

# The nuclear disarmament and non-proliferation regime

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## ABSTRACT

In this chapter, students will learn about three contemporary challenges to the international regime for the disarmament and non-proliferation of nuclear weapons as well as efforts to overcome them. The first challenge is posed by states within the existing non-proliferation regime. The second set of challenges comes from states outside the present non-proliferation regime. The third and, perhaps, most formidable challenge comes from non-state actors. These challenges have generated at least three different approaches: first, efforts to strengthen the traditional multilateral institutional approach anchored in treaty-based regimes; second, to establish non-treaty-based multilateral approaches initiated within the UN system; and, third, to build a set of ad hoc, non-institutional, non-conventional approaches to address the immediate challenges of proliferation. These approaches, in turn, have led to several significant consequences for addressing nuclear disarmament and non-proliferation in the future.

## Introduction

Soon after nuclear weapons first appeared in 1945, they became the principal guarantors of international peace and security during the Cold War. The possession, or protection under the umbrella, of nuclear weapons was widely regarded as one of the primary factors behind the long period of relative peace and stability in the international system after the Second World War. Even after the Cold War, the possession of and protection by nuclear weapons remain the fundamental basis for international order, evident from the continued dependence on nuclear weapons by states already possessing them and the acquisition of these weapons by new states.

And yet, since 1 July 1968, when negotiations for the Nuclear Non-Proliferation Treaty (NPT) were completed and only five states (the United States, the Soviet Union, the United Kingdom, France and the People's Republic of China) were known to possess nuclear weapons, there has been a desire to prevent new states from acquiring nuclear weapons and also to curb the unfettered build-up of nuclear weapons among possessor states with the ultimate objective of eventually eliminating all nuclear weapons. Thus, ironically, the NPT has the unenviable task of preventing proliferation and disarming the very weapons upon which the present international order and security of major powers is based.

Predictably, some scholars have argued that the NPT regime and related institutions have failed to prevent the proliferation and disarming of nuclear weapons. The existing global nuclear arsenal is around 15,000 weapons and the increase in the number of known nuclear weapons states has risen from five in 1968 to nine in 2006 (with Israel, India, Pakistan and the Democratic People's Republic of Korea (DPRK) joining the select club). However, other scholars argue that the NPT regime has been relatively effective in curbing proliferation. There has been a dramatic decline in the number of nuclear weapons, from around 80,000 in the late 1980s to around a fifth of that number today. Moreover, that only four new states acquired nuclear weapons (three of which – Israel, India, Pakistan – have still not signed the NPT) is a success given that analysts predicted nearly 20 states would do so. Several states, including Bulgaria, Canada, Germany, Italy, Japan, the Netherlands, and Norway, did not pursue a nuclear weapons programme despite having the technical wherewithal to do so. In addition, Argentina, Australia, Brazil, Egypt, Poland, Romania, the Republic of Korea (South Korea), Spain, Sweden, Switzerland, Taiwan and Yugoslavia, which had nuclear weapons programmes during the Cold War, abandoned them. Similarly, Libya, suspected of having started a clandestine nuclear weapons programme at the end of the Cold War, terminated it in 2003. Moreover, since 1990, South Africa, Belarus, Kazakhstan and Ukraine, which possessed nuclear weapons, also gave them up.

Clearly, the NPT has been more successful in preventing new states from acquiring nuclear weapons than it has been in either slowing down or disarming states that already possess nuclear weapons. The latter objective is likely to be met only when nuclear weapons are decoupled from the present international order, an unlikely eventuality given the interest of nuclear weapons states in maintaining the status quo.

### Three caveats

This chapter is based on three essential caveats. First, contrary to conventional approaches, which group nuclear weapons, along with biological and chemical weapons, into a convenient but specious category of so-called ‘weapons of mass destruction’ (WMD), this chapter will deliberately focus only on nuclear weapons. This is primarily because biological, chemical and nuclear weapons do not belong to the same conceptual category. The lethality of chemical weapons is not significantly different from that of conventional explosives. Similarly, a variety of protective measures exist to alleviate the effects of a biological attack. In contrast, there are no effective preventive or protective measures that can mitigate a nuclear attack. Besides, although nuclear weapons are now forbidden by international law (as is the case with biological and chemical weapons), given their cataclysmic nature the taboo against their use is so strong that it is difficult to imagine their use other than against enemy nuclear weapons. In this context, the creeping tendency to redefine the mission of nuclear weapons to counter *all* WMD has two consequences: it lumps together biological, chemical and nuclear weapons into one fuzzy conceptual category and it weakens the nuclear taboo. If nuclear weapons are accepted as having a role to counter biological or chemical warfare, then by what logic can nuclear weapons capability be denied to a country such as Iran, which has actually suffered chemical weapons attacks? Therefore, this chapter appropriately focuses only on nuclear proliferation.

