the general public. The following section will bring to light the other main arguments composing this legitimization discourse.

⁴⁰³ *IPOA Quarterly*, July 2005, 4 p.

⁴⁰⁴ ACADEMI A CONSTELLIS COMPANY, “Instructors”, Website [academi.com](https://www.academi.com/pages/training/instructors), <https://www.academi.com/pages/training/instructors>, accessed on September 12, 2019

⁴⁰⁵ *Ibidem*.

⁴⁰⁶ CONSTELLIS SECURE SUCCES, “Sectors”, Website [constellis.com](https://constellis.com/sectors/government), <https://constellis.com/sectors/government>, accessed on September 6, 2019

⁴⁰⁷ LINKEDIN, “Greg Craddock”, Website [LinkedIn.com](https://www.linkedin.com/in/greg-craddock-33969427/), <https://www.linkedin.com/in/greg-craddock-33969427/>, accessed on September 27, 2019

⁴⁰⁸ PATRIOT GROUP INTERNATIONAL, “Leadership Team” Website [patgroupi.com](https://patgroupi.com/about/leadership-team/), <https://patgroupi.com/about/leadership-team/>, accessed on October 1, 2019

⁴⁰⁹ SAIC, “Leadership” Website [saic.com](https://www.saic.com/who-we-are/about-saic/leadership), <https://www.saic.com/who-we-are/about-saic/leadership>, accessed on October 3, 2019

⁴¹⁰ REED, “About Us” Website [reedinc.com](http://www.reedinc.com/about-us/conformance/), <http://www.reedinc.com/about-us/conformance/>, accessed on October 25, 2019

1.2. Legitimate Customers and Valuable Affiliations

History has shown that private military companies have also worked for illegitimate actors such as rebel groups, drug cartels, and terrorist organizations. Peter Warren Singer, a prominent author of the private military industry claims that “private firms have reportedly worked for rebels in both Senegal and Namibia as well as in Angola, providing military training to antigovernment dissidents”⁴¹¹. Similarly, Colombian and Mexican drug cartels have received military assistance by Spearhead Limited, an Israeli private military company⁴¹². These facts have consequently raised serious questions concerning the loyalty and legitimacy of PMSCs. By providing services to illegitimate international actors, these “rogue firms”⁴¹³ as Singer calls them, contributed to the development of a widespread vilification of the industry and consolidated their disgraceful mercenary image. To distinguish themselves from “rogue firms”, PMSCs have developed various arguments that positively contributed to the consolidation of a legitimate discourse.

The first argument employed by these PMSCs is that they serve and work only for internationally recognized governments and legitimate actors. The different websites provide us some interesting information concerning the identity of these customers. Some companies are loyal to the American government and only provide services to U.S. Federal agencies. The firm SAIC essentially provides services to the Department of Defense and to its three subordinate military departments but is also keen to work with other Federal Civilian Agencies⁴¹⁴. Other companies such as Torres Advanced Enterprise Solutions serve not only internationally recognized governments, but also humanitarian and human rights organizations. Torres’ website provides an extensive list of all the foreign governments it has worked for. Concerning the humanitarian and human rights organizations, the company has provided services to associations and organizations such as the Peace Corps, Catholic Relief Services, the International Organization for Peace, the UN, the Red Cross and Red Crescent and USAID⁴¹⁵. Interestingly, providing services to these humanitarian organizations would consolidate the perception that they can contribute to the development of a safer and peaceful world. Moreover, Torres has provided services to corporate giants such as Shell, Cargill, Pepsi, Citibank and Nike⁴¹⁶. Similarly, SOC USA claims that it equally provides services to Fortune 500 companies and NGOs⁴¹⁷. On the other hand, DynCorp’s website offers another type of approach when mentioning the identity of its customers. On its *Who We Serve* webpage, the company claims that it only provides services to:

- *Those Who Defend Freedom and Global Security*
- *Those Who Restore Peace and Stability*

⁴¹¹ SINGER, Peter W., *op.cit.*, p.11.

⁴¹² *Ibid.*, p.220.

⁴¹³ *Ibidem.*

⁴¹⁴ SAIC, “Defense” Website saic.com, <https://www.saic.com/who-we-serve/defense>, accessed on October 3, 2019

⁴¹⁵ TORRES ADVANCED ENTREPRISE SOLUTIONS, “About Us” Website torresco.com, <https://www.torresco.com/about-us/>, accessed on October 3, 2019

⁴¹⁶ *Ibidem.*

⁴¹⁷ SOC ADAY & ZIMMERMANN COMPANY, “About SOC”, Website soc-usa.com, <https://www.soc-usa.com/about-us/about-soc>, accessed on September 13, 2019

- *Those Who Secure and Grow Communities*
- *Those Who Make the World a Better Place*⁴¹⁸.

This would entail that DynCorp International only provides services to ethical and legitimate customers that look to enhance peace and security around the world. Once again, we see this willingness of contributing to peace and to making the world a safer and better place. Contrarily to “rogue firms”, DynCorp is motivated by other objectives and intentions and is determined to serve only a just and lawful cause. In sum, serving recognized governments and legitimate non-state actors seems to be an unquestioned priority for these PMSCs.

The second argument which is put forward by these PMSCs is their participation and membership to certain types of associations and organizations. First of all, we can observe that a series of PMSCs are deeply committed to reintegrating veterans into society. For instance, private firm Academi is affiliated with the 100,000 Jobs Mission (renamed as the Veteran Jobs Mission) which is considered as “a coalition of 11 leading companies committed to hiring 100,000 veterans by 2020”⁴¹⁹. The Constellis subsidiary is also affiliated to a small veteran organization of volunteers called HAVA which stands for “Honored American Veterans Afield”. The latter was conceived and organized to “aid disabled soldiers as they transition to their lives back in the United States”⁴²⁰. To a similar extent, DynCorp International is considered as one of the nation’s top veteran friendly employers⁴²¹. The company claims that it continues to partner with U.S. Military Transition Offices around the world and that it also participates to commercial employment events geared toward assisting transitioning veterans”⁴²². In addition, SOC USA shows its dedication to enhance the participation of veterans in the company’s growth and success by creating a so-called Veterans Employee Resource Group within its organization⁴²³. Reintegrating veterans into society by hiring them in their respective organizations can indeed contribute to the development of a legitimate status. By pursuing a moral and just cause, in this case the reintegration of veterans into society, they can gain legitimacy and approval by the American society. Because U.S. citizens and in particular the American military community usually embrace patriotism, PMSCs do not hesitate to put forward their patriotism through their websites. The example of VxL Enterprises is blatant: the company’s website has a whole media section dedicated to U.S. fallen soldiers. The videos put emphasis on WWII scenes such as the U.S. flag being raised on Iwo Jima and on American symbols such as the Statue of Liberty and the bald eagle⁴²⁴. In the second place, when navigating on the different affiliations and partnerships sections of their websites, we can note that these PMSCs are usually affiliated with two particular associations:

⁴¹⁸ DYNACORP INTERNATIONAL, “Who We Serve” Website dyn-intl.com, <https://www.dyn-intl.com/about-di/who-we-serve/>, accessed on September 11, 2019

⁴¹⁹ VETERAN JOBS MISSION, “About the Mission”, Website veteranjobsmission.com, <https://www.veteranjobsmission.com/about-the-mission>, accessed on September 29, 2019

⁴²⁰ HAVA, “About HAVA: The Beginning” Website honoredveterans.org, <https://www.honoredveterans.org/about-hava/>, accessed on September 29, 2019

⁴²¹ DYNACORP INTERNATIONAL, “About DI: Commitment to Veterans” Website dyn-intl.com, <https://www.dyn-intl.com/about-di/commitment-to-veterans/>, accessed on September 11, 2019

⁴²² *Ibidem*.

⁴²³ SOC ADAY & ZIMMERMANN COMPANY, “Guidance for Veterans”, Website soc-usa.com, <https://www.soc-usa.com/careers/guidance-for-veterans>, accessed on September 14, 2019

⁴²⁴ VXL, “Never Forget” Website vxlenterprises, <http://vxlenterprises.com/never-forget/>, accessed on September 14, 2019

the ISOA and the ICoCA. The former acronym, stands for International Stability Operations Association while the latter stands for International Code of Conduct Association. For the purpose of this study, both associations will be analyzed in details in the next sections of the chapter. To begin with, the ISOA advocates on behalf of the private military industry and boasts a code of conduct which “seeks to establish consistent ethical standards for members operating in complex environments”⁴²⁵. According to the association, signatories are pledged to respect a long series of principles such as “human rights; transparency; accountability; ethics; personnel rights; rules for the use of force; support of international organizations and NGOs; etc.”⁴²⁶. Additionally, the association claims that “members and signatories have to respect all international humanitarian and human rights laws and conventions”⁴²⁷. What is notable is that this association wants to be perceived as serving a legitimate and just cause. According to the association, the ISOA Code of Conduct reflects its belief that high standards will “both benefit the industry and serve the greater causes of peace, development, and human security”⁴²⁸. From the database of companies selected, nine out of ten are members of this association. By adhering to the ISOA, PMSCs show their willingness and their commitment of contributing to the causes of peace and development. They also show that their industry is regulated by a strict code of conduct which puts emphasis on the respect of human rights and ethics. This explains why we constantly observe on their websites a deep commitment to comply with standards and a devotion to integrate within the company an ethical and moral behavior. Furthermore, being a member of the International Code of Conduct Association provides as well a certain degree of legitimacy for these companies. This non-profit association “promotes, governs and oversees the implementation of the International Code of Conduct”⁴²⁹. The association equally promotes “the responsible provision of security services and respect for human rights and national and international law in accordance with the Code”⁴³⁰. By taking a look at the Code, signatory companies are required to adopt a general conduct which should respect human rights and other standards. Moreover, the ICoCA provides certifications to PMSCs in order to raise standards for the industry and to help companies win businesses⁴³¹. By obtaining an ICoCA certification, a company demonstrates its “real commitment to the provision of responsible security that respects human rights and humanitarian law”⁴³². Consequently, they are able to become legitimate actors in the eyes of their customers and can comfortably win contracts during their bidding processes. But in order to become a member of the association PMSCs need to be certified. PMSCs usually claim that they possess particular certifications such as the ANSI/ASIS PSC.1-2012 which is a U.S. quality management standard for PSCs⁴³³. Other companies refer to the ISO 9001 which is also considered as an

⁴²⁵ ISOA, “Our Work”, Website [stability-operations.org](https://stability-operations.org/page/work), <https://stability-operations.org/page/work>, accessed on October 20, 2019

⁴²⁶ *Ibidem*.

⁴²⁷ *Ibidem*.

⁴²⁸ *Ibidem*.

⁴²⁹ ICoCA, “The Association” Website [icoca.ch](https://icoca.ch/en/association), <https://icoca.ch/en/association>, accessed on October 20, 2019

⁴³⁰ *Ibidem*.

⁴³¹ ICoCA, “Certification” Website [icoca.ch](https://icoca.ch/en/certification), <https://icoca.ch/en/certification>, accessed on October 21, 2019

⁴³² *Ibidem*.

⁴³³ ASIS INTERNATIONAL, “About Certification”, Website [asisonline.org](https://www.asisonline.org/certification/asis-board-certifications2/), <https://www.asisonline.org/certification/asis-board-certifications2/>, accessed on November 3, 2019

international quality standard for private companies. On the other hand, what is interesting to underline, is the fact that civil society organizations are also members of the association. NGOs such as Human Rights First or Human Rights Watch are prominent members of the ICoCA. Last but not least, other valuable affiliations are mentioned on the companies' websites. The NDIA (National Defense Industrial Association) logo appears several times on Constellis' subsidiaries. The former, defines itself as "an educational nonprofit organization that drives strategic dialogue in national security by identifying key issues and leveraging the knowledge and experience of its military, government, industry, and academic members to address them"⁴³⁴.

In conclusion, PMSCs have managed to provide a series of significant arguments that consequently contributed to the consolidation of their legitimate status. When we employ the term "legitimate" it is essential to point out that it is generally used in a broader sense. PMSCs distinguish themselves from what specialists of the private military industry call "rogue firms". As opposed to the latter, they only serve legitimate customers such as internationally recognized governments but also humanitarian organizations and human rights associations. Other companies have claimed that they serve only ethical and legitimate customers that look to enhance peace and security around the world. We have also seen that PMSCs provide as well services to transnational corporations. Moreover, some companies are deeply committed to the veteran cause. They partner with veteran-friendly associations and are pledged to reintegrate former U.S. soldiers within their structures, and hence society. By contributing to this cause and showing their heartfelt patriotism, PMSCs can acquire a high degree of legitimacy and acceptance within the American society. Other valuable affiliations that deserve to be mentioned are the different memberships with associations such as the ISOA and ICoCA. Both associations provide a code of conduct that needs to be implemented and respected by its members. By becoming a member of these associations, PMSCs are then bound to protect human rights and respect international humanitarian law principles. Being part of these associations allows them to gain a certain degree of acceptance and legitimacy because they are perceived as adopting a moral and ethical behavior.

2. The ISOA: Legitimizing the Peace and Stability Industry

2.1 Recasting the Mercenary Label

The ISOA, formerly known as the International Peace Operations Association (IPOA), has played a prominent role in legitimizing the private military and security industry. Initially, this trade association defined itself as the "world's only advocacy organization for private sector service companies engaged in international peace and stability operations"⁴³⁵. Its former president, Doug Brooks, led a significant effort to recast the

⁴³⁴ NDIA, "About", Website [ndia.org](https://www.ndia.org/about), <https://www.ndia.org/about>, accessed on November 3, 2019

⁴³⁵ MASON, Garrett, "Join IPOA Today", *IPOA Quarterly*, n° 1, October 5, 2004, 5 p.

mercenary label which was constantly associated with PMSCs. By analyzing a set of IPOA's and ISOA's publications, in particular the *IPOA Quarterly* newsletter and the succeeding bi-monthly *Journal of International Peace Operations*, we will explore the different arguments being held by its president and by the association itself. Other materials will be also taken in consideration. In order to understand how the President's voice allowed to legitimize the industry, we will need to particularly focus on linguistics and on a comprehensive discourse analysis.

First and foremost, it is essential to point out the different terms composing the name of the association itself. If we take the former and current names of the association, we can identify the following relevant nouns: stability; peace; operations. Neither "military" nor "security" appear in the name of the association. Instead the association and its members prefer to be identified as the "peace and stability industry"⁴³⁶. This is in particular supported by the fact that the association can contribute to peacekeeping operations and hence to a moral and ethical cause. In fact, the association claims that the private sector can "enhance the synergies of NGOs, governments, and humanitarian organizations to better address conflicts and more effectively foster peace and stability in the world's pockets of chaos and violence"⁴³⁷. IPOA's Director of Operations Garrett Mason, states that the use of private sector companies in peace and stability operations is critical⁴³⁸. The latter illustrates his argument by saying that private sector companies have provided vital services to ECOWAS and AU troops during the conflicts in Liberia in 2003 and in the Darfur region of Sudan⁴³⁹. To put it simply, "without the private sector, peace operations might simply not functional at all" affirms the former IPOA executive⁴⁴⁰. President of the IPOA Doug Brooks also shares this point of view. The latter asserts that the future of peacekeeping operations would depend on the international community's willingness and ability to "effectively take advantage of the private sector's capabilities"⁴⁴¹. Interestingly, the founder of the peace and stability industry was inspired in the first place by the UN's weakness to provide effective peacekeeping operations⁴⁴². Brooks thought that the private sector could bring an "astonishing value" to peace operations and to the support of large international missions⁴⁴³. Furthermore, the president of the association argues that private contractors can play a significant role in the security sector reform (SSR). Outsourcing SSR programming to the private sector can bring down the costs by assembling teams of skilled consultants⁴⁴⁴. He also adds that the SSR is "soon going to become the fastest growing specialty of the peace and stability industry"⁴⁴⁵. What is striking is that compared to the traditional typologies and categorizations that we can

⁴³⁶ BROOKS, Doug, "Message from the President: The Growth and Maturation of Private Security", *IPOA Quarterly*, October, 2005, 1 p.

⁴³⁷ BROOKS, Doug, "Message from the President", *IPOA Quarterly*, n° 1, October 5, 2004, 1 p.

⁴³⁸ *Ibidem*.

⁴³⁹ *Ibidem*.

⁴⁴⁰ *Ibid.*, p.7.

⁴⁴¹ BROOKS, Doug, "Message from the President: Protecting People Through Technology", *IPOA Quarterly*, July, 2005, 2 p.

⁴⁴² BROOKS, Doug, "Valuing the Contribution of the Private Sector: Assisting International Missions from Sierra Leone to Afghanistan and Beyond", *Journal of International Peace Operations*, vol. 2, n° 3, November-December, 2006, 4 p.

⁴⁴³ *Ibidem*.

⁴⁴⁴ SCHEYE, Eric, PEAKE, Gordon, MANCINI, Francesco, "Security Sector Reform and the Role of Private Contractors", *IPOA Quarterly*, July 2005, 1 p.

⁴⁴⁵ BROOKS, Doug, July 2005, *op.cit.*, 2 p.

find in the literature of the private military industry, the ISOA breaks the industry in four general categories. Military consulting firms are indeed referred as “Security Sector Reform and Development Organizations” by the peace and stability industry⁴⁴⁶. We can detect here a clear distinction with the private military industry literature and a willingness to employ specific terms coming from the realm of peacekeeping. Unsurprisingly, the ISOA employs the same narrative as its member companies. The quest for peace and stability seems to be an integral part of the association’s identity.

Despite the fact that the IPOA/ ISOA can significantly contribute to peacekeeping operations and to a moral cause, mainstream medias have constantly targeted private contractors. The association states that media reports perceive PMCs as operating in a legal vacuum and that journalists tend to label them as mercenary forces by attaching “blanket negative connotation to the services they offer”⁴⁴⁷. In fact, by taking a look at newspapers articles dating from the period of the occupation of Iraq, we constantly observe the same negative terms: “trigger-happy bodyguards, soldiers of fortune, gun-toting mercenaries, hired guns, etc.”⁴⁴⁸. According to the association, “a new mercenary category has been unveiled to the general public by the media on three occasions” since PMCs started to proliferate in the 90s⁴⁴⁹. The first wave, from 1993 to 1995, took place when South African firm Executive Outcomes engaged in actual combat operations in Angola. Because media reports were describing these activities as being “mercenary”, the IPOA asserts that it gave rise to the branding of PMCs as new mercenaries⁴⁵⁰. From 1996 to 1998, the new mercenary category was reintroduced to the public when British firm Sandline provided services to the Sierra Leone government and hence broke the UN embargo⁴⁵¹. Similarly, MPRI made the headlines when it was reported that it had altered the course of the war in the Balkans. The third wave, occurred when PMCs actively participated in the reconstruction of Iraq. Due to several unfortunate incidents PMCs were depicted as “unscrupulous mercenary forces operating beyond the law”⁴⁵². Moreover, the IPOA argues that because of these unfortunate events in Iraq, there are “enormous misperceptions and journalists exaggerations perpetuated about the peace and stability industry”⁴⁵³. Doug Brooks, affirms that words such as “murky” and “secretive” are constantly being used to describe the industry⁴⁵⁴. According to him, these critics and common misconceptions of the peace and stability industry are based “on emotional assumptions rather than logical thought”⁴⁵⁵. The derogatory word “mercenary”, is

⁴⁴⁶ BROOKS, Doug, *CWI Summit: The Afghanistan Summit*, Dubai UAE, June 12, 2012

⁴⁴⁷ ORTIZ, Carlos, “PMC Regulation: A Legal Vacuum?”, *IPOA Quarterly*, April 2005, 3 p.

⁴⁴⁸ EDITORIAL, “The folly of using mercenaries in Iraq”, *The New York Times*, November 5, 2007; GLANZ, James, “The World: Modern Mercenaries on the Iraqi Frontier”, *The New York Times*, April 4, 2004

⁴⁴⁹ ORTIZ, Carlos, *op.cit.*, p.3.

⁴⁵⁰ *Ibidem.*

⁴⁵¹ *Ibidem.*

⁴⁵² *Ibidem.*

⁴⁵³ BROOKS, Doug, “A New Congress Facing Old Challenges. Accountability in the Peace and Stability Industry Continues to be Critically Important”, *Journal of International Peace Operations*, vol. 2, n°4, January-February, 2007, 4p.

⁴⁵⁴ GRACIELLY, Ylana, “Murkiness. Secretiveness. Impunity: The Industry Faces an Onslaught of Inaccurate Descriptors”, *Journal of International Peace Operations*, vol. 3, n° 3, November-December, 2007, 28 p.

⁴⁵⁵ BROOKS, Doug, “In Search of Adequate Legal and Regulatory Frameworks. IPOA Seeks Robust and Reasonable Accountability and Oversight Mechanisms Worldwide”, *Journal of International Peace Operations*, vol.2, n° 5, March-April, 2007, 4p.

used by the media and in particular by journalists “to get their articles published”⁴⁵⁶. The president of the association describes these criticisms and denunciations as an “unmerited bias”⁴⁵⁷. The latter carries on with saying that the media “tends not to be interested in the good that the industry brings to the pursuit of peace worldwide”⁴⁵⁸. As the companies mentioned earlier, the association claims that it serves an ethical cause which is based on the quest for peace and the establishment of a better world. To counter the media’s arguments, he uses different explanations and justifications. Firstly, he argues that private contractors are held to high standards and have strong incentives to respect human rights and ethics⁴⁵⁹. Because their companies are part of trade associations supporting moral causes and endorsing human rights, their depiction as mercenaries and immoral individuals is wrongful. Secondly, he utters that most firms in the peace and stability industry are comprised of former military personnel and of special law enforcement units “who bring along their military-taught ethics when they join the civilian and private sector”⁴⁶⁰. This would entail that private contractors are well disciplined and educated individuals as opposed to gunslinging mercenaries. Thirdly, he recognizes that the respect of human rights by private contractors in peace and stability operations “is far superior to that of national militaries and international peacekeepers”⁴⁶¹. Fourthly, because private companies use far fewer personnel than the military it allows them to select and vet high quality and professional individuals⁴⁶². Fifthly, the president of the association maintains that employees are “overseen not just by their companies who are motivated by contractual stipulation, but also by company clients”⁴⁶³. This double supervision would contribute to a quality oversight of their activities. Lastly, the president of the association wants to make clear that the bottom line and the essence of the industry “is lives and not money”⁴⁶⁴. Compared to traditional free-lance mercenaries that are lured by financial gains and profit, the peace and stability industry is about saving lives and contributing to peace operations. As a matter of fact, when we take a look at the definition of the word “mercenary” in a dictionary, we usually spot the following terms: reward, profit, gain, pay⁴⁶⁵. Originally, the term mercenary comes from Latin *mercenarius* – the word *merces* meaning ‘reward’. In order to illustrate his argument, the IPOA inserted a survey in one of its publications demonstrating that the motivation for seeking employment in the private security sector wasn’t about financial gain and profit. The survey was based on a sample of 223 respondents. All participants were U.S. citizens and had a law enforcement background.

⁴⁵⁶ McFATE, Sean. “The Modern Mercenary: Private Armies and What They Mean for World Order.” *Review of Prism*, vol. 5, n°3, 2015, pp. 185-190.

⁴⁵⁷ BROOKS, Doug, 2000, *loc.cit.*, p.135.

⁴⁵⁸ GRACIELLY, Ylana, 2007, *op.cit.*, p.28

⁴⁵⁹ BROOKS, Doug, “President’s Message”, *IPOA Quarterly*, April, 2006, 2 p.

⁴⁶⁰ *Ibidem*.

⁴⁶¹ *Ibidem*.

⁴⁶² *Ibidem*.

⁴⁶³ *Ibidem*.

⁴⁶⁴ BROOKS, Doug, “Message from the President”, *IPOA Quarterly*, October, 2005, 2 p.

⁴⁶⁵ OXFORD LEARNER’S DICTIONARY, « mercenary », Website [oxfordlearnersdictionaries.com](https://www.oxfordlearnersdictionaries.com/definition/english/mercenary_1?q=mercenary), https://www.oxfordlearnersdictionaries.com/definition/english/mercenary_1?q=mercenary, accessed on December 4, 2019; CAMBRIDGE DICTIONARY, “Mercenary”, Website [dictionarycambridge.org](https://dictionary.cambridge.org/dictionary/english/mercenary), <https://dictionary.cambridge.org/dictionary/english/mercenary>, accessed on December 4, 2019; LAROUSSE, “mercenaire”, Website [larousse.fr](https://www.larousse.fr/dictionnaires/francais/mercenaire/50576?q=mercenaire#50464), <https://www.larousse.fr/dictionnaires/francais/mercenaire/50576?q=mercenaire#50464>, accessed on December 4, 2019

Figure 3.1 in Appendix 8 shows the results of the survey and the motivations for working as a private security contractor. The results obtained provide indeed a very different picture from the one portrayed by the media⁴⁶⁶. We can observe that only one fourth of the respondents are motivated by profit and fewer than one fifth listed the “adventure and excitement” criteria as very important. In return, 74,9 % of the respondents answered that “facing and meeting new challenges” was their major motivation. Moreover, 64,6 % of the participants were highly motivated “to help others”. Contrarily to free-lance mercenaries which are traditionally attracted by financial gain and lured by the desire of adventure, private contractors are motivated by a moral cause. In sum, President Brooks of the IPOA holds that the peace and stability industry must be seen “as a resource rather than a threat”⁴⁶⁷.

In order to remove themselves as far as possible from the mercenary label, the ISOA has also developed a linguistic strategy to distinguish itself from mercenaries and from their related pejorative terms. In the first place, the IPOA has tried to settle a definite terminology concerning its industry and its members. As we have seen, the association and its fellow members have opted for the “peace and stability” appellation. This clearly removes any controversial thoughts and misinterpretations regarding the nature of the industry. Doug Brooks has continually tried to remove the mercenary label attached to the industry. During a meeting with the UN Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-Determination, IPOA’s president showed his resentment and disapproval towards the “mercenary” term being employed by the United Nations’ Special Group. The latter expressed that the title of the group was “obsolete and derogatory” and the ‘mercenary’ term “inadequate and ill-defined”⁴⁶⁸. He equally added that the real meaning of the term mercenary was “foreigners and businesspeople we don’t like”⁴⁶⁹. Because the industry could contribute to peace and stability operations and is extremely keen to work with the Working Group in the future, the name of the Group “will have to be updated” says Doug Brooks⁴⁷⁰. A suggested change in the name of the UN Working Group would allow to represent more accurately the nature and activities of the industry and consequently enable a certain level of constructive interaction between IPOA and the UN Special Group⁴⁷¹. It is important to recall that the UN Working Group on Mercenaries does not only monitor mercenaries and mercenary-related activities, but also monitors PMSCs as its primary duty⁴⁷². This would entail that PMSCs are tarred with the same brush and hence considered as illegitimate actors. In a second meeting with the UN Group in 2008, the association suggested to replace the

⁴⁶⁶ VOLKER, Franke, “Service Versus Profit”, *Journal of International Peace Operations*, vol. 7, n°21, July 2011, 28-29 p.

⁴⁶⁷ BROOKS, Doug, April 2006, *op.cit.*, 2 p.

⁴⁶⁸ BROOKS, Doug, March-April 2007, *op.cit.*, p.4

⁴⁶⁹ *Ibidem*.

⁴⁷⁰ *Ibidem*.

⁴⁷¹ MANTCHEVA, Denitza, “IPOA Testifies Before UN Working Group on Mercenaries. President Doug Brooks Presents Industry Perspective to Working Group Meeting in Geneva”, *Journal of International Peace Operations*, vol. 2, n°5, March-April, 2007, 7p.

⁴⁷² UNITED NATIONS HUMAN RIGHT, “Working Group on the use of mercenaries and impeding the exercise of the rights of peoples to self-determination”, Website ohchr.org, <https://www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/WGMercenariesIndex.aspx>, accessed on December 12, 2019

offensive name of the Working Group with the “Working Group on Contingency Contractors”⁴⁷³. During the second meeting, IPOA emphasized that the industry was working regularly with human rights organizations and that it played a critical role in peace and stability operations. Consequently, applying this derogatory and outdated name to the industry would “alienate the very companies it hopes to influence”⁴⁷⁴. Furthermore, IPOA has also expressed dissatisfaction with the terminology of Private Military and Security Companies. The association argues that it blurs the critical legal partition between civilians and military⁴⁷⁵. President of IPOA asserts that the “industry is not military and that it employs only civilians”⁴⁷⁶. The fashionable term ‘PMSCs’ is according to Brooks “inherently faulty and deceptive as only a small percentage of the industry (approximately 5 %) is devoted to armed security”⁴⁷⁷. He defends his argument by claiming that for the contractors providing security services, labeling them as ‘military’ “inaccurately implies that they have the same role as militaries”⁴⁷⁸. Because there is generally disagreement between terminologies when mentioning private contractors, IPOA has decided to adopt and embrace the term “contingency contractor” which was developed by the U.S. Department of Defense. President Brooks underlines that the term in question is indeed “neutral, accurate and descriptive”⁴⁷⁹. Finally, as observed earlier, the top executive of the association categorizes the industry in four types of companies: Logistics and Support Organizations; Private Security Companies; Security Sector Reform and Development Organizations; and Industry Support Companies. Because the “PMSC” terminology does not cover the whole range of services that the industry provides, the term “Stability Operations Industry” is more apt proclaims Brooks⁴⁸⁰.

This subsection illustrated how the ISOA, formerly known as IPOA, has led a significant effort to recast the mercenary label which was constantly being associated to the industry’s identity and members. The trade association founded and headed during several years by Doug Brooks, played a prominent role in legitimizing the private military and security industry. The latter put forward a series of arguments to distinguish the peace and stability industry from the traditional illegitimate free-lance mercenaries. Contrarily to the media’s fallacious arguments and false assumptions, the peace and stability industry serves a moral and legitimate cause. Private contractors are consequently portrayed as peace operators by the IPOA. In order to remove the mercenary label from private sector companies, the association established a linguistic strategy by carefully employing specific terminologies. Its president didn’t hesitate to show its disapproval concerning the terms being employed by the UN Work Group on Mercenaries and invited several times the group to update

⁴⁷³ BROOKS, Doug, “UN Group Meets in Panama. Working Group Continues to Grapple with Key Issues”, *Journal of International Peace Operations*, vol.3, n° 4, January-February, 2008, 21 p.

⁴⁷⁴ *Ibidem*.

⁴⁷⁵ BROOKS, Doug, “The Swiss Show Some Initiative. Bringing Clarity to International Legal and Regulatory Frameworks”, *Journal of International Peace Operations*, vol. 3, n° 3, May-June, 2008, 4 p.

⁴⁷⁶ *Ibidem*.

⁴⁷⁷ BROOKS, Doug, STRENG, Hanna, “The Stability Operations Industry: The Shared Responsibility of Compliance and Ethics”, *Criminal Justice Ethic*, vol. 31, n° 3, 2012, pp. 302-318.

⁴⁷⁸ *Ibid.*, p.305.

⁴⁷⁹ BROOKS, Doug, “Are Contractors Military? Terminology Matters, Especially in International Regulations and Law”, *Journal of International Peace Operations*, vol. 5, n° 5, March-April, 2010, 4 p.

⁴⁸⁰ BROOKS, Doug, STRENG, Hanna, *loc.cit.*, p.305.

its name. By developing a specific language, the stability and peace industry can hope to gain more legitimacy in the eyes of society.

2.2. Setting a Rational Regulatory Framework

Before founding the International Stability Operations Association, Doug Brooks was only a specialist in African security issues and an academic fellow and research associate at the South African Institute of International Affairs of Johannesburg⁴⁸¹. Before launching and leading the association, the American academic had extensively written on the regulation of the peace and stability industry and on the potential benefits that private sector companies could bring in peacekeeping and humanitarian operations⁴⁸². What he didn't know was that one day he would run the world's leading private sector association that would change the status and the identity of private military and security companies operating in conflict and post-conflict environments.

While coming back from a shocking experience in a very unstable and chaotic Sierra Leone where two private firms had played a prominent role in trying to stabilize the country, Doug Brooks decided to launch the initiative of creating the IPOA⁴⁸³. While in Africa, the latter collaborated with a variety of actors such as NGOs, humanitarian organizations and international lawyers to “codify some basic principles on how the private sector could be ethically used and what sort of transparency and accountability should be required of private firms engaged in humanitarian and peace operations worldwide”⁴⁸⁴. These principles would be later embodied in the association's founding document and even in the companies' respective codes of conduct. Crafted in April 2001, the IPOA (and future ISOA) Code of Conduct would become the “heart of the association” according to Brooks himself, and would be considered as a “roadmap for the industry on how to behave”⁴⁸⁵. At the beginning, the association counted only six member companies and the necessity for a basic template of recognized guidelines, codes of conduct, procedures and policies was more than an urging need⁴⁸⁶. In 2005, Doug Brooks would pronounce the following words: “IPOA members told me of their desire for coherent industry regulation and governmental guidelines”⁴⁸⁷. Moreover, the latter would add that many private firms were “anxious to see the development of rational regulatory frameworks”⁴⁸⁸. Developing a basic template and a coherent regulatory framework would benefit not only the industry but also its customers. From the industry's perspective, good regulation would be synonym of good business. Because standardized international regulation and governmental guidelines could in return enhance competition, the industry would

⁴⁸¹ IPOAWORLD, “What is ISOA”, Website ipoaworld.org, <https://ipoaworld.org/eng/aboutipoa.html>, accessed on October 20, 2019

⁴⁸² *Ibidem*.

⁴⁸³ ISOA, “History of ISOA”, Website stability-operations.org, <https://stability-operations.org/page/History>, accessed on October 20, 2019

⁴⁸⁴ *Ibidem*.

⁴⁸⁵ BROOKS, Doug, “Message from the President: Supporting Industry Standards”, *IPOA Quarterly*, April, 2005, 2 p.

⁴⁸⁶ MASON, Garrett, “UN Peacekeeping and the Private Sector”, *IPOA Quarterly*, n° 1, October 5, 2004, 1 p.

⁴⁸⁷ BROOKS, Doug, “Message from the President”, *IPOA Quarterly*, January, 2005, 2 p.

⁴⁸⁸ MCINTYRE, Angela, “Private Military Firms in Africa: Rogue or Regulated?”, *IPOA Quarterly*, January 2005, 5 p.

be able to provide better services to its customers⁴⁸⁹. In a nutshell, adopting a rational regulation would be considered as a double advantage for the industry and for its clients. Nonetheless, IPOA members have also constantly pushed for industry standards for the simple reason of legitimizing their identity and practices. Developing a sound regulatory framework for the peace and stability industry could effectively legitimize the industry and its related activities and “prevent private companies from going rogue”⁴⁹⁰. As we saw in the previous section, being a member of associations which promote moral and ethical standards and advocate for industry transparency and accountability such as the ISOA, would push companies towards adopting ethical behaviors and better business practices. This is the reason why IPOA’s Code of Conduct became considered as a point of reference for all its members and for companies willing to join the association. To another extent, embracing a code of conduct which entails, transparency, accountability, control, rules for the use of force, protection of human rights and the support of national humanitarian and human rights laws would allow companies to avoid the “mercenary firm” label and distance themselves from mercenary-related activities. In addition, accepting a rigorous and visible ethical code of conduct would be something indispensable for private companies in order to acquire a high degree of legitimacy⁴⁹¹. The Code itself, which was amended several times since its creation, invites signatories to pledge to fourteen different principles during their operations. These principles go from human rights and ethical issues to insurance and transparency matters. The Code which is divided in different subsections, is concise, well-structured and rational. The only flaw which it possesses is that it is not legally binding. In fact, the Code stipulates that “Signatories who fail to uphold any provision contained in this Code may be subject to dismissal from ISOA”⁴⁹². To illustrate this flaw, Blackwater’s manslaughter in Baghdad on September 16, 2007 remains one of the most relevant cases. When Blackwater employees fired on Nisour Square’s crowd, resulting in the deaths of seventeen innocent Iraqi civilians, the IPOA couldn’t impose any legal sanctions against the company. On the other hand, the firm pulled out from the association a couple of days later⁴⁹³. The Baghdad tragedy highlighted one of the major inefficiencies concerning the right application of the association’s guidelines and pointed out one of the weak spots of its Code. But as the president of the peace and stability industry claims, the Code of Conduct is “an evolving document and will always endeavor to remain as relevant as possible to changes in international law and ethics”⁴⁹⁴.

Aside from establishing a rational regulatory framework within the peace and stability industry, the ISOA has also carried out one of its main functions as a trade association and advocacy group. As a matter of fact, one of the main pillars of the association is government advocacy. According to its website, ISOA “is

⁴⁸⁹ BROOKS, Doug, January 2005, *op.cit.*, p.2

⁴⁹⁰ McINTYRE, Angela, January 2005, *op.cit.*, p.4

⁴⁹¹ SHAMEEM, Shaista, “Conflict and Security Issues in the Modern Age: Implication for Peace”, *IPOA Quarterly*, April 2006, 1-7 p.

⁴⁹² International Stability Operations Association, ISOA Code of Conduct, Version 13.1, Adopted October 20, 2011

⁴⁹³ COLE, August, “Blackwater Quits Security Association”, *The Wall Street Journal*, October 11, 2007

⁴⁹⁴ BROOKS, Doug, “Ethical Security: A Challenge and a Necessity. Helping to End Conflict in an Effective, Professional Manner”, *Journal of International Peace Operations*, vol. 2, n° 2, September-October, 2006, 4 p.

engaged with policy-makers and key government agencies at all levels on issues that affect the industry every day”⁴⁹⁵. The association has led significant advocacy efforts in the form of white papers, by advocating to Congress and to the Department of Defense on behalf of its member companies⁴⁹⁶. One of the major advocacy campaigns it has led concerns the expansion of the Military Extraterritorial Jurisdiction Act (MEJA) of 2000. In 2007, the IPOA organized a roundtable in Washington D.C. with the presence of Democratic Rep. David Price and Republican Rep. Christopher Shays to discuss the legal debate “regarding the application of the Military Extraterritorial Jurisdiction Act to private contractors”⁴⁹⁷. The goal of the meeting was to propose a set of solutions aiming at tackling the legal challenges of contractor law and to focus on the necessity to implement clear rules and regulations towards private contractors⁴⁹⁸. To put things in context, MEJA was initially passed by Congress in 2000 to prosecute civilians accompanying U.S.’ Forces overseas. Since the United States lacked jurisdiction over its citizen outside of its borders and because the U.S. Army could not prosecute civilians under the Uniform Code of Military Justice (UCMJ), the adoption of MEJA allowed American courts to prosecute civilians working with the Department of Defense overseas⁴⁹⁹. The only problem is that during the occupation of Iraq, a significant number of contractors committed mass atrocities and criminal acts without ever being prosecuted by justice. The issue was at the heart of MEJA itself. In fact, the Act only applied to contractors serving under the DoD and couldn’t be applied to private contractors working for another Federal Agency. Consequently, there was an urging need to close the legal loopholes in MEJA. Representative of North Carolina David Price sponsored a bill on June 15, 2007 to expand the provisions mentioned in MEJA to contractors serving under other federal agencies. The bill, explicitly known as the MEJA Expansion and Enforcement Act of 2007 stipulated that:

*... persons who, while employed under a federal agency contract in, or in close proximity to, an area where the Armed Forces are conducting a contingency operation, engage in conduct that would constitute an offense punishable by imprisonment for more than one year if engaged in within U.S. jurisdiction, shall be punished as provided for that offense*⁵⁰⁰.

Moreover, this legislative initiative did not only target contractors serving under federal agencies but also their subcontractors. Prior to the introduction of the bill to the 110th Congress, a series of consultations and discussions had taken place between IPOA’s team and the staff of Congressman David Price⁵⁰¹. Derek Wright, Director of Development at IPOA, claimed that the bill was the result of a great effort led by both teams and

⁴⁹⁵ ISOA, “Our Work”, Website stability-operations.org, <https://stability-operations.org/page/work>, accessed on October 20, 2019

⁴⁹⁶ *Ibidem*.

⁴⁹⁷ CHERNEVA, Iveta, “IPOA Holds Capitol Hill Event on UCMJ-MEJA Debate. Congressmen, Military and Civilian Lawyers Tackle the Legal Challenges of Contractor Law”, *Journal of International Peace Operations*, vol. 2, n° 5, March-April, 2007, 6 p.

⁴⁹⁸ *Ibidem*.

⁴⁹⁹ HOUSE OF REPRESENTATIVES, *Military Extraterritorial Jurisdiction Act of 2000*, Washington D.C., July 20, 2000, 106–778, 27 p.