The second caveat is that proliferation should include both vertical (qualitative and quantitative improvement in the arsenals of states that already possess nuclear weapons) and horizontal (the quest of new states to acquire nuclear weapons) proliferation. In this context, proliferation of weapons among new nuclear states, such as the DPRK, is as much of a concern as the ongoing improvement of the nuclear arsenals of the five original nuclear weapons states. Moreover, today there appears to be a direct correlation between vertical and horizontal proliferation: the DPRK often cites the presence of nuclear-equipped US military forces in its vicinity as one of the primary motives behind Pyongyang’s evident quest for nuclear weapons.

The third caveat is that, as represented in the NPT package, nuclear non-proliferation should be linked to nuclear disarmament. However, in the recent past, efforts have been made to delink non-proliferation and disarmament, and focus only on horizontal proliferation. This is apparent in the demand for complete, verifiable and irreversible disarmament for new proliferators, such as the DPRK, without applying similar standards to the original five proliferators.

With these three caveats this chapter provides a brief overview of the three key nuclear proliferation challenges in the post-Cold War world. It then examines the three approaches being followed to address these proliferation challenges. Finally, the chapter offers some broad conclusions related to the likely consequences of the three approaches and what more could be done to facilitate disarmament and non-proliferation.

## Non-proliferation regime

Although the NPT is the lynchpin of the non-proliferation regime, the regime itself is much broader and is comprised of at least the following elements: multilateral treaties and agreements, such as the Partial Test Ban Treaty (PTBT) and the Comprehensive Test Ban Treaty (CTBT), which seek to ban nuclear tests; the Outer Space Treaty, which prohibits placing WMDs in Earth's orbit or on the Moon or any other celestial body; the proposed Fissile Material Cutoff Treaty (FMCT), which seeks to ban the production of fissile material; nuclear weapon-free zones (NWFZs), which have effectively made the entire southern hemisphere free of nuclear weapons; bilateral agreements to limit nuclear arsenals, particularly between the US and the Soviet Union/Russian Federation, such as SALT I and II, the Anti-Ballistic Missile (ABM) Treaty, the Intermediate-Range Nuclear Forces (INF) Treaty, and the START I, II and III agreements; informal technology denial regimes, such as the Nuclear Suppliers Group (NSG) and the Missile Technology Control Regime (MTCR); and the institution of the International Atomic Energy Agency (IAEA) to ensure compliance of key aspects of the NPT regime.

## Three challenges

The post-Cold War world has witnessed the emergence of three challenges related to the proliferation of nuclear weapons. While some of these, clearly, date back to the Cold War, they nonetheless remain of particular import even today, while others are more recent and might be related to the end of the Cold War.

First, there is the challenge posed by states within the existing non-proliferation regime. Here states that announced their intention to withdraw from the NPT and have built and tested nuclear weapons, such as the DPRK, pose as much of a challenge as nuclear weapons states that are qualitatively improving their arsenals and developing a new generation of potentially usable nuclear weapons, such as China (People's Daily 2017), Russia (RT 2017), the United Kingdom (BBC 2016a) and the United States (NYT 2016; Arms Control Association 2017). Indeed, while much attention has been devoted to the DPRK (UN Security Council, 2017), not as much consideration has been paid to the huge combined arsenals of the five nuclear weapons states within the NPT.

While for the first time ever both the United States and the United Kingdom officially revealed the size of their nuclear arsenals (US DoD 2010a; UK FCO 2010), the official data of national nuclear weapon stockpiles of the other seven nuclear-armed states are shrouded in secrecy. With the exception of the United States and the United Kingdom, there are still no accurate nationwide or worldwide figures for the total number of nuclear weapons (see Table 22.1 based on open sources reflecting wide disparity of approximations). However, it is estimated that around 90 per cent of the world's nuclear arsenal are in the stockpiles of the United States and the Russian Federation alone (Norris and Kristensen 2013). Even more troubling, several thousands of these weapons remain on high alert and can be launched within minutes, causing unimaginable death and destruction on a global scale. Such arrangements are particularly worrying when paired with a leadership that might be unpredictable, mercurial and impulsive.



### Box 22.1 Missiles: blind spot or alley?

Nuclear weapons and missiles have a direct correlation: all the nine known nuclear weapons states possess missiles – either ballistic, cruise or both – capable of delivering nuclear weapons.

A ballistic missile is a weapon-delivery vehicle that has a ballistic trajectory over most of its flight path. A cruise missile is an unmanned, self-propelled weapon-delivery vehicle that sustains flight through the use of aerodynamic lift over most of its flight path.

(UN Report 2002: para.19)

While all nuclear weapons states already have nuclear-tipped ballistic missiles, almost all of them also possess or are in the process of acquiring nuclear-capable cruise missiles. Conversely, however, not all ballistic and cruise missile-possessing states have nuclear weapons. This poses a particular dilemma for non-proliferation: is the possession of missiles, particularly ballistic missiles, an indication of the aspiration of states to acquire nuclear weapons? The answer would have to be a qualified maybe.

In the early days of the nuclear era, missiles were seen as a *blind alley* – a distraction from the primary objective of arms control, non-proliferation and disarmament of nuclear weapons. Today, however, missiles and efforts to manage and control them are seen as a *blind spot* – a crucial gap in the existing panoply of arms control and non-proliferation that needs to be addressed.

However, unlike nuclear weapons, '[n]o universal norm, treaty or agreement governing the development, testing, production, acquisition, transfer, deployment or use specifically of missiles exists' (UN Report 2002: para.32). Even more significantly, there is no universal norm, treaty or agreement to rid the world of missiles. Indeed, the rare cases of missile disarmament (the Intermediate-Range Nuclear Forces (INF) Treaty, Iraq, South Africa and Libya) were the result of very particular circumstances and not in adherence to any global norm or regime.

Against this backdrop and the growing salience of missiles, two trends have become evident among the world's states. The first is a series of political and diplomatic initiatives (such as the INF Treaty, Missile Technology Control Regime, the Hague Code of Conduct, and the three United Nations Panel of Governmental Experts) at the bilateral, regional and global levels. The second is a number of military and technological initiatives (such as the 2003 war against Iraq ostensibly to disarm its WMD arsenal and missiles, missile defence and the Proliferation Security Initiative). While both approaches have been limited in their effectiveness, the former is more in line with the desire for nuclear disarmament, while the latter is likely to perpetuate the continued possession of nuclear weapons in the hands of some states.

**TABLE 22.1** Estimates of nuclear weapons in the possession of known nuclear weapon states

Nuclear weapon state	Official figures	Arms Control Association estimate	Bulletin of Atomic Scientists estimate	SIPRI estimate
<i>Russia</i>	Not available	7,000 warheads (1,765 deployed, 4,500 stockpiled and 2,510 retired)	7,000 warheads (1,950 strategic, 1,850 non-strategic deployed and 500 strategic in storage. Remainder retired)	~7,290 warheads (1,790 deployed; 5,500 other)
<i>USA</i>	5,113 in 2009	6,800 warheads (1,411 deployed, 4,018 stockpiled and 2,800 retired)	6,220 warheads (1,740 deployed and 4,480 stockpiled)	~7,000 warheads (1,930 deployed and 5,070 others)
<i>France</i>	Not available	About 300 warheads	~ 300 warheads	300 warheads (280 deployed and 10 others)
<i>China</i>	Not available	About 260 warheads	~ 240 warheads (150 land-based and 48 sea-based and bombers)	260 warheads (200 others – not deployed)
<i>UK</i>	225 warheads in 2010	215 warheads (40 deployed at sea and rest in stockpile)	About 225 weapons	225 warheads (120 deployed and 95 other)
<i>Pakistan</i>	Not available	~110–130 warheads	~130–140 warheads	~110–130 warheads
<i>India</i>	Not available	100 to 120 warheads	110–120 warheads	110–120 warheads (not deployed)
<i>Israel</i>	Not available	~80 warheads (with material for up to 200)	~80	~80
<i>DPRK</i>	Not available	Plutonium for at least 10 warheads	Fewer than 10 warheads	Around 10 warheads

While there is no doubt that some of the NPT nuclear weapon states have made significant cuts in their arsenals, the lack of transparency makes it difficult to accurately assess whether these reductions are complete, verifiable and irreversible. This was particularly the case with the 2003 Strategic Offensive Reduction Treaty (SORT) between the United States and the Russian Federation, which, as some non-nuclear

NPT states pointed out, ‘does not require the destruction of these weapons, does not include tactical nuclear weapons and does not have any verification provisions. The process is neither irreversible, nor transparent’ (International Herald Tribune 2004).

The situation has been rectified with the entry into force of the new START in 2011 between the United States and the Russian Federation, which supersedes SORT and also has clear verification provisions. The new START, which is expected to run until 2021 (unless it is superseded by a new treaty) also restricts the number of deployed strategic nuclear warheads to 1,550 each. However, in the absence of a similar formal, transparent and verifiable process involving the other three NPT nuclear weapon states it is almost impossible to discern the level of disarmament that might have occurred. This is probably why the 2010 NPT Review Conference categorically called on the NPT nuclear weapon states to move ‘towards an overall reduction in the global stockpile of all types of nuclear weapons’ and also ‘enhance transparency and increase mutual confidence’ (Review 2010). These appeals were repeated even at the failed 2015 NPT Review Conference, which could not produce a consensus final report (Wan 2015).