⁵⁰⁰ H.R.2740 - MEJA Expansion and Enforcement Act of 2007, 110th Congress, Washington D.C., October 5, 2007

⁵⁰¹ WRIGHT, Derek “IPOA Endorses MEJA Expansion and Enforcement Act. IPOA Backs Rep. Price’s Reforms”, *Journal of International Peace Operations*, vol. 3, n° 3, November-December, 2007, 7 p.

that “it reflected and incorporated IPOA’s recommendations to enhance oversight and accountability for contractors under MEJA”⁵⁰². Hence, the association had played a significant role in advocating for the peace and stability industry and had managed to push for better legislation regarding the accountability and oversight of private contractors in conflict areas. Despite the endorsement of the MEJA Expansion and Enforcement Act, the bill was never passed by the Senate and consequently died in Congress⁵⁰³.

In summary, the IPOA and its successor have managed to establish throughout the years a rational regulatory framework which provided a benchmark for the peace and stability industry. By designing a constructive and moral code of conduct the association played a prominent role in legitimizing the industry and the practices of its member companies. The association’s founding document and its fundamental principles allowed the companies to gain trust from their clients and in consequence increase competition. As we saw earlier, good regulation is synonym of good business. Nonetheless, possessing such a code which entails the protection of human rights and the respect of several international conventions can only lead to an increasing recognition and acceptance from society. Signatories and supporters consequently become legitimate and moral actors. Furthermore, the ISOA has shown its leading role in advocating on behalf of its member companies. By providing different recommendations to Congress members on how to increase accountability and oversight for private contractors, a bill was introduced in 2007 to expand the reach of MEJA. This example highlighted ISOA’s advocating role in pushing for appropriate and rational legislation in regard to the rules and status of private military and security contractors. By doing so, the association has showed its willingness and its commitment to legitimize the industry. Setting a rational regulatory framework was more than an indispensable strategy to legitimize the peace and stability industry.

3. Towards International Normalization and Acceptance

3.1 Developing International Legal Tools

We have seen earlier that private military and security contractors were often portrayed by mainstream medias as mercenaries, unlawful and illegitimate actors. In parallel, they have constantly been accused of operating with impunity while serving in Iraq⁵⁰⁴. After years of stubborn accusations primarily focusing on the legal vacuum in which PMSCs operated, the solutions to the problem are still being searched by the international community. On the other hand, what already exists is a set of international conventions related to the prohibition and the ban on the use of mercenaries. Yet, the main problem is that international law on

⁵⁰² *Ibidem*.

⁵⁰³ CONGRESS GOV, “H.R.2740-MEJA Expansion and Enforcement Act of 2007”, Website congress.org, <https://www.congress.gov/bill/110th-congress/house-bill/2740>, accessed on December 5, 2019

⁵⁰⁴ EDITORIAL, “A Verdict on Blackwater”, *The New York Times*, October 22, 2014

mercenaries is generally inappropriate and inapplicable to the status of PMSCs. Private contractors are indeed different from their apparent mercenaries. If we take a look at Article 47 of Protocol Additional to the Geneva Conventions of 1949 and to the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries of 1989 we can see that the definition of a modern mercenary doesn't meet the characteristics of a private contractor. The latter's motives and services remain to a great extent different than the ones of a traditional free-lance mercenary (more details are provided in figure 3.2 of Appendix 9). In sum, international conventions dealing with mercenaries are "notoriously flawed" as some prominent scholars point out⁵⁰⁵. However, significant efforts are being led by the international community to develop appropriate and effective legal tools. The Montreux Document of 2008, the International Code for Private Security Providers of 2010 and the UN Draft Document on PMSCs highlight an increasing willingness to set new regulations by developing new international legal instruments.

One of the major steps towards international normalization and acceptance of the private military industry was the modelling and publication of the Montreux Document on "Pertinent International Legal Obligations and Good Practices for States Related to Operations of PMSCs During Armed Conflict". Published in September 2008, the document was the fruit of a collaborative initiative between the Swiss Government and the International Committee of the Red Cross (ICRC)⁵⁰⁶. Governments, NGOs, industry executives, and academics were gathered in an effort to provide a coherent and rational document aiming at setting pertinent international obligations with regard to PMSCs and at embracing a set of voluntary good practices relating to PMSCs. The Document stipulates that it does not attempt to establish new regulations but simply seeks "to provide guidance on a number of thorny legal and practical points, on the basis of existing international law"⁵⁰⁷. By scrutinizing the document, we can note that the latter is divided in two separate parts. The first part of the document recalls the pertinent existing international legal obligations of States with regard to PMSCs⁵⁰⁸. The Swiss and ICRC initiative identifies three types of States: Contracting States; Territorial States; and Home States. First of all, the "Contracting States" are usually defined as the countries which contract PMSCs to carry out a wide range of tasks and functions. They generally represent the occupying powers (e.g. The U.S. was a "Contracting State" during the occupation of Iraq). According to the Montreux Document they are required to respect eight different statements. The latter are all drawn from various international humanitarian and human rights conventions, and also from customary international law⁵⁰⁹. A clear example of an obligation would be to "ensure the respect for international humanitarian law by PMSCs

⁵⁰⁵ PERCY, Sarah, "Mercenaries: Strong Norm, Weak Law", *International Organization*, vol. 61 n° 2, 2007, pp. 367-397.

⁵⁰⁶ ICRC, "The Montreux Document on Private Military and Security Companies", Website [icrc.org](https://www.icrc.org/en/publication/0996-montreux-document-private-military-and-security-companies), <https://www.icrc.org/en/publication/0996-montreux-document-private-military-and-security-companies>, accessed on November 4, 2019

⁵⁰⁷ THE MONTREUX DOCUMENT On pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict, Federal Department of Foreign Affairs FDFA, International Committee of the Red Cross, Geneva, September 17, 2008, p.5.

⁵⁰⁸ *Ibid.*, p.31.

⁵⁰⁹ *Ibid.*, p.11.

they contract”⁵¹⁰. Secondly, the “Territorial States” are the countries on whose territory PMSCs operate⁵¹¹ (e.g. Iraq was considered as a “Territorial State”). The latter also have a set of obligations even if they can be sometimes limited by the occupying power’s authority and by war circumstances. A relevant example for this category would be the “obligation to enact any legislation necessary to provide effective penal sanctions for persons committing, [...], grave breaches of the Geneva Conventions”⁵¹². Thirdly, the “Home States” concern the countries in which PMSCs are based⁵¹³ (e.g. Blackwater’s “Home State” was the United States). The latter can similarly “ensure respect for international humanitarian law by regulating PMSCs that are based within their jurisdiction”⁵¹⁴. Finally, PMSCs are equally bound to respect a set of obligations. They are required to comply with international humanitarian law, human rights law and obliged to respect national laws⁵¹⁵. On the other hand, the second part of the document contains a list of good practices that seeks to provide guidance and assistance to the different types of States in ensuring respect for international humanitarian law and human rights law⁵¹⁶. These good practices are intended to provide useful guidance for States but also for other clients in their relationships with PMSCs⁵¹⁷. An illustrative set of good practices for Contracting States would be the “selection of PMSCs according to past conduct; possession of required authorizations; personnel and property records; etc.”⁵¹⁸. In sum this intergovernmental document seems to deal to a great extent with the respect of international humanitarian law and human rights law. The Montreux Document does not only provide a set of international legal obligations for States and PMSCs’ personnel, but also a compilation of good practices to improve accountability and conduct. Nonetheless, the document remains a non-legally binding instrument and “does not affect existing obligations of States under customary international law or under international agreements to which they are parties”⁵¹⁹. On the other hand, what is noteworthy is that the document appears to legalize and legitimize to a certain extent some controversial activities and practices. The use of force and fire arms by private security contractors is indeed tolerated and acknowledged by the Montreux Document. In sum, the document highlights a significant step towards international acceptance and recognition of using PMSCs. Fifty-six States have signed the Montreux Document and some of the world’s most prominent international organizations have joined the initiative since its release (the European Union in 2012, the Organization for Security and Co-operation in Europe and NATO in 2013).

The second major initiative towards regulating the private security industry is undoubtedly the International Code of Conduct for Private Security Providers (ICoC). Published in November 2010, the code was the outcome of a multi-stakeholder initiative undertaken by multiple States, civil society organizations

⁵¹⁰ *Ibidem*.

⁵¹¹ *Ibid.*, p.31.

⁵¹² *Ibid.*, p.13.

⁵¹³ *Ibid.*, p.31.

⁵¹⁴ *Ibid.*, p.34.

⁵¹⁵ *Ibid.*, p.14.

⁵¹⁶ *Ibid.*, p.16.

⁵¹⁷ *Ibidem*.

⁵¹⁸ *Ibid.*, p.33.

⁵¹⁹ *Ibid.*, p.9.

and academics in order “to elaborate a code of conduct for the private security industry based on international human rights and humanitarian law standards”⁵²⁰. ICoCA’s code was initially signed by 58 PSCs, and by September 2013, 708 companies had formally committed to operate in accordance with the International Code of Conduct⁵²¹. As the Montreux Document, the Code provides a set of principles to be respected and embraced by companies providing security services. The general aim of the Swiss-led initiative was to create in a broader process effective governance, compliance and accountability⁵²². Compared to the Montreux Document, the ICoC refers only to PSCs and Private Security Service Providers whose business activities include the provision of security services such as the guarding and protection of persons and objects⁵²³. By focusing on the code, we can observe that signatory companies are required to comply with two categories of principles. The first category concerns the “specific principles regarding the conduct of personnel”⁵²⁴. According to the code of conduct itself, the latter principles include: general conduct of signatory companies; the rules for the use of force; appropriate detention measures; and several prohibitions regarding the violation of human rights such as the prohibition of torture, sexual exploitation, human trafficking; etc.⁵²⁵. On the other hand, the second category covers the “specific commitments regarding management and governance”. The latter include the appropriate selection and vetting of personnel and of subcontractors, the training of personnel, the management of weapons, etc.⁵²⁶. In the end, the code itself “creates no legal obligations and no legal liabilities on the Signatory Companies, beyond those which already exist under national or international law”⁵²⁷. In the same manner as the Montreux Document of 2008, the ICoC sets a multi-stakeholder regulating framework that doesn’t generate any legal effects. On the other hand, we can say that the Code has produced significant normative effects and has achieved a high degree of recognition and acceptance across the private security industry⁵²⁸.

Concerning public regulation on the international level, the United Nations Working Group on the Use of Mercenaries has published a document intended to be binding on its state signatories and that also seeks to establish a new regulatory framework with regard to PMSCs⁵²⁹. In 2008, the UN Working Group released the Draft International Convention on the Regulation, Oversight and Monitoring of Private Military and Security Companies. Being a working draft and not a final proposal, the draft provides guidance to states in their regulation of PMSCs in several areas⁵³⁰. Concerning PMSCs, the UN Working Group Convention enumerates a set of “inherently governmental” activities which are prohibited. Article 8 of the draft convention stipulates

⁵²⁰ ICoCA, “History” Website [icoca.ch](https://icoca.ch/en/history), <https://icoca.ch/en/history>, accessed on October 21, 2019

⁵²¹ *Ibidem*.

⁵²² *Ibidem*.

⁵²³ *Ibidem*.

⁵²⁴ Confederation Suisse, International Code of Conduct for Private Security Service Providers, November 9, 2010

⁵²⁵ *Ibid.*, p.8.

⁵²⁶ *Ibid.*, p.11.

⁵²⁷ *Ibid.*, p.6.

⁵²⁸ DCAF, BUZATU, Anne-Marie, *Toward on International Code of Conduct for Private Security Providers: A View from Inside a Multistakeholder Process*, Geneva, 2015, SSR paper 12, 117 p.

⁵²⁹ *Ibid.*, p.19.

⁵³⁰ *Ibidem*.

that “States parties shall define and limit the scope of activities of PMSCs and specifically prohibit functions which are intrinsically governmental”⁵³¹. Moreover, the draft document provides a set of responsibilities for States Parties to impose penal sanctions on offenders and provide remedies to victims, but also presents a list of obligations of Inter-governmental organizations and non-State actors such as PMSCs⁵³². The draft convention equally provides legislative regulation, oversight and monitoring⁵³³. By engaging international law and state responsibility, the convention seems to have a certain degree of international legal power⁵³⁴. However, the document’s main weakness is located at the heart of the Working Group’s mandate. Employing the term “mercenary” while providing a regulatory framework for the PMSC industry remains a paradoxical matter for the industry itself and for the States supporting the use of these types of companies.

Through this subsection of the chapter, we have seen that the international community has indeed led significant efforts towards the development of new legal instruments. The support of regulatory initiatives and the emergence of new codes of conduct for the appropriate use of PMSCs emphasize this willingness of formally recognizing these actors in national and international law. On the international level, the International Code of Conduct for Security Providers and the Montreux Document highlight that significant steps have been taken in public-private regulations. Concerning public regulation on the international level, the United Nations Working Group on the Use of Mercenaries has published a Draft Convention seeking to establish a regulatory framework with regard to PMSCs. It is noteworthy to mention that these international initiatives represent a “soft law” approach to the question of PMSCs. In fact, these paralegal or quasi-legal documents do not have any legally binding force, and hence do not produce any legal effects. In cases of non-compliance to the codes and documents guidelines, sanctions remain limited. The absence of a supranational body and of binding international agreements on PMSCs could be one of the main reasons to the problem. Despite the development of a soft law approach, there is increasing international recognition and formal acceptance of resorting to these actors in international affairs. The development of these new international legal instruments represents an encouraging step towards regulating and legitimizing the private military industry.

3.2. Europe and Private Military Security Companies

The United Kingdom and PMSCs

The British experience related to the use of PMSCs is one that needs to be taken into consideration. According to an article published by British daily newspaper The Guardian, the UK is considered as the

⁵³¹ OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, Draft International Convention on the Regulation, Oversight and Monitoring of Private Military and Security Companies, Geneva, July 13, 2009

⁵³² *Ibidem*.

⁵³³ *Ibidem*.

⁵³⁴ DCAF, BUZATU, Anne-Marie, 2015, *op.cit.*, p.19.

“mercenary kingpin” of the global private military industry⁵³⁵. London-based company G4S is now the world’s largest private security company with more than 540,000 employees⁵³⁶. The British experience related to PMSCs started about three decades ago when Tim Spicer, a former British Army officer, founded Sandline International. Together with South African firm Executive Outcomes they are nowadays considered as the pioneers of the private military industry. Created in 1994, the company operated on the African continent and possessed the traditional combat-related characteristics of past PMCs⁵³⁷. But the company gained bad reputation for becoming embroiled in two major scandals during the 1990s. The first scandal took place in 1997 when Tim Spicer contracted with the government of Papua New Guinea to end a long-lasting civil war by sending mercenaries and military equipment to hunt down secessionist leaders on the island of Bougainville⁵³⁸. When the rumors of hiring mercenaries spread out in the country and at the international level, the company decided to pull out from the contract⁵³⁹. The second affair commonly known as the “arms-to-Africa affair” triggered massive media attention in the UK and caused considerable political embarrassment for the Blair government⁵⁴⁰. The scandal was fomented by the company’s role in delivering weapons and military equipment to Sierra Leone which was at the time under a UN arms embargo. The consequence of these scandals put under intense scrutiny Foreign Secretary Robin Cook and profoundly embarrassed the government which was supposed to lead an “ethical foreign policy”⁵⁴¹. These incidents raised some serious questions on the need to develop appropriate regulatory frameworks and adequate oversight mechanisms in the country. The retroactive policy response was the publication in February 2002 of a Green Paper entitled “Private Military Companies: Options for Regulation” by the Foreign and Commonwealth Office (FCO). The report provides some suggestions and options for regulation and is mainly intended to produce discussion and debate within the government⁵⁴². Options for regulation include: general license for PMCs and PSCs; self-regulation by developing a voluntary code of conduct; registration and notification; etc.⁵⁴³ The Green Paper of 2002 claimed that the case for regulation was to be taken seriously and was a matter of some urgency. The latter stipulates that “it may be safer to bring PMCs and PSCs within a framework of regulation while they are a comparatively minor phenomenon”⁵⁴⁴. The FCO report was already anticipating the massive expansion of the industry that would exactly take place a year later. As a matter of fact, Iraq and Afghanistan equally witnessed the presence of British PMSCs. UK firms were obtaining massive contracts by the U.S.

⁵³⁵ NORTON-TAYLOR, Richard, “Britain is at center of global mercenary industry, says charity”, *The Guardian*, 3 February, 2016

⁵³⁶ G4S, “G4S Our-People”, Website g4s.com, <https://www.g4s.com/who-we-are/our-people>, accessed on October 4, 2019

⁵³⁷ BRICET DES VALLONS, Georges-Henri, *op.cit.*, p.57.

⁵³⁸ FRANCE 24, “Tears, hope as foes reconcile before Bougainville independence vote”, Website france24.com, <https://www.france24.com/en/20191108-tears-hope-as-foes-reconcile-before-bougainville-independence-vote>, accessed on October 24, 2019

⁵³⁹ PERCY, Sarah, 2009, *loc.cit.*, p.67.

⁵⁴⁰ DAVID, J. Francis, “Mercenary Intervention in Sierra Leone: Providing National Security or International Exploitation?”, *Third World Quarterly*, vol. 20, n° 2, Apr., 1999, pp. 319-338.

⁵⁴¹ PERCY, Sarah, 2009, *loc.cit.*, p. 68.

⁵⁴² FOREIGN AND COMMONWEALTH OFFICE, *Private Military Companies: Options for Regulation*, London, February 2002, HC577, 48 p.

⁵⁴³ *Ibidem*.

⁵⁴⁴ *Ibid.*, p.20.

administration while operating in Iraq. Aegis Defense Services was awarded a total amount of nearly \$800 million in U.S. government contracts, making it “one of the most financially successful firms operating in Iraq”⁵⁴⁵. Nevertheless, the UK seems to have opted for the development of a system of “robust voluntary self-regulation” of the industry⁵⁴⁶. In response to the Green Paper’s suggestions on self-regulation, various associations and interest groups emerged during the conflicts of Iraq and Afghanistan. In 2005, the British Association of Private Security Companies (BAPSC) was launched with the “aim to raise the standards of operation of its members” and “ensure compliance with the rules and principles of international humanitarian law and human rights standards”⁵⁴⁷. Moreover, special interest group SCEG partnered with the UK government “to promote professional standards across the UK private security industry, and to provide for their enforcement through effective monitoring and sanctions”⁵⁴⁸. Last but not least, British private security companies are also represented within the ICoCA. In the end, the British case stresses the government’s willingness to opt for an industry-led regulation rather than any form of statutory regulation of PMSCs⁵⁴⁹. According to a War on Want investigation, the British government has explicitly said that it wasn’t interested in any form of regulation of PSCs, “but just on self-regulation”⁵⁵⁰. In sum, this self-regulatory approach certainly satisfied Tim Spicer and the industry’s desire to be part of the debate on regulation. In an interview given to the *Cambridge Review of International Affairs* in 1999, Spicer insisted that “it would have been ridiculous to introduce regulation for a new industry without the industry being consulted”⁵⁵¹.

France and PMSCs

The French case is to a large extent different than the Anglo-Saxon experience. Compared to the United States or to the United Kingdom, the country has not yet manifested its overreliance on PMSCs when intervening overseas. In fact, France has a serious delay compared to the Anglo-Saxon countries regarding the resort to private military and security services⁵⁵². This is in part due to a lack of a substantial political debate but also to the fact that the topic still remains a debating taboo⁵⁵³. Despite the lack of political debates within the government, there is a law dating back to April 2003 that prohibits mercenary-related activities⁵⁵⁴. The law which does not formally prohibit the presence of PMSCs on French soil, consequently leads to the creation of

⁵⁴⁵ REUTERS, “British firms battle for Iraq Security deals”, Website reuters.com, <https://www.reuters.com/article/us-iraq-security-idUSL0138042020071001>, accessed on September 28, 2019

⁵⁴⁶ WHITE, Nigel D., “Regulation of the Private Military and Security Sector: Is the UK Fulfilling its Human Rights Duties?”, *Human Rights Law Review*, vol. 16, n° 3, September 2016, pp. 585–599.

⁵⁴⁷ BAPSC “The British Association of PRIVATE SECURITY COMPAGNIES”, Website bapsc.org.uk, <https://bapsc.org.uk/>, accessed on September 27, 2019

⁵⁴⁸ SCEG, “About SCEG”, Website seguk.org.uk, <https://www.sceguk.org.uk/about-sceg/>, accessed on September 24, 2019

⁵⁴⁹ WHITE, Nigel D., *loc.cit.*, p.589.

⁵⁵⁰ SANER, Emine, “The return of the dogs of war: what's it like to be a soldier for hire? *The Guardian*, February 6, 2016

⁵⁵¹ SPICER, Tim, “Privatizing Warfare: Mercenaries, Militia or Middlemen”, *Cambridge Review of International Affairs*, vol. 13, n° 1, 1999, pp. 165–171.

⁵⁵² BRUYERE-OSTELLS, Walter, *op.cit.*, p.226.

⁵⁵³ HOGARD *et al.*, *op.cit.*, 120 p.

⁵⁵⁴ LOI n° 2003-340, relative à la répression de l'activité de mercenaire, Paris, 14 avril 2003

a legal vacuum. In order to understand France's reticence towards the use of PMSCs, we need to identify several factors. The first one is linked to the country's past and its pervasive relations with mercenaries. The era of decolonization revealed the ethical and political risks that French mercenarism could engender⁵⁵⁵. The presence of French, Belgian and South African mercenaries commonly referred as "dogs of war" or simply as *Les Affreux* (the horrible ones), was significantly linked to the controversial policies of *Françafrique*⁵⁵⁶. Consequently, when debating in France about private military or security contractors, the spectre of French notorious mercenary Bob Denard appears. The second factor which highlights this French reticence, is the fear of becoming embroiled in scandals like the ones that embarrassed the American and British governments. Blackwater and other private companies' incessant scandalous misbehaviors and abuses in Iraq convinced to some extent French authorities to avoid taking the risk of significantly relying on PMSCs⁵⁵⁷. Furthermore, France does not seem eager to become overrelying on PMSCs as it has happened in the United States. Finally, there is significant worry about the potential drain of military competences and the loss of national military know-hows⁵⁵⁸. However, during the last decade the debate seems to have finally kicked off. In 2012, two French deputies published a report seeking to provide a global overview of PMSCs activities in France and to set different potential paths to follow for the future⁵⁵⁹. One of these paths could be the use of PMSCs in maritime anti-piracy security⁵⁶⁰. Due to budgetary constraints, the State cannot afford to meet this ever-increasing demand in security and hence could resort to PMSCs to protect its national interests abroad⁵⁶¹. Moreover, the two members of parliament emphasized this urging need of organizing the sector⁵⁶². This would entail providing a set of new legislative initiatives in order to clarify which activities could be potentially legal. France is finally starting to take into consideration the fact to outsource military functions in order to cut expenses. Yet, the country seems to limit its outsourcing policy to non-military essential functions. The French government has indeed outsourced a variety of military support functions such as the maintenance of helicopters and the training of French Forces pilots to a private company named HeliDax⁵⁶³. Similarly, in 2010, the French Ministry of Defense launched a competitive bidding process to outsource the provision of clothing functions of French Forces⁵⁶⁴. But as we mentioned earlier, France's outsourcing policy is limited to the fact that the country is quite reluctant to concede its sovereign powers. The latter is determined to preserve its monopoly on violence. In sum, France needs to redefine its outsourcing strategy and try simultaneously to legislate on the topic if it wants to catch up on its Anglo-Saxon peers. In the end, this delay could be simply

⁵⁵⁵ EVEN, Elliott, "La France et les sociétés militaires privées : enjeux et débats", *Inflexions*, n° 25, 2014, pp. 149-157.

⁵⁵⁶ *Ibid.*, p.150.

⁵⁵⁷ *Ibidem.*

⁵⁵⁸ FRANCART, Loup, "Sociétés militaires privées, quel devenir en France ?" *Inflexions*, n° 5, Janvier-Mai 2007, pp. 85-105.

⁵⁵⁹ ASSEMBLEE NATIONALE FRANCAISE, MENARD, Christian, VIOLLET, J.C, *Rapport d'information déposé en application de l'article 145 du règlement par la commission de la défense nationale et des forces armées sur les sociétés militaires privées*, Paris, France, 14 février 2012

⁵⁶⁰ *Ibidem.*

⁵⁶¹ LASSERRE, Isabelle, "La sécurité privée dopée par la piraterie", *Le Figaro*, 15 octobre 2012

⁵⁶² ASSEMBLEE NATIONALE FRANCAISE, MENARD, Christian, VIOLLET, J.C, 2012, *op.cit.*

⁵⁶³ KONADJE, J.J., "L'émergence en France des sociétés militaires privées : enjeux et perspectives", *Grotius International*, March 3, 2011

⁵⁶⁴ *Ibidem.*

explained by cultural factors rather than ethical ones⁵⁶⁵. In fact, the culture of privatizing military functions doesn't seem yet to be integrated in the country's mindsets and customs⁵⁶⁶.

The European Union and PMSCs

The European Union and its member states have also revealed to the world their increasing reliance on private security companies. On the European soil, we could count in 2013 approximatively 40,000 PSCs, employing more than 1,5 million people⁵⁶⁷. These security companies provide a wide range of services to the European Union and to their respective states when participating in EU missions and operations abroad. As a matter of fact, European PSCs have played a significant role in the Common Security and Defense Policy (CSDP). They have been used for EU civilian missions and EU military operations overseas. Concerning civilian missions, PSCs particularly participate in European Union Police Missions abroad. The European Union Mission in Afghanistan (EUPOL Afghanistan) relied on several British companies to provide armed security and training services. The mission contracted British firm Armor Group to provide hostile environment training for EUPOL staff in Afghanistan for an amount of 256,000 Euro⁵⁶⁸. London-based private company Hart Security was also given the task to protect EUPOL's headquarters in Kabul⁵⁶⁹. Moreover, the EU has also relied on PSCs to provide close protection and bodyguard services to its officials within the framework of its European Union Rule of Law Mission in Kosovo (EULEX)⁵⁷⁰. To another extent, big company G4S was contracted to provide SSR services for the EU mission in Democratic Republic of Congo. Regarding EU military operations, PSCs have been considered as important players for multiple reasons. Because member states' national armed forces are usually overstretched due to their involvement in other simultaneous military operations, the EU is consequently obliged to hire PSCs in order to fill the gap⁵⁷¹. Other reasons are linked to financial constraints and to the lack of specific technical capabilities⁵⁷². On the other hand, PMSCs have equally played a prominent role in EU's migration policies. The EU has increasingly outsourced to PMSCs various migration control operations such as the deportation and removal of refugees, and the security of reception and processing centers in Greece and Italy⁵⁷³. Their ever-growing use has

⁵⁶⁵ Le PAUTREMAT, Pascal, "Mercenariat et sociétés militaires privées : expressions divergentes de la privatisation des conflits ?", *Inflexions*, 2007, vol. 1, n° 5, 2007, pp. 137-150

⁵⁶⁶ *Ibidem*.

⁵⁶⁷ NEWS EUROPEAN PARLIAMENT, "MEPs call for EU rules on private security companies" Website europarl.europa.eu, <https://www.europarl.europa.eu/news/en/press-room/20170502IPR73109/meps-call-for-eu-rules-on-private-security-companies>, accessed on November 23, 2019

⁵⁶⁸ DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION, *The Role of Private Security Companies (PSCs) in CSDP Missions and Operations*, Brussels, April 2011, PE 433.829 P.11, 43 p.

⁵⁶⁹ *Ibid.*, p.11.

⁵⁷⁰ *Ibid.*, p.13

⁵⁷¹ *Ibid.*, p.19

⁵⁷² *Ibidem*.

⁵⁷³ DAVITTI, Daria, "The Rise of Private Military and Security Companies in European Union Migration Policies: Implications under the UNGPs", *Business and Human Rights Journal*, n°4, 2019, pp. 33-53.

consequently led to an acceleration of the securitization of the EU border⁵⁷⁴. But as the European Union's reliance on private security contractors grows, there is an urging need to work on regulation. Because of a lack of uniform rules on PSCs, in particular in terms of sanctions and penalties, Foreign Affairs Committee and Defense Sub-Committee MEPs called for the creation of a European regulatory framework on PSCs⁵⁷⁵. Therefore, the European Parliament adopted on the 4th of July 2017 a resolution on private security companies. The resolution fully recognizes the expanding and significant role of PSCs in providing vital security services to the EU and its member states. Because PSCs can considerably contribute to EU foreign policy goals, the resolution proposes a number of recommendations for the Commission and its member states. In fact, the European Parliament resolution invites the Commission to propose common PSC contracting guidelines which should be based both on "international best practices in relation to PSC conduct and management, in particular the Montreux Document and the ICoC"⁵⁷⁶. The resolution indeed recognizes the roles of the Montreux Document and the ICoC in setting international standards and urges the Commission and the EEAS to "only use ICoC certified providers"⁵⁷⁷. Moreover, paragraph 15 of the resolution recommends that the Commission draw up a Green Paper "to identify opportunities for direct collaboration more efficiently and to establish a basic set of rules of engagement and good practices"⁵⁷⁸. The resolution equally recommends the Commission "to develop an effective European regulatory model" and urges the EU and its member states "to push for an international legally binding instrument that goes further than the Montreux document"⁵⁷⁹. On the other hand, the resolution seems to take into consideration the negative potential effects of resorting to PMSCs. As a consequence, it urges the Commission to establish a regulatory framework in order to avoid that PSCs operate in legal vacuums and that they act with impunity. Due to past incidents and scandals related to the use of contractors in Iraq and Afghanistan, the European Union seems to be quite worried about the damages that PSCs could engender while operating under its mandate. This is the reason why the resolution recommends to establish "clear and uniform rules for the EU institutions which use PSCs to protect EU staff in regions of the world affected by crisis"⁵⁸⁰. This worry is emphasized by the fact that the resolution compels the European Union Institutions to establish a clear and binding regulatory framework that could adequately control PSCs activities. This willingness is put forward in paragraph 25 of the resolution which reads as follows:

The resolution – urges the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Member States, the EEAS and the Commission to strongly support the creation

⁵⁷⁴ *Ibidem*.

⁵⁷⁵ NEWS EUROPEAN PARLIAMENT, "MEPs call for EU rules on private security companies" Website [europarl.europa.eu](https://www.europarl.europa.eu/news/en/press-room/20170502IPR73109/meps-call-for-eu-rules-on-private-security-companies), <https://www.europarl.europa.eu/news/en/press-room/20170502IPR73109/meps-call-for-eu-rules-on-private-security-companies>, accessed on November 23, 2019

⁵⁷⁶ EUROPEAN PARLIAMENT, resolution on private security companies, 2016/2238(INI), Brussels, July 4, 2017

⁵⁷⁷ *Ibidem*.

⁵⁷⁸ *Ibidem*.

⁵⁷⁹ *Ibidem*.

⁵⁸⁰ *Ibidem*.

*of an international convention aimed at establishing an international legal regime to regulate relevant services provided by PSCs*⁵⁸¹

In sum, the European Union seems to be seriously determined to establish an effective regulatory framework and to set up strict guidelines on the use of PSCs. Because the EU is starting to heavily rely on private sector companies, it needs to legislate on the topic as soon as possible. Finally, the EU fully recognizes that progress has been made over the past decade in trying to regulate the industry by developing new legal instruments⁵⁸². Yet, the parliamentary resolution underlines that the EU must go beyond these efforts...

Conclusion

This third chapter explored and analyzed the legitimization discourse within the private military and security industry. By employing different levels of analysis, we identified a discourse strategy aimed at legitimizing the industry. Implementing a comprehensive discourse analysis was necessary to perceive the numerous arguments composing this legitimization discourse. A linguistic analysis was equally carried out.

The first section of the chapter was based on a micro level analysis. By selecting a database of ten American PMSCs as our units of analysis, we observed that the latter employed a series of arguments and strategies in order to be perceived as legitimate actors by society. Firstly, they never identify themselves as PMSCs per se but rather tend to employ specific terms and expressions when defining their essence. Secondly, they put at the core of their mission the peacekeeping quest. They manifest their commitment to the creation and establishment of a safer world. Hence, they are considered as peace operators or peacekeepers. Thirdly, they affirm that they abide by ethical codes of conduct. In parallel, they comply with business ethics and international standards and they affirm to possess numerous moral values. Fourthly, they put forward their professionalism and expertise. The quality of their leadership and personnel allows them to gain a high degree of legitimacy and recognition. Consequently, they become trusted and respected by the general public. The other part of the discourse focuses on their relationships with society. In order to distinguish themselves from rogue and unlawful firms they claim that they only serve legitimate and ethical customers such as internationally recognized governments, humanitarian organizations, human rights associations and Fortune 500 companies. Furthermore, by partnering with veteran-friendly associations they show their commitment to the veteran cause and their heartfelt patriotism. They are devoted to the reintegration of U.S. former soldiers within their institutions. Additionally, they are part of international associations that promote industry standards and ethical codes of conduct. By adhering to associations such as ISOA and ICoCA they are bound to protect human rights and respect international humanitarian law principles. Hence, they gain a certain degree of acceptance and legitimacy because they are seen as adopting moral and ethical behaviors. All these

⁵⁸¹ *Ibidem.*

⁵⁸² *Ibidem.*

arguments compose their legitimizing discourse. By achieving the status of legitimate actors, they become accepted by the general public.

The second section of the chapter was based on a macro level analysis. By focusing on a set of ISOA's publications and reports, we observed a certain linguistic strategy aimed at recasting the mercenary label. The President of ISOA has played a prominent role in legitimizing the industry. His voice not only allowed to remove the mercenary label but also allowed to portray industry members as peace operators. In fact, by employing a specific vocabulary based on the semantic field of peacekeeping he consolidated the identity of an industry serving a moral and legitimate cause. Contrarily to the media's misperceptions and fallacious arguments, the peace and stability industry is about saving lives and contributing to peace operations. Unsurprisingly, the trade association employs the same narrative as its members. Moreover, ISOA constantly expressed its dissatisfaction and resentment towards the terminology employed by the UN Work Group on Mercenaries and invited several times the group to update its name. The association decided to adopt and embrace the term "contingency contractor" to distinguish itself from free-lance mercenaries. On the other hand, ISOA has established a rational regulatory framework which provides a benchmark for the peace and stability industry. It has designed a constructive and moral code of conduct which has allowed to legitimize the industry's identity and practices. By embracing a code of conduct which entails the protection of human rights and the respect of international norms, members gain recognition and acceptance from society. Through the establishment of a self-regulatory mechanism, the benefits are twofold. Firstly, there is an increase in competition, and secondly it allows to distinguish legitimate and illegitimate practices. Consequently, appropriate regulation provides official recognition and can lead to a legitimate status. Moreover, the association has led a significant role in advocating on behalf of its members. By pushing for appropriate and rational legislation in Congress, the association has manifested its willingness and commitment to legitimize the industry. ISOA has led a significant advocacy campaign aiming at expanding MEJA. Adopting appropriate regulation towards private contractors can legitimize their status and practices.

The third section of the chapter examined how the international community has significantly contributed to the legitimization and acceptance of PMSCs. First of all, we focused on three different international regulatory initiatives. On the international level, the International Code of Conduct for Security Providers and the Montreux Document highlight that significant steps have been taken in public-private regulations. Concerning public regulation on the international level, the United Nations Working Group on the Use of Mercenaries has published a Draft Convention seeking to establish a regulatory framework with regard to PMSCs. These international initiatives represent a "soft law" approach to the question of PMSCs. Despite their lack of legal binding force, the development of these new international legal instruments represents an encouraging step towards regulating and legitimizing the private military and security industry. The support of regulatory initiatives and the emergence of new codes of conduct for the appropriate use of PMSCs emphasize this willingness of formally recognizing these actors in national and international law. Secondly, we explored the European experience with regard to PMSCs through three different case studies.

Firstly, the British experience regarding PMSCs is one of major importance. Sandline's activities in Africa led to political scandals which profoundly embarrassed the government. The retroactive policy response was the publication of a Green Paper in 2002 which consequently led to the adoption of a self-regulatory approach within the industry. Secondly, the French case highlights the country's reluctance towards PMSCs. In fact, the country has a serious delay compared to its Anglo-Saxon peers. The topic remains a debating taboo due to France's mercenary-related past. Yet, significant steps are being undertaken especially in the use of PMSCs in maritime anti-piracy security. France needs to redefine its outsourcing strategy and try simultaneously to legislate on the topic if it wants to catch up on the UK and the U.S. Thirdly, the EU and its member states have also revealed to the world their increasing reliance on PSCs. The latter have played a significant role in the CSDP and in EU's migration policies. Because of this growing reliance on PSCs, there is an urging need to work on regulation. The European Parliament adopted in 2017 a resolution on PSCs. The initiative makes several recommendations for the Commission and its members states to establish a binding regulatory framework. Legislating on the topics is a matter of some urgency for the EU.

Conclusion

Before starting to provide the different answers to our research question and to reveal our findings, it is worth recalling in brief what we have explored in the first chapter of this study. The latter provided a global overview of the American experience with regard to PMSCs. We observed that through history the United States has significantly resorted to private military contractors to the point where it became an inherent national tradition. From the American War of Independence to the Vietnam War, the country has considerably relied on contractors. Moreover, we noted that PMSCs played a prominent role in the new American way of war and in the nation's grand strategy. Firstly, the U.S. turned to PMSCs to carry out its foreign policy objectives in Croatia and Bosnia. By doing so it carried out a successful secret foreign policy by maintaining official neutrality in the conflict⁵⁸³. Secondly, PMSCs were used in the War on Drugs and in implementing Plan Colombia. This case highlighted how PMSCs were used as business proxies. Thirdly, the experiences of Iraq and Afghanistan illustrated America's over reliance on PMSCs. Through the War Against Terror, PMSCs executed a wide variety of functions to the point where they became deeply integrated in the U.S. war machine. On the other hand, resorting to PMSCs is also a story of political favoritisms and of permanent interpenetration of businesses, politics and the military. Halliburton and Blackwater's cases demonstrated how private military businesses can be entangled with politics and vice versa. In sum, providing historical facts was crucial for the examination of the following chapters. In the last chapter's section, we explored the different studies linked to the topic and consequently provided the analytical framework for our project.

The second and third chapter attempted to provide the answers to the following research question:

- *How did the resort to private military and security companies become accepted and normalized to the point where their use became commonplace in the United States of America?*

In order to answer this question, we formulated the following two hypotheses:

- 1) *If private military and security companies have become normalized and accepted, it is due to a set of political and military discourses aiming at consolidating and normalizing their use during the Clinton and George W. Bush administrations.*
- 2) *If private military and security companies have become accepted and legitimated it is due to a significant effort to recast their mercenary image by embracing an ethical and moral discourse.*

Through the second chapter of this study, we tested the first hypothesis and subsequently found some relevant results. The chapter focused on a general discourse embraced by the Clinton and George W. Bush administrations which paved the way for the normalization and political acceptance of PMSCs. This discourse

⁵⁸³ MAOGOTO, Jackson Nyamuya, *loc.cit.*, p.153.

aiming at transforming the DoD was based on two main arguments. The first part of the discourse consisted in transforming America's military capability. Embracing the so-called Revolution in Military Affairs led to a reexamination of U.S. forces and capabilities. Consequently, reshaping the defense enterprise and achieving a transformation in the realm of logistics were more than necessary strategies. To do so, the Department delegated non-military essential functions to private contractors. This policy contributed to consolidate and hence normalize the resort to PMSCs and private contractors in both administrations. The second part of the discourse consisted in adopting an entrepreneurial approach and in establishing a market-based model within the Federal Government. Clinton and Bush praised the private sector's way of working and functioning. By imitating the latter's lessons, they engendered a cultural change in the bureaucracy. This revolution deeply affected the Pentagon. Their policies and reforms increased the use of private companies and strengthened the relationships between the Federal Government and the business community. Because PMSCs are in essence businesses, they were more than welcomed and hence became politically accepted. In sum, the normalization and acceptance of the use of PMSCs is located at the intersection of these two discourses. The Revolution in Military Affairs and the Revolution in Business Affairs permitted to normalize and consolidate the resort to PMSCs in the United States of America.

Through the third chapter of this study, we verified the second hypothesis. The chapter focused on the promotion of a legitimization discourse within the private military and security industry. We analyzed this discourse on two different levels. Firstly, on a micro level of analysis, we examined the different arguments and strategies adopted by ten U.S. companies. We found that the latter gained a certain degree of acceptance and legitimacy because they are seen as adopting moral and ethical behaviors. They equally serve a moral and just cause. By achieving the status of legitimate actors, they become accepted by the general public. Secondly, on a macro level of analysis, we examined the different arguments and linguistic strategies adopted by the IPOA/ISOA. Its president played a prominent role in legitimizing the industry. His voice not only allowed to remove the mercenary label but also allowed to portray the industry as serving a moral and legitimate cause. Furthermore, by establishing a rational regulatory framework, the association allowed to legitimize the industry's identity and practices. Setting a self-regulatory mechanism contributed to distinguish legitimate and illegitimate practices. We have observed that appropriate regulation provides official recognition and acceptance. Last but not least, the third section of the chapter examined how the international community has significantly contributed to the legitimization and acceptance of PMSCs. Three international regulatory initiatives were analyzed. Despite their "soft-law" approach, they represent an encouraging step towards regulating and legitimizing the private military and security industry. There is a willingness of formally recognizing these actors in national and international law. This section also illustrated the European experience with regard to PMSCs through the analysis of three case studies (UK, France, EU). Each actor has its own experience and regulatory approach with regard to PMSCs.

To conclude, our two hypotheses were verified. Leading a comprehensive discourse analysis allowed to identify the different arguments maintained by the Federal Government and by the private military and

security industry. To understand how PMSCs became normalized and politically accepted in the United States of America, examining both spheres (the Federal Government and the Industry) was more than essential. Both actors resorted to their own discourse and arguments. Normalization and acceptance of PMSCs were the outcome of a fusion of these two discourses. On the one hand, the Federal Government allowed to consolidate and normalize the resort to PMSCs. On the other hand, the private military and security industry's discourse allowed to gain legitimacy and acceptance.

BIBLIOGRAPHY

BOOKS

AVANT, Deborah D., *The Market for Force. The Consequences of Privatizing Security*, Cambridge, Cambridge University Press, 2005, 310 p.

AXELROD, Alan, *Mercenaries. A Guide to Private Armies and Private Military Companies*, Washington, CQ Press, 2014, 440 p.

BRICET DES VALLONS, Georges-Henri, *Irak, terre mercenaire. Les armées privées remplacent les troupes américaines*, Lausanne, Favre, 2010, 268 p.

BRIODY, Dan, *The Halliburton Agenda. The Politics of Oil and Money*, Hoboken New Jersey, John Wiley & Sons, Inc., 2004, 290 p.

BRUYERE-OSTELLS, Walter, *Histoire des mercenaires. De 1789 à nos jours*, Paris, Tallandier, 2011, 265 p.

CAPARINI, Marina, SCHREIR, Fred, *Privatising Security: Law, Practice and Governance of Private Military and Security Companies*, DCAF, Geneva, March 2005, 168 p.

COTTON, Sarah K., *et al.*, *Hired Guns, Views About Armed Contractors in Operation Iraqi Freedom*, Santa Monica, RAND, 2010, 142 p.

GORE, Al, *Businesslike Government: Lessons Learned from America's Best Companies*. National Performance Review, Collingdale, Diane Pub Co, 1997, 115 p.

HOGARD *et al.*, *Les Nouveaux Mercenaires. La Fin des Tabous*, Fontainebleau, Ès Stratégies Éditions - CEREM, 2008, 120 p.

IRONDELLE, Bastien, OLSON, Christian, "La privatisation de la guerre : le cas anglo américain" in C. MALIS, D. DANET, H. STRACHAN (eds.), *La Guerre irrégulière*, Paris, Economica, 2011, pp. 113-143.

ISENBERG, David, *Shadow Force. Private Security Contractors in Iraq*, Westport, Praeger Security International, 2009, 244 p.

LANNING, Michael Lee, *Soldiers of Fortune, from Ancient Greece to Today's Private Military Companies*, New York, Presidio Press, 2005, 296 p.

LARSON, Eric V., ORLETSKY, David T., LEUSCHNER, Kristin J., *Defense Planning in a Decade of Change. Lessons from the Base Force, Bottom-Up Review, and Quadrennial Defense Review*, RAND, Santa Monica, 2001, 192 p.

LEANDER, Anna, *Eroding State Authority? Private Military Companies and the Legitimate Use of Force*, Soveria Mannelli, Rubbettino Editore, 2006, 179 p.

PERCY, Sarah, *Mercenaries, The History of a Norm in International Relations*, Oxford, Oxford University Press, 2007, 267 p.

PRINCE, Erik, *Civilian Warriors. The Inside Story of Blackwater and the Unsung Heroes of the War on Terror*, London, Portfolio, 2014, 416 p.

OLSSON, Christian, "Coercion and Capital in Afghanistan: The Rise, Transformation & Fall of the Afghan Commercial Security Sector", in J. BERNDTSSON & C. KINSEY (eds.), *The Routledge Research Companion to Outsourcing Security*, NY & London: Routledge, 2016, pp.41-51.

SCAHILL, Jeremy, *Blackwater. The Rise of the World's Most Powerful Mercenary Army*, New York, Nation Books, 2008, 560 p.

SHEARER, David, *Private Armies and Military Intervention*, Oxford, Oxford University Press, 1998, 88 p.

SINGER, Peter Warren, *Corporate Warriors. The Rise of the Privatized Military Industry*, Ithaca, Cornell University Press, 2007, 360 p.

SPERLING, Valerie, *Altered States: The Globalization of Accountability*, Cambridge, Cambridge University Press, 2009, 396 p.

ARTICLES

ABRAHAMSEN, Rita, WILLIAM, Michael C., "Security beyond the State: Global Security Assemblages in International Politics", *International Political Sociology*, vol. 3, n° 1, 2009, pp.1-17.

ANDREOPOULOS, George, BRANDLE, Shawna, "Revisiting the Role of Private Military and Security Companies", *Criminal Justice Ethics*, vol. 31, n° 3, 2012, pp. 138-157.

- AVANT, Deborah, "Private security companies", *New Political Economy*, 2005, vol. 10, n°1, pp. 121-131.
- AVANT, Deborah, "Contracting for Services in U.S. Military Operations", *Political Science and Politics*, vol. 40, n° 3, 2007, pp. 457-460.
- AVANT, Deborah, DE NEVERS, Renée, "Military Contractors & the American Way of War", *Daedalus*, vol. 140, n° 3, 2011, pp. 88-99.
- BIGO, Didier, " Editorial : Les entreprises de coercition para-privées : de nouveaux mercenaires ? ", *Cultures & Conflits* n° 52, 2003, pp. 5-10.
- BREUL, Jonathan D., "Three Bush Administration Management Reform Initiatives: The President's Management Agenda, Freedom to Manage Legislative Proposals, and the Program Assessment Rating Tool", *Public Administration Review*, vol. 67, n°1, January - February 2007, pp. 21-26.
- BREUL, Jonathan D., KAMENSKY, John M., "Federal Government Reform Initiatives: Lessons from Clinton's "Reinventing Government" and Bush's "Management Agenda", *Public Administration Review*, vol. 68, n°6, November - December 2008, pp. 1009-1026.
- BOWMAN, Marion E., "Privatizing While Transforming", *Defense Horizons*, n° 57, July 2007, pp. 1-8.
- BROOKS, Doug, "Messiahs or Mercenaries? The Future of International Private Military Services", *International Peacekeeping*, vol.7, n° 4, 2000, pp. 129-135.
- BROOKS, Doug, SHEVLIN, Jim, "Reconsidering Battlefield Contractors", *Georgetown Journal of International Affairs*, vol. 6, n° 2 Summer 2005, pp. 103-112.
- BROOKS, Doug, STRENG, Hanna, "The Stability Operations Industry: The Shared Responsibility of Compliance and Ethics", *Criminal Justice Ethic*, vol. 31, n° 3, 2012, pp. 302-318.
- COKER, Christopher, "Outsourcing War", *Cambridge Review of International Affairs*, vol. 13, n° 1, 1999, pp. 95-113.
- CORRELL, John T., "The Flying Tigers", *Air Force Magazine*, vol. 89, n° 12, December 2006, pp. 36-42.
- DAVID, J. Francis, "Mercenary Intervention in Sierra Leone: Providing National Security or International Exploitation?", *Third World Quarterly*, vol. 20, n° 2, Apr., 1999, pp. 319-338.

DAVITTI, Daria, “The Rise of Private Military and Security Companies in European Union Migration Policies: Implications under the UNGPs”, *Business and Human Rights Journal*, n°4, 2019, pp. 33-53.

EVEN, Elliott, “La France et les sociétés militaires privées : enjeux et débats”, *Inflexions*, n° 25, 2014, pp. 149-157.

FRANCART, Loup, “Sociétés militaires privées, quel devenir en France ? ” *Inflexions*, n° 5, Janvier-Mai 2007, pp. 85-105.

HOBSON, Christopher, “Privatising the War on Drugs”, *Third World Quarterly*, vol. 35, n° 8, 2014, pp. 1441-1456.

HOWE, Herbert M., “Private Security Forces and African Stability: The Case of Executive Outcomes”, *The Journal of Modern African Studies*, vol. 36, n° 2, June, 1998, pp. 307-331.

KRAHMANN, Elke, “United States, PMSCs and the State Monopoly on Violence: Leading the Way towards Norm Change”, *Security Dialogue*, vol. 44, n° 1, 2013, pp. 53-71.

LEANDER, Anna, “The Market for Force and Public Security: The Destabilizing Consequences of Private Military Companies”, *Journal of Peace Research*, vol. 42, n° 5, 2005, pp.605-622

Le PAUTREMAT, Pascal, “Mercenariat et sociétés militaires privées : expressions divergentes de la privatisation des conflits ? ”, *Inflexions*, 2007, vol. 1, n° 5, 2007, pp. 137-150

McFATE, Sean. “The Modern Mercenary: Private Armies and What They Mean for World Order.” *Review of Prism*, vol. 5, n° 3, 2015, pp. 185-190.

MAKKI, Sami, “Les acteurs privés dans le développement capacitaire de la PESD. Enjeux et perspectives”, *Les Champs de Mars*, n° 19, Janvier 2008, pp.73-86.

MAOGOTO, Jackson Nyamuya, “Subcontracting Sovereignty. Commodification of Military Force and Fragmentation of State Authority”, *The Brown Journal of World Affairs*, vol. 13, n° 1, 2006, pp. 147-160.

O'BRIEN, Kevin, “PMCs, Myths and Mercenaries. The Debate on Private Military Companies”, *The RUSI Journal*, vol. 145, n° 1, 2000, pp. 59-64.

OLSSON, Christian, “Vrai procès et faux débats : perspectives critiques sur les argumentaires de légitimation des entreprises de coercition para-privées”, *Culture & Conflits*, n° 52, 2003, pp. 11-45.

- PATTERSON, Malcom, "A Corporate Alternative to United Nations ad hoc Military Deployments", *Journal of Conflict & Security Law*, vol. 13, 2008, pp. 215-232.
- PERCY, Sarah, "Mercenaries: Strong Norm, Weak Law", *International Organization*, vol. 61 n° 2, 2007, pp. 367-397.
- PERCY, Sarah, "Private Security Companies and Civil Wars", *Civil Wars*, vol. 11, n° 1, 2009, pp. 57-74.
- PETERSOHN, Ulrich, "The Other Side of the COIN: Private Security Companies and Counterinsurgency Operations", *Studies in Conflict & Terrorism*, vol. 34 n° 10, 2011, pp. 782-801.
- PETERSOHN, Ulrich, "Reframing the Anti-Mercenary Norm: Private Military and Security Companies and Mercenarism", *International Journal: Canadas Journal of Global Policy Analysis*, vol. 69 n° 4, 2014, pp. 475-93.
- ROCHLIN, Jim, "Plan Colombia and the Revolution in Military Affairs: The Demise of the FARC", *Review of International Studies*, vol. 37, 2011, pp. 715-740.
- RUMSFELD, Donald, "Transforming the Military", *Foreign Affairs*, vol. 81, Fasc. 3, May/June 2002, pp. 20-32.
- SHEARER, David, "Outsourcing War Fall", *Foreign Policy*, vol. 112, 1998, pp. 68-81.
- SHEARER, David, "Private military forces and challenges for the future", *Cambridge Review of International Affairs*, vol.13, n° 1, 1999, pp. 80-94.
- SILVERSTEIN, Ken, "Privatizing War: How Affairs of State Are Outsourced to Corporations Beyond Public Control", *The Nation*, vol. 265 n° 4, 1997, pp. 11-17.
- SINGER, Peter. W., "Corporate Warriors: The Rise of the Privatized Military Industry and its Ramifications for International Security", *International Security*, vol. 26, n° 3, Winter 2001-2002, pp. 186-220.
- SINGER, Peter W., "Can't Win With 'Em, Can't Go To War without 'Em: Private Military Contractors and Counterinsurgency", *Foreign Policy at Brookings*, n° 4, September 2007, pp. 1-18.
- SPICER, Tim, "Privatizing Warfare: Mercenaries, Militia or Middlemen", *Cambridge Review of International Affairs*, vol. 13, n° 1, 1999, pp. 165-171.

TAYLOR Trevor, “Private security companies in Iraq and beyond”, *International Affairs*, vol. 87, n° 2, 2011, pp. 445-456.

TURCAN, Metin, OZPINAR, Nihat, “Who Let the Dogs Out? A Critique of the Security for Hire Option in Weak States”, *Dynamics of Asymmetric Conflict*, vol. 2, n° 3, 2009, pp. 143-171.

WHITE, Nigel D., “Regulation of the Private Military and Security Sector: Is the UK Fulfilling its Human Rights Duties?”, *Human Rights Law Review*, vol. 16, n° 3, September 2016, pp. 585–599.

PRESS ARTICLES

BRYCE, Robert, “Cheney is still paid for Pentagon Contractor”, *The Guardian*, March 12, 2003

BROOKS, R, “Fog of War, How can we talk about the military if we can’t define what it is?”, *Foreign Policy*, August 8, 2012

CHATTERJEE, Pratap, “Dick Cheney’s Halliburton: A Corporate Case Study”, *The Guardian*, June 8, 2011

COLE, August, “Blackwater Quits Security Association”, *The Wall Street Journal*, October 11, 2007

DERYSH, Igor, “Mueller: Erik Prince funder hunt for Hillary’s emails, lied about Russian meeting”, *Salon*, April 19, 2019

EDITORIAL, “Dick Cheney Rules” *The New York Times*, June 3, 2007

EDITORIAL, “A Verdict on Blackwater”, *The New York Times*, October 22, 2014

EDITORIAL, “The folly of using mercenaries in Iraq”, *The New York Times*, November 5, 2007

FORERO, Juan, “U.S. Pilots Fight Coca in Colombia”, *The New York Times*, August 17, 2001

GLANZ, James, “The World; Modern Mercenaries on the Iraqi Frontier”, *The New York Times*, April 4, 2004

GILSINAN, Kathy, “The War Machine is Run on Contracts”, *The Atlantic*, January 17, 2020

HALL, Richard, “Former Navy Seals Says Contractors Could Protect US Allies”, *Independent*, January 15, 2019

HALL, Richard “US troops in Syria could be replaced by private contractors, Blackwater founder Erik Prince says”, *Independent*, January 15, 2019

HARRIS, Shane, DEMIRJIAN, Karoum, “Congressional Democrats examine Erik Prince’s statements on 2017 Seychelles meeting for possible perjury”, *The Washington Post*, April 19, 2019

HAUER, Neil, “The Rise and Fall of a Russian Mercenary Army”, *Foreign Policy*, October 6, 2019

KONADJE, J.J., “L’émergence en France des sociétés militaires privées : enjeux et perspectives”, *Grotius International*, March 3, 2011

LASSERRE, Isabelle, “La sécurité privée dopée par la piraterie”, *Le Figaro*, 15 octobre 2012

LAURENT, A, “Revamping Reinvention”, *Government Executive*, April 10, 1998

MIROFF, Nick, “Plan Colombia: How Washington learned to love Latin American intervention again”, *The Washington Post*, September 18, 2016

NORTON-TAYLOR, Richard, “Britain is at center of global mercenary industry, says charity”, *The Guardian*, 3 February, 2016

SANER, Emine, “The return of the dogs of war: what's it like to be a soldier for hire? *The Guardian*, February 6, 2016

SAVAGE, Charlie, “Three Ex-Blackwater in Iraq War Massacre”, *The New York Times*, September 5, 2019

SOLOMON, J, “Bush Harvard Business School and the Makings of a President”, *The New York Times*, June 18, 2000

ROSENBAUM, David. E., “A Closer Look at Cheney and Halliburton”, *The New York Times*, September 28, 2004

SCHENCK, Mel, “The Largest Military Construction Project in History”, *The New York Times*, January 16, 2018.

SINGER, Peter. W., “Warriors for Hire in Iraq”, *Salon*, March 15, 2004.

TIOLADY-BISHOP, Lottie, “Horror Deaths Putin’s shady Wagner Group mercenary army flee Mozambique after 10 are beheaded by ISIS”, *The Sun*, November 25, 2019

VITKINE, Benoit, “Des mercenaires russes accusés d’avoir torturé et décapité un déserteur de l’armée syrienne”, *Le Monde*, Novembre 21, 2019

WAYNE, Leslie “America’s For-Profit Secret Army”, *The New York Times*, October 13, 2002

WEINER, Rachel, “A suit over Abu Ghraib getting to what actually happened”, *The Washington Post*, September 22, 2017

“We Force the Spring”: Transcript of Address by President Clinton, *The New York Times Archives*, January 21, 1993

“Reagan Would Elevate V.A. to Cabinet Level”, *The New York Times Archives*, November, 1987

REPORTS

ASSEMBLEE NATIONALE FRANCAISE, MENARD, Christian, VIOLLET, J.C, *Rapport d’information déposé en application de l’article 145 du règlement par la commission de la défense nationale et des forces armées sur les sociétés militaires privées*, Paris, France, 14 février 2012

CATO Policy Report, SAMPLES, John, *Limiting Government, 1980- 2010*, vol. 32, n°2, March/April 2010, p. 5-8

Congressional Budget Office Report, *Contractors’ Support of U.S. Operations in Iraq*, Washington D.C., August 2008, n° 3053, 28 p.

CRS Report for Congress, *The National Performance Review and Other Government Initiatives: An Overview, 1993-2001*, Washington D.C, June 4, 2001, RL30596, 35 p.

CRS Report for Congress, *Defense Outsourcing: The OMB Circular A-76 Policy*, Valerie Bailey Grasso, Washington D.C, June 30, 2005, RL30392, 30 p.

CRS Report for Congress, *Department of Defense’s Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress*, Moshe Schwartz, Washington D.C., September 29, 2009, R40764, 32 p.

CRS Report for Congress, *Department of Defense Contractors in Afghanistan and Iraq: Background and Analysis*, Moshe Schwartz, Joyprada Swain, Washington D.C., May 13, 2011, R40835, 15 p.

CENTCOM, Quarterly Contractor Census Reports, Office of the Assistant Secretary of Defense for Sustainment – *Contractor Support of U.S. Operations in the USCENTCOM Area of Responsibility*, Washington D.C., October 2019, 6 p.

DCAF, BUZATU, Anne-Marie, *Toward an International Code of Conduct for Private Security Providers: A View from Inside a Multistakeholder Process*, Geneva, 2015, SSR paper 12, 117 p.

DEPARTMENT OF DEFENSE, ASPIN, Les, *Report on the Bottom-Up Review*, Washington D.C., October 1993, 19990217020, 109 p.

DEPARTMENT OF DEFENSE, COHEN, William S., *Defense Reform Initiative Report*, Washington D.C., November 1997, 85 p.

DEPARTMENT OF DEFENSE, COHEN, William S., *Report of the Quadrennial Defense Review*, Washington, D.C., May 1997, 19970630034, 69 p.

DEPARTMENT OF DEFENSE, RUMSFELD, Donald, *Report of the Quadrennial Defense Review*, Washington, D.C., September 2001, 71 p.

DEPARTMENT OF DEFENSE, Instruction Number 3020.41, *Contractor Personnel Authorized to Accompany the U.S. Armed Forces*, Washington D.C, October 3, 2005, 33 p.

DEPARTMENT OF DEFENSE, RUMSFELD, Donald, *Report of the Quadrennial Defense Review*, Washington, D.C., February 2006, 92 p.

DEPARTMENT OF THE ARMY, *The United States Army Posture Statement.*, Washington, D.C., August, 2001, 17 p.

DEPARTMENT OF THE ARMY, *The United States Army Posture Statement.*, Washington, D.C. February, 2003, 41 p.

DEPARTMENT OF THE ARMY, *The United States Army Posture Statement.*, Washington, D.C., February 2004, 21 p.

DEPARTMENT OF THE ARMY, *The United States Army Posture Statement.*, Washington, D.C., February 2005, 23 p.

DEPARTMENT OF THE ARMY, *The United States Army Posture Statement.*, Washington, D.C., February 2006, 26 p.

DEPARTMENT OF THE ARMY, *Memorandum for all Army Leaders. Army Readiness Guidance*, Calendar Year 2016-17, Washington D.C, January 20, 2016, 9 p.

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION, *The Role of Private Security Companies (PSCs) in CSDP Missions and Operations*, Brussels, April 2011, PE 433.829 P.11, 43 p.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, *A Blueprint for New Beginnings: A Responsible Budget for America's Priorities*, Washington D.C., February 2001, ISBN0160506832, 207 p.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, *The President's Management Agenda*, Washington D.C., 2002, 64 p.

FOREIGN AND COMMONWEALTH OFFICE, *Private Military Companies: Options for Regulation*, London, February 2002, HC577, 48 p.

GAO, *DoD Competitive Sourcing: Results of A-76 Studies Over the Past 5 Years*, Washington, D.C, December 2000, GAO-01-20, 20 p.

GAO, *DoD Competitive Sourcing: A-76 Program has Been Augmented by Broader Reinvention Options*, Washington, D.C, June 2001, GAO-01-907T, 16 p.

HOUSE OF REPRESENTATIVES, *Military Extraterritorial Jurisdiction Act of 2000*, Washington D.C., July 20, 2000, 106–778, 27 p.

OFFICE OF THE VICE PRESIDENT, GORE, Al, *From Red Tape to Results: Creating a Government That Works Better & Costs Less. Report of the National Performance Review*, Washington D.C., September 10, 1993, ED384294, 175 p.

OFFICE OF THE VICE PRESIDENT, GORE, Al, *Creating a Government That Works Better & Costs Less. Status Report. Report of the National Performance Review*, Washington D.C., September 1994, ED384295, 123 p.

PRIO Report, ISENBERG, David, *Private Military Contractors and U.S. Grand Strategy*, Oslo, 2009, ISBN9788272883248, 49 p.

WEBSITES

ACADEMI A CONSTELLIS COMPANY, “About Us”, Website academy.com,
<https://www.academi.com/pages/about-us>, accessed on September 12, 2019

ACADEMI A CONSTELLIS COMPANY, “Instructors”, Website academy.com,
<https://www.academi.com/pages/training/instructors>, accessed on September 12, 2019

ASIS INTERNATIONAL, “About Certification”, Website asisonline.org,
<https://www.asisonline.org/certification/asis-board-certifications2/>, accessed on November 3, 2019

BAPSC “The British Association of PRIVATE SECURITY COMPAGNIES”, Website
bapsc.org.uk, <https://bapsc.org.uk/>, accessed on September 27, 2019

CAMBRIDGE DICTIONARY, “Mercenary”, Website dictionarycambridge.org,
<https://dictionary.cambridge.org/dictionary/english/mercenary>, accessed on December 4, 2019

CONGRESS GOV, “H.R.2740-MEJA Expansion and Enforcement Act of 2007”, Website
[congress.org](http://congress.gov), <https://www.congress.gov/bill/110th-congress/house-bill/2740>, accessed on
December 5, 2019

CONSTELLIS SECURE SUCCES, “Serving Customers across the Globe”, Website constellis.com,
<https://constellis.com/>, accessed on September 6, 2019

CONSTELLIS SECURE SUCCES, “Who We Are”, Website constellis.com,
<https://constellis.com/who-we-are/overview>, accessed on September 6, 2019

CONSTELLIS SECURE SUCCES, “Sectors”, Website constellis.com,
<https://constellis.com/sectors/government>, accessed on September 6, 2019

DYNCORP INTERNATIONAL, “We Serve Today for a Better Tomorrow” Website dyn-intl.com,
<https://www.dyn-intl.com/>, accessed on September 11, 2019

DYNCORP INTERNATIONAL, “Who We Serve” Website dyn-intl.com, <https://www.dyn-intl.com/about-di/who-we-serve/>, accessed on September 11, 2019

DYNCORP INTERNATIONAL, “About DI: Commitment to Veterans” Website dyn-intl.com,
<https://www.dyn-intl.com/about-di/commitment-to-veterans/>, accessed on September 11, 2019

FRANCE 24, “Tears, hope as foes reconcile before Bougainville independence vote”, Website france24.com, <https://www.france24.com/en/20191108-tears-hope-as-foes-reconcile-before-bougainville-independence-vote>, accessed on October 24, 2019

G4S, “G4S Our-People”, Website g4s.com, <https://www.g4s.com/who-we-are/our-people>, accessed on October 4, 2019

HAVA, “About HAVA: The Beginning” Website honoredveterans.org, <https://www.honoredveterans.org/about-hava/>, accessed on September 29, 2019

ICRC, “The Montreux Document on Private Military and Security Companies”, Website icrc.org, <https://www.icrc.org/en/publication/0996-montreux-document-private-military-and-security-companies>, accessed on November 4, 2019

IPOAWORLD, “What is ISOA”, Website ipoaworld.org, <https://ipoaworld.org/eng/aboutipoa.html>, accessed on October 20, 2019

ISOA, “History of ISOA”, Website stability-operations.org, <https://stability-operations.org/page/History>, accessed on October 20, 2019

ISOA, “Our Work”, Website stability-operations.org, <https://stability-operations.org/page/work>, accessed on October 20, 2019

ICoCA, “The Association” Website icoca.ch, <https://icoca.ch/en/association>, accessed on October 20, 2019

ICoCA, “Certification” Website icoca.ch, <https://icoca.ch/en/certification>, accessed on October 21, 2019

ICoCA, “History” Website icoca.ch, <https://icoca.ch/en/history>, accessed on October 21, 2019

KBR, “Aerospace & Defense”, Website kbr.com, <https://www.kbr.com/en/markets/aerospace-defense>, accessed on October 4, 2019

LAROUSSE, “mercenaire”, Website larousse.fr, <https://www.larousse.fr/dictionnaires/francais/mercenaire/50576?q=mercenaire#50464>, accessed on December 4, 2019

LINKEDIN, “Greg Craddock”, Website LinkedIn.com, <https://www.linkedin.com/in/greg-craddock-33969427/>, accessed on September 27, 2019

NATO, “Partnership for Peace program” Website nato.int,

https://www.nato.int/cps/en/natohq/topics_50349.htm, accessed on October 26, 2019

NDIA, “About”, Website ndia.org, <https://www.ndia.org/about>, accessed on November 3, 2019

NEWS EUROPEAN PARLIAMENT, “MEPs call for EU rules on private security companies”

Website europarl.europa.eu, [https://www.europarl.europa.eu/news/en/press-](https://www.europarl.europa.eu/news/en/press-room/20170502IPR73109/meps-call-for-eu-rules-on-private-security-companies)

[room/20170502IPR73109/meps-call-for-eu-rules-on-private-security-companies](https://www.europarl.europa.eu/news/en/press-room/20170502IPR73109/meps-call-for-eu-rules-on-private-security-companies), accessed on November 23, 2019

OFFICE OF MANAGEMENT AND BUDGET, “President’s Management Agenda”, Website

georgewbush-whitehouse.archives.gov, [\[whitehouse.archives.gov/omb/budintegration/pma_index.html\]\(https://georgewbush-whitehouse.archives.gov/omb/budintegration/pma_index.html\), accessed on December 16, 2019](https://georgewbush-</p></div><div data-bbox=)

OURDOCUMENTS.GOV, “Transcript of President Dwight D. Eisenhower’s Farewell Address (1961)”, Website ourdocuments.gov,

<https://www.ourdocuments.gov/doc.php?flash=false&doc=90&page=transcript>, accessed on October 2, 2019

OXFORD LEARNER’S DICTIONARY, “Mercenary”, Website oxfordlearnersdictionaries.com,

https://www.oxfordlearnersdictionaries.com/definition/english/mercenary_1?q=mercenary, accessed on December 4, 2019

PATRIOT GROUP INTERNATIONAL, “Enabling your mission success while reducing

uncertainty” Website patgroupi.com, [https://patgroupi.com/expertise/global-security-risk-](https://patgroupi.com/expertise/global-security-risk-management/)
[management/](https://patgroupi.com/expertise/global-security-risk-management/), accessed on October 1, 2019

PATRIOT GROUP INTERNATIONAL, “Leadership Team” Website patgroupi.com,

<https://patgroupi.com/about/leadership-team/>, accessed on October 1, 2019

REED, “About Us” Website reedinc.com, <http://www.reedinc.com/about-us/conformance/>,

accessed on October 25, 2019

REUTERS, “British firms battle for Iraq Security deals”, Website reuters.com,

<https://www.reuters.com/article/us-iraq-security-idUSL0138042020071001>, accessed on September 28, 2019

SAIC, “Leadership” Website saic.com, <https://www.saic.com/who-we-are/about-saic/leadership>,

accessed on October 3, 2019

SAIC, “Defense” Website saic.com, <https://www.saic.com/who-we-serve/defense>, accessed on October 3, 2019

SCEG, “About SCEG”, Website seguk.org.uk, <https://www.sceguk.org.uk/about-sceg/>, accessed on September 24, 2019

SOC ADAY & ZIMMERMANN COMPANY, “About SOC”, Website soc-usa.com, <https://www.soc-usa.com/about-us/about-soc>, accessed on September 13, 2019

SOC ADAY & ZIMMERMANN COMPANY, “Current and Past Performance”, Website soc-usa.com, <https://www.soc-usa.com/core-services/current-and-past-performance>, accessed on September 13, 2019

SOC ADAY & ZIMMERMANN COMPANY, “Guidance for Veterans”, Website soc-usa.com, <https://www.soc-usa.com/careers/guidance-for-veterans>, accessed on September 14, 2019

TORRES ADVANCED ENTREPRISE SOLUTIONS, “Professional Certifications” Website torresco.com, <https://www.torresco.com/about-us/information/>, accessed on October 3, 2019

TORRES ADVANCED ENTREPRISE SOLUTIONS, “About Us” Website torresco.com, <https://www.torresco.com/about-us/>, accessed on October 3, 2019

VXL, “Never Compromise” Website vxlenterprises, <http://vxlenterprises.com/>, accessed on September 11, 2019

VXL, “Never Forget” Website vxlenterprises, <http://vxlenterprises.com/never-forget/>, accessed on September 14, 2019

TMP Features, “The History of Privatization: How an Ideological and Political Attack on Government Became a Corporate Grab for Gold”, Website talkingpointsmemo.com, <https://talkingpointsmemo.com/features/privatization/one/>, accessed on September 23, 2019

U.S. Army, “Army Sustainment Command preps to help ensure smooth transition to LOGCAP V”, Website army.mil, https://www.army.mil/article/228147/army_sustainment_command_preps_to_help_ensure_smooth_transition_to_logcap_v, accessed on September 18, 2019

U.S. Army, “LOGCAP III Task Order continues support in Iraq”, Website army.mil, https://www.army.mil/article/38607/logcap_iii_task_order_continues_support_in_iraq, accessed on September 19, 2019

UNITED NATIONS HUMAN RIGHT, “Working Group on the use of mercenaries and impeding the exercise of the rights of peoples to self-determination”, Website ohchr.org, <https://www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/WGMercenariesIndex.aspx>, accessed on December 12, 2019

U.S. Department of Defense, “Donald H. Rumsfeld”, Website defense.gov, <https://www.defense.gov/Our-Story/Biographies/Biography/Article/602800/>, accessed on September 15, 2019

U.S. Department of Defense, “Quadrennial Defense Review”, Website dod.defense.gov, <https://dod.defense.gov/News/Special-Reports/QDR/>, accessed on October 7, 2019

U.S. Department of Defense, “Secretary Rumsfeld Interview with CNN Moneyline”, Website archive.defense.gov, <https://archive.defense.gov/Transcripts/Transcript.aspx?TranscriptID=1907>, accessed on October 27, 2019

U.S.DEPARTMENT of STATE, “Key Topics-Office of Security Assistance, Bureau of Political-Military Affairs”, Website state.gov, <https://www.state.gov/about-us-office-of-security-assistance/>, accessed October 22, 2019

U.S.DEPARTMENT of STATE, “Assessing the Colombia Peace Process: The Way Forward in U.S.-Colombia Relations”, Website state.gov, <https://www.state.gov/about-us-office-of-security-assistance/>, accessed October 22, 2019

UVA/Miller Center, “George H.W. Bush: Domestic Affairs”, Website millercenter.org, <https://millercenter.org/president/bush/domestic-affairs>, accessed on December 18, 2019

UVA/Miller Center, “George W. Bush: Life Before the Presidency”, Website millercenter.org, <https://millercenter.org/president/bush/domestic-affairs>, accessed on December 18, 2019

VETERAN JOBS MISSION, “About the Mission”, Website veteranjobsmission.com, <https://www.veteranjobsmission.com/about-the-mission>, accessed on September 29, 2019

DOCUMENTARY

BICANIC, Nick, BOURQUE, Jason, “Shadow Company”, Purpose Films, Canada, August 23, 2006

SPEECHES

BROOKS, Doug, *CWI Summit: The Afghanistan Summit*, Dubai UAE, June 12, 2012

CLINTON, Bill, *First Inaugural Address*, Washington D.C. January 20, 1993

CLINTON, Bill, *Address to the Nation from the Oval Office*, Washington D.C. December 15, 1994

RUMSFELD, Donald, *Bureaucracy to Battlefield*, Washington D.C., September 10, 2001

NEWSLETTERS

BROOKS, Doug, “Message from the President”, *IPOA Quarterly*, n° 1, October 5, 2004, 1 p.

BROOKS, Doug, “Message from the President”, *IPOA Quarterly*, January, 2005, 2 p.

BROOKS, Doug, “Message from the President: Supporting Industry Standards”, *IPOA Quarterly*, April, 2005, 2 p.

BROOKS, Doug, “Message from the President: Protecting People Through Technology”, *IPOA Quarterly*, July, 2005, 2 p.

BROOKS, Doug, “Message from the President: The Growth and Maturation of Private Security”, *IPOA Quarterly*, October, 2005, 1 p.

BROOKS, Doug, “Message from the President”, *IPOA Quarterly*, October, 2005, 2 p.

BROOKS, Doug, “President’s Message”, *IPOA Quarterly*, April, 2006, 2 p.

BROOKS, Doug, “Valuing the Contribution of the Private Sector: Assisting International Missions from Sierra Leone to Afghanistan and Beyond”, *Journal of International Peace Operations*, vol. 2, n° 3, November-December, 2006, 4 p.

BROOKS, Doug, "A New Congress Facing Old Challenges. Accountability in the Peace and Stability Industry Continues to be Critically Important", *Journal of International Peace Operations*, vol. 2, n°4, January-February, 2007, 4p.

BROOKS, Doug, "In Search of Adequate Legal and Regulatory Frameworks. IPOA Seeks Robust and Reasonable Accountability and Oversight Mechanisms Worldwide", *Journal of International Peace Operations*, vol.2, n° 5, March-April, 2007, 4p.

BROOKS, Doug, "UN Group Meets in Panama. Working Group Continues to Grapple with Key Issues", *Journal of International Peace Operations*, vol.3, n° 4, January-February, 2008, 21 p.

BROOKS, Doug, "The Swiss Show Some Initiative. Bringing Clarity to International Legal and Regulatory Frameworks", *Journal of International Peace Operations*, vol. 3, n° 3, May-June, 2008, 4 p.

BROOKS, Doug, "Are Contractors Military? Terminology Matters, Especially in International Regulations and Law", *Journal of International Peace Operations*, vol. 5, n° 5, March-April, 2010, 4 p.

BROOKS, Doug, "Ethical Security: A Challenge and a Necessity. Helping to End Conflict in an Effective, Professional Manner", *Journal of International Peace Operations*, vol. 2, n° 2, September-October, 2006, 4 p.

CHERNEVA, Iveta, "IPOA Holds Capitol Hill Event on UCMJ-MEJA Debate. Congressmen, Military and Civilian Lawyers Tackle the Legal Challenges of Contractor Law", *Journal of International Peace Operations*, vol. 2, n° 5, March-April, 2007, 6 p.

GRACIELLY, Ylana, "Murkiness. Secretiveness. Impunity: The Industry Faces an Onslaught of Inaccurate Descriptors", *Journal of International Peace Operations* vol. 3, n° 3, November-December, 2007, 28 p.

MANTCHEVA, Denitza, "IPOA Testifies Before UN Working Group on Mercenaries. President Doug Brooks Presents Industry Perspective to Working Group Meeting in Geneva", *Journal of International Peace Operations*, vol. 2, n°5, March-April, 2007, 7 p.

MASON, Garrett, "UN Peacekeeping and the Private Sector", *IPOA Quarterly*, n° 1, October 5, 2004, 1 p.

MASON, Garrett, "Join IPOA Today", *IPOA Quarterly*, n° 1, October 5, 2004, 5 p.

McINTYRE, Angela, “Private Military Firms in Africa: Rogue or Regulated?”, *IPOA Quarterly*, January 2005, 5 p.

ORTIZ, Carlos, “PMC Regulation: A Legal Vacuum?”, *IPOA Quarterly*, April 2005, 3 p.

SHAMEEM, Shaista, “Conflict and Security Issues in the Modern Age: Implication for Peace”, *IPOA Quarterly*, April 2006, 1-7 p.

SCHEYE, Eric, PEAKE, Gordon, MANCINI, Francesco, “Security Sector Reform and the Role of Private Contractors”, *IPOA Quarterly*, July 2005, 1 p.

VOLKER, Franke, “Service Versus Profit”, *Journal of International Peace Operations*, vol. 7, n° 21, July 2011, 28-29 p.

WRIGHT, Derek “IPOA Endorses MEJA Expansion and Enforcement Act. IPOA Backs Rep. Price’s Reforms”, *Journal of International Peace Operations*, vol. 3, n° 3, November-December, 2007, 7 p.

LEGAL INSTRUMENTS

PUBLIC LAW 105-270, Federal Activities Inventory Reform Act of 1998, 105th Congress, Washington D.C., October 19, 1998

LOI n° 2003-340, relative à la répression de l'activité de mercenaire, Paris, 14 avril 2003

H.R.2740 - MEJA Expansion and Enforcement Act of 2007, 110th Congress, Washington D.C., October 5, 2007

THE MONTREUX DOCUMENT On pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict, Federal Department of Foreign Affairs FDFA, International Committee of the Red Cross, Geneva, September 17, 2008

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, Draft International Convention on the Regulation, Oversight and Monitoring of Private Military and Security Companies, Geneva, July 13, 2009

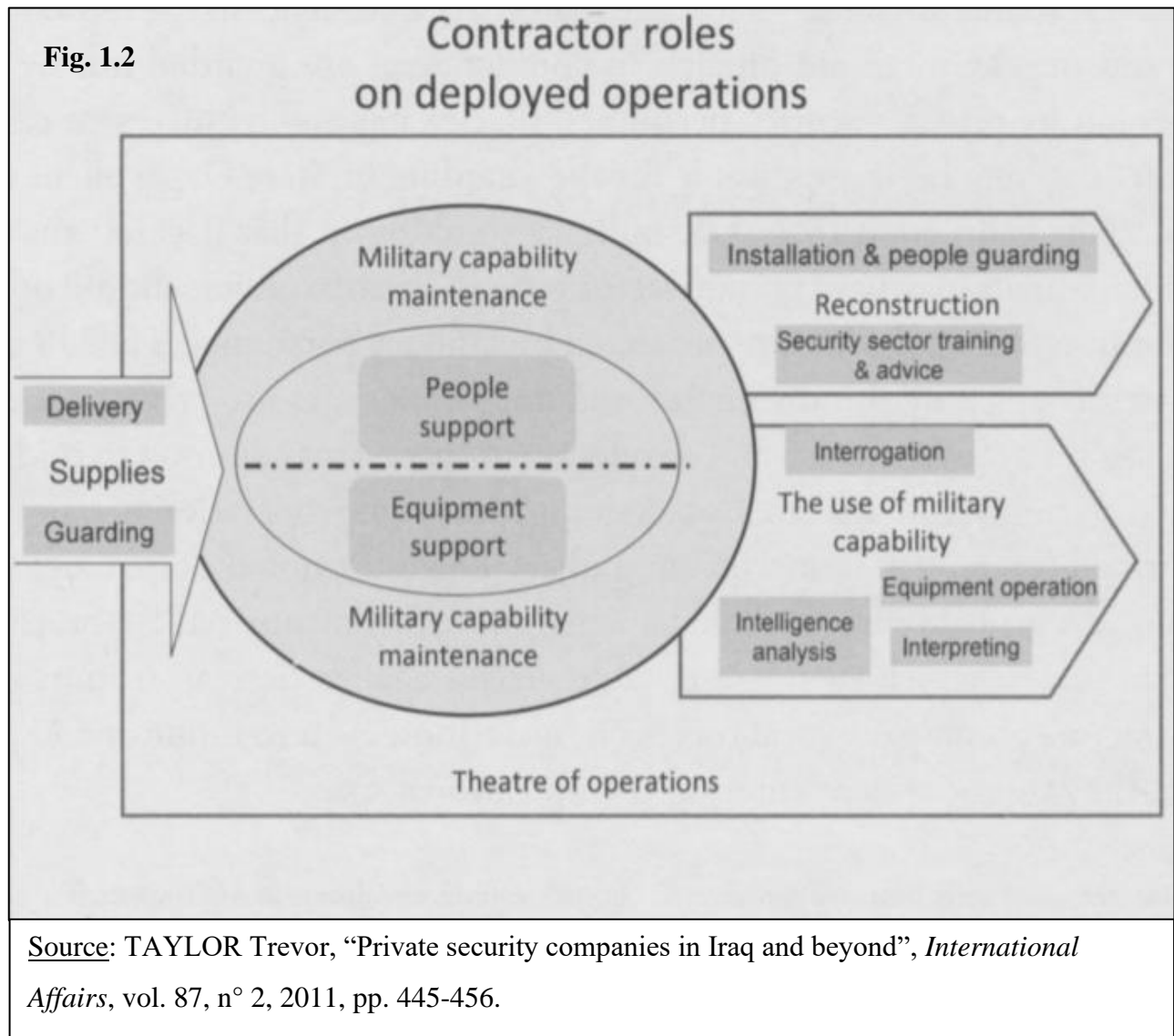
Confederation Suisse, International Code of Conduct for Private Security Service Providers, November 9, 2010

International Stability Operations Association, ISOA Code of Conduct, Version 13.1, Adopted October 20, 2011

EUROPEAN PARLIAMENT, resolution on private security companies, 2016/2238(INI), Brussels, July 4, 2017

Appendix

Appendix 1



Appendix 2

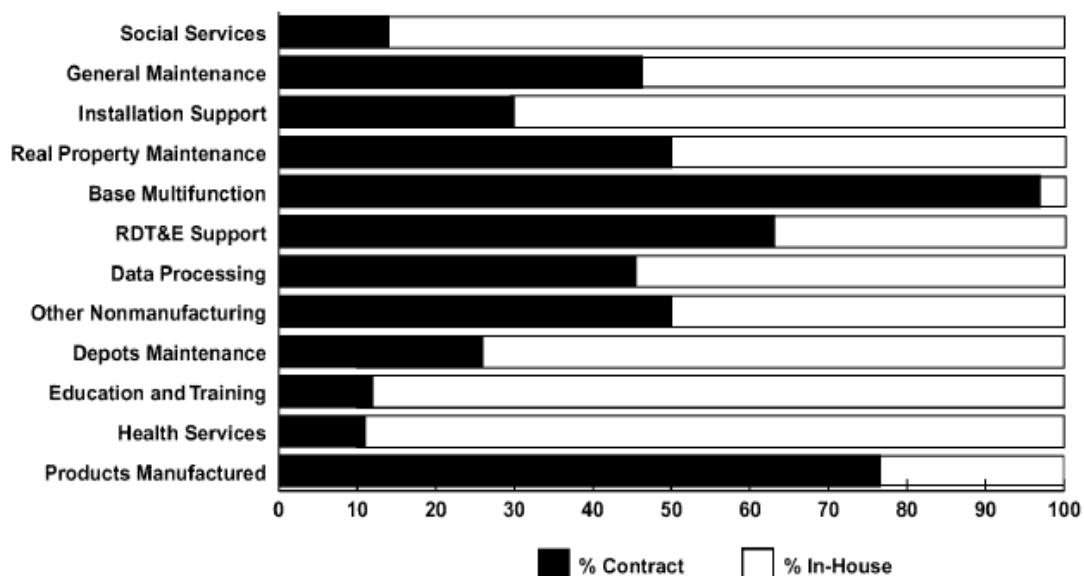
Fig. 2.3

Competition Yields Significant Savings

	Competitions Completed	Average Annual Savings (\$M)	Percent Savings
Army	510	\$ 470	27%
Air Force	733	\$ 560	36%
Marine Corps	39	\$ 23	34%
Navy	806	\$ 411	30%
Defense Agencies	50	\$ 13	28%
Total	2,138	\$ 1,478	31%

Results of A-76 Cost Comparison: 1978-1994

Private and Public Sector Performance of Commercial Activities



Source: DEPARTMENT OF DEFENSE, COHEN, William S., *Defense Reform Initiative Report*, Washington D.C., November 1997, 85 p.

Appendix 3

Fig. 2.4

Number of Positions Studied, 1988-1997

Fiscal Year	Total FTEs	DOD FTEs	Civilian Agencies FTEs
1988	17,249	12,000	5,249
1989	8,469	6,100	2,369
1990	9,547	6,989	2,558
1991	2,026	1,243	783
1992	564	496	68
1993	509	441	68
1994	1,691	1,623	68
1995	2,386	2,128	258
1996	5,267	5,241	26
1997	25,255	25,255	0

Source: CRS Report for Congress, *Defense Outsourcing: The OMB Circular A-76 Policy*, Valerie Bailey Grasso, Washington D.C, June 30, 2005, RL30392, 30 p.

Appendix 4



BLACKWATER

In Support of Freedom and Democracy Everywhere.

Blackwater USA is made up of six companies: Blackwater Training Center, Blackwater Target Systems, Blackwater Security Consulting, Blackwater K-9, Blackwater Air (BWA), and Raven Development Group (RDG). We have established a global presence and provide training and tactical solutions for the 21st century.

Our clients include federal law enforcement agencies, the Department of Defense, Department of State, and Department of Homeland Security, local and state entities from around the country, multi-national corporations, and friendly nations from all over the globe.

We customize and execute solutions for our clients to help keep them at the level of readiness required to meet today's law enforcement, defense, and global security challenges.

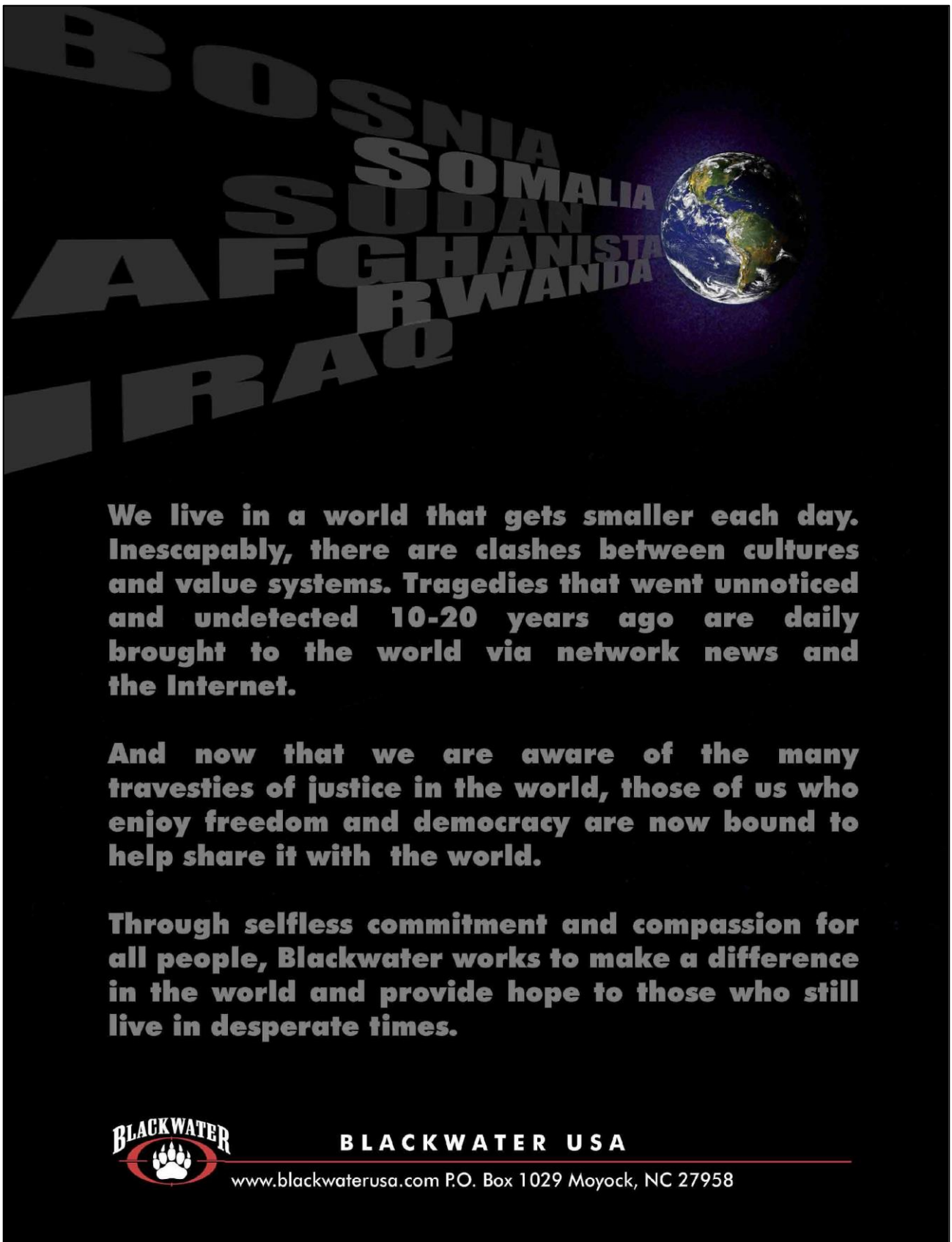
Blackwater USA is the Most Comprehensive Private Tactical Training Facility in the United States.

**Come To Blackwater,
Where The Professionals Train.**

BLACKWATER USA
P.O. Box 1029
Mayock, NC 27958
252.435.2050 / Fax 252.435.6576
www.blackwaterusa.com

Source: *IPOA Quarterly*, April 2005, 4 p.


Appendix 5 :



We live in a world that gets smaller each day. Inescapably, there are clashes between cultures and value systems. Tragedies that went unnoticed and undetected 10-20 years ago are daily brought to the world via network news and the Internet.

And now that we are aware of the many travesties of justice in the world, those of us who enjoy freedom and democracy are now bound to help share it with the world.

Through selfless commitment and compassion for all people, Blackwater works to make a difference in the world and provide hope to those who still live in desperate times.

BLACKWATER
 **BLACKWATER USA**

www.blackwaterusa.com P.O. Box 1029 Moyock, NC 27958

Source: *IPOA Quarterly*, October, 2005, 4 p.

Serving to make a difference.



www.blackwaterusa.com P.O. Box 1029, Moyock, NC 27958 (252) 435-2488

Source: *Journal of International Peace Operations* vol. 3, n° 3, November-December, 2007, 2 p.

Defining True Security™



Accountable. Ethical. Disciplined. Reliable. Dedicated. Professional.



At Triple Canopy, a global security solutions provider, we believe that security is much more than pure analysis, planning, protection and training.

Security is reflected in our reputation. It's indicative of our culture and manifested in the attitude of our people and the way we conduct business.

As our customer, you can rest assured that the security of your people, infrastructure and assets are safeguarded by the very best.

Only Triple Canopy delivers True Security.

Don't settle for anything less.

triplecanopy.com



TRIPLE CANOPY

Secure Success.

Source: *IPOA Quarterly*, July 2005, 4 p.

Appendix 8

Fig 3.1 Motivation for Seeking Employment in the Private Security Sector (in percent)

Motivators	Very important	Important	Less/not important
To face and meet new challenges	74.9	20.8	4.3
To help others	64.6	24.1	11.3
To feel like my work makes a difference	38.0	37.1	24.9
To serve my country	31.3	34.1	34.6
To make more money than in my previous job	25.2	44.1	30.6
For personal growth	22.0	33.9	44.0
To seek adventure and excitement	19.1	35.4	45.5
To improve my chances of finding a better job	13.1	36.7	50.2
To travel and visit new places	11.3	32.1	56.6

Source: VOLKER, Franke, "Service Versus Profit", *Journal of International Peace Operations*, vol. 7, n°21, July 2011, 28-29 p.

Appendix 9

Fig. 3.2 How Are Private Military Firms Different?	
<i>Organization</i>	Prior Corporate Structure
<i>Motives</i>	Business Profit-Driven, Rather than Individual Profit-Driven
<i>Open Market</i>	Legal, Public Entities
<i>Services</i>	Wider Range, Varied Clientele
<i>Recruitment</i>	Public, Specialized
<i>Linkages</i>	Ties to Corporate Holdings and Financial Markets
<u>Source:</u> SINGER, Peter Warren, <i>Corporate Warriors. The Rise of the Privatized Military Industry</i> , Ithaca, Cornell University Press, 2007, 360 p.	

Plagiarism Chart

Règlement sur le plagiat Jury du Département de science politique Adopté le 6 septembre 2016

Considérant que le plagiat est une faute inacceptable sur les plans juridique, éthique et intellectuel ;

Conscient que tolérer le plagiat porterait atteinte à l'ensemble des corps étudiants, scientifiques et académiques en minant la réputation de l'institution et en mettant en péril le maintien de certaines approches pédagogiques;

Notant que les étudiants sont sensibilisés aux questions d'intégrité intellectuelle dès leur première année d'étude universitaire et que le site web des Bibliothèques de l'ULB indique clairement comment éviter le plagiat : (www.bib.ulb.ac.be/fr/aide/eviter-le-plagiat/index.html)

Rappelant que le plagiat ne se limite pas à l'emprunt d'un texte dans son intégralité sans emploi des guillemets ou sans mention de la référence bibliographique complète, mais se rapporte également à l'emprunt de données brutes, de texte traduit librement, ou d'idées paraphrasées sans que la référence complète ne soit clairement indiquée ;

Convenant qu'aucune justification, telle que des considérations médicales, l'absence d'antécédents disciplinaires ou le niveau d'étude, ne peut constituer un facteur atténuant.

Prenant note de l'article XI.165 du Code de droit économique, de l'article 66 du *Règlement général des études* du 3 juillet 2006, du *Règlement de discipline relatif aux étudiants* du 5 octobre 1970, et de l'article 54 du *Règlement facultaire relatif à l'organisation des examens* du 9 décembre 2004;

Le Jury du Département de science politique recommande formellement d'attribuer au minimum aux étudiants qui commettent une faute de plagiat avérée la note de 0 pour l'ensemble du cours en question, sans possibilité de reprise en seconde session. Cette recommandation ne présage pas de la sanction finalement proposée au jury par le Doyen en fonction des détails relatifs au cas de plagiat qui lui a été transmis.

I Julien Machi, confirm having read this regulation and certify that I have not committed plagiarism for this research.

Done in (location) Brussels

Date 09/02/2020

Signature of the student J. Machi

Summary

Introduction

One State that deserves particular attention when mentioning private military and security companies (PMSCs) is without question the United States of America. Since the Gulf War, the country has over-relied on private contractors to carry out military functions. Today the United States has become by far the largest consumer of private military services to the point where the country cannot go to war without private military and security contractors. The United States has reached a situation where the use of private contractors in contingency operations has become an ordinary phenomenon. From the Gulf War to the War on Terror, the U.S. military has manifested its growing reliance on PMSCs. The goal of this study is to understand how the use of these actors has become normalized and politically accepted in the United States of America. To carry out this study, we will try to answer to the following research question:

- *How did the resort to private military and security companies become accepted and normalized to the point where their use became commonplace in the United States of America?*

In order to answer this research question, we will formulate the two following hypotheses:

- 1) *If private military and security companies have become normalized and accepted, it is due to a set of political and military discourses aiming at consolidating and normalizing their use during the Clinton and George W. Bush administrations.*
- 2) *If private military and security companies have become accepted and legitimated it is due to a significant effort to recast their mercenary image by embracing an ethical and moral discourse.*

This study will be divided into three main chapters. The first chapter will propose a global overview of the topic and provide an adequate framework and methodology. The second and third chapters will test our hypotheses. We will reveal our findings and results in the conclusion.

The first chapter will be divided into two sections. The first one will provide an historical overview of the resort to PMSCs in the United States. Firstly, we will observe whether the resort to PMSCs has become an inherent tradition in the country. Secondly, we will examine how PMSCs have become an integral part of the new American way of war. Thirdly, we will analyze the different political ties and affiliations existing between PMSCs and the U.S. Federal Government. The second section will focus on the academic studies of PMSCs. In a first time, we will explore the different terminologies and concepts existing within the academic community. In a second time, we will investigate the different theories and topics related to our study. Finally, we will provide the framework and the methodology to adopt.

The second chapter will examine the first hypothesis. By analyzing a set of political and military

discourses within the Federal Government and in particular the Pentagon, we will see how PMSCs have been politically accepted and normalized through a certain period in time. We will particularly focus on the Clinton and George W. Bush administrations. Our main assumption suggests that normalization has taken place because of a discourse embraced within the Federal Government aiming at transforming the Department of Defense on the way it works and how it operates. By leading a comprehensive discourse analysis, we will collect the different arguments composing this discourse. A particular focus on the voices of the different Secretaries of Defense (Les Aspin, William S. Cohen, Donald Rumsfeld) will be required.

The third chapter will examine the second hypothesis. The chapter consists in analyzing a discourse embraced within the private military and security industry aiming at legitimizing its essence and status. On a micro level of analysis, we will explore the different arguments employed by a group of American PMSCs. On a macro level of analysis, we will focus on the industry's advocacy group and its role in legitimizing the industry. To examine the different arguments and strategies adopted by the industry and its members, we will resort to a comprehensive discourse analysis and to an examination of linguistics. Our main assumption proposes that PMSCs have achieved a certain degree of legitimacy and recognition because they have managed to recast their unlawful and mercenary image. Last but not least, we will also discuss about international normalization and acceptance.

Chapter I - Private Military and Security Companies: A General Overview

1. The Resort to PMSCs in the United States of America

This first section of the chapter gives a historical perspective of the resort to PMSCs in the United States of America. First of all, history has showed that the use of private military contractors has indeed become an American deep-rooted tradition. From the American Revolutionary War to the War of Vietnam, the country has significantly relied on contractors. The American War of Independence and the Civil War witnessed the presence of the first private contractors on American soil. The latter, were more considered as foreign fighters and freedom fighters pushed by ideological motivations. On the other hand, WWI and WWII saw the appearance of American volunteers willing to fight abroad for specific causes. The war in Vietnam witnessed the emergence of modern PMSCs particularly in the realm of logistics. By the end of the Cold War, resorting to private companies for the delivery of military and security services was hardly new in the United States⁵⁸⁴. However, the collapse of the Soviet Union marked a turning point in consolidating this American reliance on PMSCs. In fact, PMSCs started to play a prominent role in the new American way of war. The U.S. resorted to PMSCs to carry out its foreign policy objectives. Training foreign militaries and advising

⁵⁸⁴ AVANT, Deborah D., *The Market for Force. The Consequences of Privatizing Security*, Cambridge, Cambridge University Press, 2005, 310 p115.

foreign forces were considered as critical objectives for the United States and a centerpiece of the nation's grand strategy after the Cold War. Consequently, the U.S. turned to PMSCs to carry out these objectives in Croatia and Bosnia. Through the use of PMSCs, the United States carried a successful secret foreign policy by maintaining official neutrality while still supporting its allies in the Balkans⁵⁸⁵. American firm MPRI played an important part in the Yugoslavian conflict to the point where it altered the course of the war. Similarly, LOGCAP winner BRS provided critical services to the U.S. Army in Bosnia. By resorting to private companies, the American government did not only deny its involvement in military operations abroad but it also allowed itself to circumvent international sanctions and national domestic restrictions. Furthermore, the country relied on PMSCs to implement Plan Colombia and carry out the so-called War on Drugs. The U.S. government contracted Virginia-based DynCorp firm to carry out a wide range of activities linked to the mission. Because private companies were equally engaged in counterinsurgency operations against local FARC rebels, they offered a much more flexible approach and a "small foot print" alternative to the U.S. government⁵⁸⁶. The case of Plan Colombia highlights how the use of business proxies can be instrumental in carrying out military actions abroad while maintaining at the same time a low level of U.S. military involvement overseas. However, the War Against Terror gave birth to the most privatized conflict in history. The U.S. over relied on PMSCs while in Iraq and Afghanistan. In fact, private contractors outnumbered U.S. troops on the ground. Because of the disastrous Iraqi post-invasion planning set by the Bush administration, the U.S. army became quickly overtasked and had to resort to outside suppliers for the provision of certain services⁵⁸⁷. The former carried out a wide variety of functions, such as the protection of U.S. government high-level officials and the provision of logistic support services to the U.S. military. PMSCs were also contracted by the CIA to hunt down and kill Al-Qaeda members. The experiences in Iraq and Afghanistan highlight how PMSC have become prominent players in the new American way of war and demonstrate their perfect integration in the U.S. war machine. Finally, resorting to PMSCs is also a story of political favoritism and of permanent interpenetration of businesses, politics and the military. Dick Cheney's former company Halliburton, possessed a clear competitive advantage compared to other firms as a result of its close relationships with politics. On the other hand, relationships between private military contractors and the U.S. government have also included political contributions and lobbying efforts to support politicians. Blackwater USA, Erik Prince's former company, had a close relationship with the Bush administration and was depicted as a partisan company serving the Republicans. Through the cases of Halliburton and Blackwater we can notice how private military businesses can be entangled with politics and vice versa.

⁵⁸⁵ MAOGOTO, Jackson Nyamuya, "Subcontracting Sovereignty. Commodification of Military Force and Fragmentation of State Authority", *The Brown Journal of World Affairs*, vol. 13, n° 1, 2006, pp. 147-160.

⁵⁸⁶ SCAHILL, Jeremy, *Blackwater. The Rise of the World's Most Powerful Mercenary Army*, New York, Nation Books, 2008, 560 p449.

⁵⁸⁷ BICANIC, Nick, BOURQUE, Jason, "Shadow Company", Purpose Films, Canada, August 23, 2006

2. The Study of Private Military and Security Companies

The Second section of the chapter focused on what the academic community has already worked on. In a first instance we explored the different terminologies and concepts developed by scholars and academics. Because of a considerable number of terms and a substantial lack of a common terminology among the academic community, we decided to employ the term “PMSC” (Private Military and Security Company) which is formally recognized by several international regulatory initiatives. Moreover, we explored the different typologies and categorizations of the private military and security industry. For the purpose of this study we reunited all types of categories and companies under the “PMSC” terminology. On the other hand, we did not retain commercial private security companies which do not operate in conflict zones. Moreover, we will also employ terms such as “contractors” or “private contractors” when discussing about PMSCs. Secondly, we explored the different related theories and topics to our study. We distinguished three major literary movements and categories of authors. First of all, there is one part of the literature which focuses primarily on the benefits and the value that PMSCs can bring to the world. This favorable and optimistic view of PMSCs is shared by many academics and scholars. These authors can be depicted as the “industry’s advocates”. The latter usually employ an optimistic stance when discussing about the resort to PMSCs. They generally agree on the fact that PMSCs provide effective and efficient alternatives to governments and international organizations. Diversely, a part of the literature employs a more critical and condemnatory approach concerning the resort to PMSCs. This skeptical posture, usually portrays PMSCs as mercenary companies and sets the focal point of the discussion on the undesirable and negative consequences of resorting to PMSCs. According to the critics of the industry the consequence of resorting to private companies in conflict zones does not prove to be so beneficial compared to the advocates’ arguments. Resorting to PMSCs may affect in negative ways democratic principles and civil-military relations. The use of contractors can alter the course of the mission, and misplace power within a government. Aside the “optimist versus pessimist” debate, a part of the literature has focused on legitimate issues related to PMSCs. According to this category of authors, the reason why these PMSCs are nowadays considered as legitimate, is because they do not seem to match anymore the anti-mercenary norm. In addition, PMSCs have managed to make their practices look appropriate and legitimate. On the international scale, powerful actors who acted as norm entrepreneurs have managed to transform the general norm of the state’s monopoly on violence by legitimizing the use of private armed force. Finally, the methodology and approach used for this study will be based on a comprehensive and qualitative discourse analysis. The second chapter will require the examination of federal defense reports, government reform initiatives and political speeches. The timeframe selected will range from 1993 to 2006. A particular attention on the voices of the different U.S. Secretaries of Defense will be required. The third chapter, concentrates on the different arguments adopted by ten American PMSCs. Their web contents and advertising campaigns will be carefully scrutinized. In parallel, we will focus on ISOA’s (the industry’s trade association and advocacy group) publications and reports. By analyzing the president’s voice and by concentrating on

linguistics we will be able to understand the different arguments employed by the association. Moreover, we will also explore on the international level a series of legal instruments and regulatory initiatives. We will also study, the experiences of three countries in relation with PMSCs. The three case studies are the following ones: The United Kingdom, France, and the European Union.

Chapter II – Transforming the DoD: The Doorway to Normalization

Through this chapter we have analyzed the different arguments supported by the Clinton and George W. Bush administrations concerning the transformation of the Department of Defense. We have witnessed a remarkable continuity in the positions being held by both administrations. It is noteworthy to mention that normalizing and accepting the use of PMSCs was the result of a lengthy process that was to a great extent initiated during Clinton's first tenure and later accelerated during the Bush Junior administration.

1. Transforming America's Military Capability

The first part of the discourse consisted in transforming America's military capability. We have observed that a common discourse was being held by the different Secretaries of Defense to transform America's military capability. The section emphasized how the reshaping of the defense enterprise and the logistics transformation allowed to normalize and consequently consolidate the resort to PMSCs and contractors in both administrations. The post-Cold War environment was synonym of potential new threats and opportunities. Consequently, the U.S. needed to adjust its national defense strategy in order to face future challenges. We explained that the Department of Defense was devoted to embrace the so-called Revolution in Military Affairs (RMA) in order to maintain its military supremacy and its status of global leader. Integrating and developing modern sophisticated weapon systems in its warfighting capabilities led to a reexamination of U.S. forces and capabilities. In fact, the Pentagon needed to realign its capabilities in comprehensive ways. The strategy was to increase the so-called "tooth-to-tail" ratio by preserving the critical combat capabilities while cutting unneeded infrastructure and support functions. This campaign was accelerated by the establishment of Rumsfeld's "capabilities-based" model which entailed the transformation of America's defense. This model required to develop new ways of thinking and new ways of fighting and henceforth better aligning its capabilities in comprehensive ways⁵⁸⁸. In order to develop a smaller logistical footprint, the Department called for aggressive outsourcing and privatization of support and infrastructure positions within the institution. This privatization of DoD operations was fundamental in consolidating the logistics transformation within the Department and hence the use of private military contractors. What the Department

⁵⁸⁸ RUMSFELD, Donald, "Transforming the Military", *Foreign Affairs*, vol. 81, Fasc. 3, May/June 2002, pp. 20-32.

had in mind was to privatize different infrastructure and support activities in order to yield considerable savings within the defense structure. Adopting such a strategy would lead to freeing resources for investment in high-priority areas. By putting to competition a tremendous number of logistics and support functions, the Department opened the door to a particular type of PMSC: support firms who usually provide services such as technical support, logistics and maintenance, transportation and supply. The Pentagon also examined expanding the use of contractors for infrastructure and support functions in order to release military support units⁵⁸⁹. Outsourcing support activities became a priority in the agenda of both administration's Secretaries of Defense. Furthermore, we must interpret the normalization of PMSCs' use in a broader context. Exploiting the RMA and adopting Rumsfeld's "capabilities-based" model led to the reshaping of the defense enterprise. There was a compelling need of developing new skills and rebalancing the Total Force's capabilities and manpower in order to be able to address potential challenges. The result was the integration of contractors to the defense equation. As a matter of fact, the third Quadrennial Defense Review recognized the integration of contractors within the American 21st century Total Force. This event marked a turning point in normalizing and consolidating the use of PMSCs and in integrating contractors in the U.S. war machine.

2. The Entrepreneurial Approach and the Market-Based Model

The second part of the discourse consisted in adopting an entrepreneurial approach and establishing a market-based model within the Federal Government, and in particular within the Pentagon. The section underlines how the lessons of the private sector were adopted first, within the Federal Government, and then contributed to the establishment of a corporate and business culture within the Department of Defense. Bill Clinton and George W. Bush administrations shared a common vision on how to run the Federal Government. Their main idea was to create a less expensive and performant government while at the same time reducing its size and scope. This would entail adopting methods already observed in the private sector. Outsourcing, privatizing and trimming government functions would be the ultimate tools employed by both administrations. Their government reform initiatives and policies have consequently increased the use of private companies and strengthened the relationships between the Federal Government and the business community. Adopting and adapting the lessons of the private sector within the executive branch was justified by the fact that private companies were successful in achieving their goals and objectives. Both administrations praised the private sector's way of working and functioning. This explains why we have observed a similar "worshipping discourse" between both administrations and a desire to imitate corporations' ways of doing business. In sum by adopting an entrepreneurial and managerial approach, Clinton and George W. Bush established a certain

⁵⁸⁹ DEPARTMENT OF DEFENSE, COHEN, William S., *Report of the Quadrennial Defense Review*, Washington, D.C., May 1997, 19970630034, p.36.

culture within the bureaucracy: one that focuses on market principles and on private sector's lessons. This cultural change in the bureaucracy also managed to penetrate the Department of Defense structure. The different Secretaries of Defense applied the same discourse to the functioning of their institution. By following their President's agendas, they managed to establish a corporate culture within the Pentagon. They equally praised the private sector's way of doing business and were also committed to apply the same methods used by the Federal Government in terms of privatization. Remarkably, the DoD was considered as the leading federal agency in using OMB Circular A-76 process and it showed its commitment of contracting out non-warfighting functions to the private sector. It is essential to understand how this whole discourse benefitted the private military industry. The arguments supported by both administration's Presidents and Defense Secretaries gave PMSCs a certain degree of recognition. One must not forget that first and foremost PMSCs are in essence businesses and private companies. By establishing a corporate culture within the bureaucracy, by delegating to private companies governmental functions and by praising their efficiency and performance, the Federal Government significantly contributed to this normalization process. Consequently, PMSCs are henceforth perceived as ordinary companies and this allows them to become politically accepted.

Finally, it is important to point out that the normalization and the acceptance of the use of PMSCs is located at the intersection of two major phenomena which consequently led to the transformation of the DoD. The Revolution in Military Affairs and the Revolution in Business Affairs certainly permitted to normalize and consolidate the resort to PMSCs in the United States of America.

Chapter III – The Private Military and Security Industry: The Legitimization Discourse

The third chapter explored and analyzed the legitimization discourse within the private military and security industry. By employing different levels of analysis, we identified a discourse strategy aimed at legitimizing the industry. Implementing a comprehensive discourse analysis was necessary to perceive the numerous arguments composing this legitimization discourse. A linguistic analysis was equally carried out to identify the different arguments.

1. Private Military and Security Companies as Legitimate Actors

The first section of the chapter was based on a micro level analysis. By selecting a database of ten American PMSCs as our units of analysis, we observed that the latter employed a series of arguments and strategies in order to be perceived as legitimate actors by society. Firstly, they never identify themselves as PMSCs per se but rather tend to employ specific terms and expressions when defining their essence. Secondly,

they put at the core of their mission the peacekeeping quest. They manifest their commitment to the creation and establishment of a safer world. Hence, they are considered as peace operators or peacekeepers. Thirdly, they affirm that they abide by ethical codes of conduct. In parallel, they comply with business ethics and international standards and they affirm to possess numerous moral values. Fourthly, they put forward their professionalism and expertise. The quality of their leadership and personnel allows them to gain a high degree of legitimacy and recognition. Consequently, they become trusted and respected by the general public. The other part of the discourse focuses on their relationships with society. In order to distinguish themselves from rogue and unlawful firms they claim that they only serve legitimate and ethical customers such as internationally recognized governments, humanitarian organizations, human rights associations and Fortune 500 companies. Furthermore, by partnering with veteran-friendly associations they show their commitment to the veteran cause and their heartfelt patriotism. They are devoted to the reintegration of U.S. former soldiers within their institutions. Additionally, they are part of international associations that promote industry standards and ethical codes of conduct. By adhering to associations such as ISOA and ICoCA they are bound to protect human rights and respect international humanitarian law principles. Hence, they gain a certain degree of acceptance and legitimacy because they are seen as adopting moral and ethical behaviors. All these arguments compose their legitimizing discourse. By achieving the status of legitimate actors, they become accepted by the general public.

2. The ISOA: Legitimizing the Peace and Stability Industry

The second section of the chapter was based on a macro level analysis. By focusing on a set of ISOA's publications and reports, we observed a certain linguistic strategy aimed at recasting the mercenary label. Doug Brooks, President of ISOA has played a prominent role in legitimizing the industry. His voice not only allowed to remove the mercenary label which was constantly being associated with private military firms, but also allowed to portray industry members as peace operators. In fact, by employing a specific vocabulary based on the semantic field of peacekeeping he consolidated the identity of an industry serving a moral and legitimate cause. Contrarily to the media's misperceptions and fallacious arguments, the peace and stability industry is about saving lives and contributing to peace operations. Unsurprisingly, the trade association employs the same narrative and arguments as its members. Moreover, ISOA constantly expressed its dissatisfaction and resentment towards the terminology employed by the UN Working Group on Mercenaries and invited several times the group to update its name. The association decided to adopt and embrace the term "contingency contractor" to distinguish itself from traditional free-lance mercenaries. The association has equally embraced a typology aimed at consolidating the civilian aspect of the industry. On the other hand, ISOA has established a rational regulatory framework which provides a benchmark for the peace and stability industry. It has designed a constructive and moral code of conduct which has allowed to legitimize the

industry's identity and practices. By embracing a code of conduct which entails the protection of human rights and the respect of international norms, members gain recognition and acceptance from society. Through the establishment of a self-regulatory mechanism, the benefits are twofold. Firstly, there is an increase in competition, and secondly it allows to distinguish legitimate and illegitimate practices. Consequently, appropriate regulation provides official recognition and can lead to a legitimate status. Moreover, the association has led a significant role in advocating on behalf of its members. By pushing for appropriate and rational legislation in Congress, the association has manifested its willingness and commitment to legitimize the industry. ISOA has led a significant advocacy campaign aiming at expanding MEJA. Adopting appropriate regulation towards private contractors can legitimize their status and practices.

3. Towards International Normalization and Acceptance

The third section of the chapter examined how the international community has significantly contributed to the legitimization and acceptance of PMSCs. First of all, we focused on three different international regulatory initiatives. On the international level, the International Code of Conduct for Security Providers and the Montreux Document highlight that significant steps have been taken in public-private regulations. Concerning public regulation on the international level, the United Nations Working Group on the Use of Mercenaries has published a Draft Convention seeking to establish a regulatory framework with regard to PMSCs. These international initiatives represent a "soft law" approach to the question of PMSCs. Despite their lack of legal binding force, the development of these new international legal instruments represents an encouraging step towards regulating and legitimizing the private military and security industry. The support of regulatory initiatives and the emergence of new codes of conduct for the appropriate use of PMSCs emphasize this willingness of formally recognizing these actors in national and international law. Secondly, we explored the European experience with regard to PMSCs through three different case studies. Firstly, the British experience regarding PMSCs is one of major importance. Sandline's activities in Africa led to political scandals which profoundly embarrassed the government. The retroactive policy response was the publication of a Green Paper in 2002 which consequently led to the adoption of a self-regulatory approach within the British industry. Secondly, the French case highlights the country's reluctance towards PMSCs. In fact, the country has a serious delay compared to its Anglo-Saxon peers. The topic remains a debating taboo due to France's mercenary-related past. Yet, significant steps are being undertaken especially in the use of PMSCs in maritime anti-piracy security. France needs to redefine its outsourcing strategy and try simultaneously to legislate on the topic if it wants to catch up on the UK and the U.S. Thirdly, the EU and its member states have also revealed to the world their increasing reliance on PSCs. The latter have played a significant role in the CSDP and in EU's migration policies. Because of the EU's growing reliance on PSCs, there is an urging need to work on regulation. The European Parliament adopted in 2017 a resolution on PSCs.

The initiative makes several recommendations for the Commission and its members states to establish a binding regulatory framework. Legislating on the topic is a matter of some urgency for the European Union.

Conclusion

Chapter one provided a global overview of the American experience with regard to PMSCs. We observed that through history the United States has significantly resorted to private military contractors to the point where it became an inherent national tradition. From the American War of Independence to the Vietnam War, the country has considerably relied on contractors. Moreover, we noted that PMSCs played a prominent role in the new American way of war and in the U.S. Grand Strategy. Firstly, the U.S. turned to PMSCs to carry out its foreign policy objectives in Croatia and Bosnia. By doing so it carried out a successful secret foreign policy by maintaining official neutrality in the conflict. Secondly, PMSCs were used in the War on Drugs and in implementing Plan Colombia. This case highlighted how PMSCs were used as business proxies. Thirdly, the experiences of Iraq and Afghanistan illustrated America's over reliance on PMSCs. Through the War Against Terror, PMSCs executed a wide variety of functions to the point where they became deeply integrated in the U.S. war machine. On the other hand, resorting to PMSCs is also a story of political favoritisms and of permanent interpenetration of businesses, politics and the military. Halliburton and Blackwater's cases demonstrated how private military businesses can be entangled with politics and vice versa. In sum, providing historical facts was crucial for the examination of the following chapters. In the last chapter's section, we explored the different studies linked to the topic and consequently provided the analytical framework for our project.

The second and third chapter attempted to provide the answers to the following research question:

- *How did the resort to private military and security companies become accepted and normalized to the point where their use became commonplace in the United States of America?*

In order to answer this question, we formulated the following two hypotheses:

- 1) *If private military and security companies have become normalized and accepted, it is due to a set of political and military discourses aiming at consolidating and normalizing their use during the Clinton and George W. Bush administrations.*
- 2) *If private military and security companies have become accepted and legitimated it is due to a significant effort to recast their mercenary image by embracing an ethical and moral discourse.*

Through the second chapter of this study, we tested the first hypothesis and subsequently found some relevant results. The chapter focused on a general discourse embraced by the Clinton and George W. Bush administrations which paved the way for the normalization and political acceptance of PMSCs. This discourse aiming at transforming the DoD was based on two main arguments. The first part of the discourse consisted

in transforming America's military capability. Embracing the so-called Revolution in Military Affairs led to a reexamination of U.S. forces and capabilities. Consequently, reshaping the defense enterprise and achieving a transformation in the realm of logistics were more than necessary strategies. To do so, the Department delegated non-military essential functions to private contractors. This policy contributed to consolidate and hence normalize the resort to PMSCs and private contractors in both administrations. The second part of the discourse consisted in adopting an entrepreneurial approach and in establishing a market-based model within the Federal Government. Clinton and Bush praised the private sector's way of working and functioning. By imitating the latter's lessons, they engendered a cultural change in the bureaucracy. This revolution deeply affected the Pentagon. Their policies and reforms increased the use of private companies and strengthened the relationships between the Federal Government and the business community. Because PMSCs are in essence businesses, they were more than welcomed and hence became politically accepted. In sum, the normalization and acceptance of the use of PMSCs is located at the intersection of these two discourses. The Revolution in Military Affairs and the Revolution in Business Affairs permitted to normalize and consolidate the resort to PMSCs in the United States of America.

Through the third chapter of this study, we verified the second hypothesis. The chapter focused on the promotion of a legitimization discourse within the private military and security industry. We analyzed this discourse on two different levels. Firstly, on a micro level of analysis, we examined the different arguments and strategies adopted by ten U.S. companies. We found that the latter gained a certain degree of acceptance and legitimacy because they are seen as adopting moral and ethical behaviors. They equally serve a moral and just cause. By achieving the status of legitimate actors, they become accepted by the general public. Secondly, on a macro level of analysis, we examined the different arguments and linguistic strategies adopted by the IPOA/ISOA. Its president played a prominent role in legitimizing the industry. His voice not only allowed to remove the mercenary label but also allowed to portray the industry as serving a moral and legitimate cause. Furthermore, by establishing a rational regulatory framework, the association allowed to legitimize the industry's identity and practices. Setting a self-regulatory mechanism contributed to distinguish legitimate and illegitimate practices. We have observed that appropriate regulation provides official recognition and acceptance. Last but not least, the third section of the chapter examined how the international community has significantly contributed to the legitimization and acceptance of PMSCs. Three international regulatory initiatives were analyzed. Despite their "soft-law" approach, they represent an encouraging step towards regulating and legitimizing the private military and security industry. There is a willingness of formally recognizing these actors in national and international law. This section also illustrated the European experience with regard to PMSCs through the analysis of three case studies (UK, France, EU). Each actor has its own experience and regulatory approach with regard to PMSCs.

To conclude, our two hypotheses were verified. Leading a comprehensive discourse analysis allowed to identify the different arguments maintained by the Federal Government and by the private military and security industry. To understand how PMSCs became normalized and politically accepted in the United States

of America, examining both spheres (the Federal Government and the Industry) was more than essential. Both actors resorted to their own discourse and arguments. Normalization and acceptance of PMSCs were the outcome of a fusion of these two discourses. On the one hand, the Federal Government allowed to consolidate and normalize the resort to PMSCs. On the other hand, the private military and security industry's discourse allowed to gain legitimacy and acceptance.