Further, despite these significant reductions in the number of nuclear weapons, the five nuclear weapons states are nowhere near meeting their disarmament commitments under Article VI of the NPT, which calls on these states to ‘pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race . . . and to nuclear disarmament’ (NPT 1968). Indeed, even though the United Kingdom today has the smallest arsenal among the NPT nuclear weapon states, its decision to upgrade the Trident system means that it will retain nuclear weapons at least until the middle of this century. Similarly, both the United States and the Russian Federation, despite the massive cut in their arsenals, are likely to retain state-of-the-art nuclear weapons until at least 2021 and beyond. The same is true of both France and China, which remain the least transparent of the five NPT nuclear states in terms of their nuclear disarmament commitments.

As one former senior US official argued, echoing the sentiments of the other NPT nuclear weapon states, ‘Nuclear weapons continue to have relevance in today’s world . . . several national nuclear weapons programmes were never initiated, or were halted, because security guarantees provided by a nuclear armed United States convinced these states not to seek nuclear weapons’ (Rocca 2007). However, four former senior US officials challenged this view, arguing that ‘reliance on nuclear weapons for this [deterrence] purpose is becoming increasingly hazardous and decreasingly effective’ (Shultz et al. 2007). The growing desire to move towards a world without nuclear weapons was best articulated by US President Barack Obama in a 2009 speech in Prague. The ambitious Prague agenda called for a

reduction in warheads and stockpiles . . . a global ban on nuclear testing . . .  
a new treaty that verifiably ends the production of fissile materials . . .  
strengthen the Nuclear Non-Proliferation Treaty as a basis for cooperation  
[and] ensure that terrorists never acquire a nuclear weapon.

(Huffington Post 2009)

However, Obama also cautioned that the goal of a world without nuclear weapons is unlikely in the foreseeable future and ‘perhaps not in my lifetime’; with the entry of Donald Trump into the White House, this prophecy seems likely to hold.

So, will the conditions ever prevail for complete nuclear disarmament? Or is the presence of some nuclear weapons in the hands of some states essential to prevent proliferation? Finally, in the absence of nuclear guarantees, do states have the right to build nuclear weapons to ensure their own security? These dilemmas relate not only to the first set of challenges posed to the non-proliferation regime from within but also from states without.

The second set of challenges comes from states such as India, Israel and Pakistan, which have not signed the NPT or the CTBT, but also from states such as China, the DPRK, Egypt, Iran, Israel and the United States, which have still to ratify the CTBT. There are a variety of reasons why these states either never joined these treaties or, having signed them, did not ratify them or, having joined them, decided to opt out and withdraw from the treaty. These reasons could vary from domestic political, technological or economic factors to regional security concerns to prestige and the desire to have a greater say in global governance.

In the case of Israel and Pakistan (Cohen 1998; Weissman and Krosney 1981), both the quest for nuclear weapons and the desire to stay outside of the non-proliferation regime was primarily driven by security concerns. In the case of India, however, the reasons were apparently more complex (Perkovich 1999); they were partly related to security concerns, partly to display domestic technological prowess and partly to acquire a prominent seat in determining world affairs. In the case of the DPRK the primary factor for its withdrawal from the NPT and staying out of the CTBT was probably driven by security concerns in the changed international scenario after the Cold War when it lost the protection of a collapsing Soviet Union and felt increasingly threatened by an unchecked United States. In the case of the United States the change in its attitude to the non-proliferation regime in general and the CTBT in particular came during the George W. Bush administration. Despite the subsequent regime change and Obama’s declared support for the NPT regime, including the CTBT, there remains strong resistance and suspicion among the political and nuclear establishment to international treaties and arrangements. Donald Trump’s administration is likely to see a further weakening of Washington’s commitment to the regime. Irrespective of their motives, the presence of states with nuclear weapons outside the non-proliferation regime poses a unique challenge. Can the regime make non-members comply with the norms and principles of the treaties even if they are not legally bound to the rules and regulations? On the other hand, can non-members behave like members of the regime in spirit if not in law? Might that be accepted by the regime?

The third and, perhaps, the most formidable challenge comes from non-state actors. According to UN Security Council Resolution 1540 of 28 April 2004, a non-state actor is defined as an ‘individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution’. This would include the quest of transnational or subnational fundamentalist or cult groups, such as Aum Shinrikyo, al-Qa’ida or the Islamic State, to develop nuclear weapons as well as the antics of nuclear scientists and entities, such as Dr A.Q.



Khan, to hawk their materials and expertise. The Khan episode in particular indicates a triple proliferation threat: first there is a real concern about the ability of a weak state such as Pakistan to manage and control its nuclear establishment and scientists and, as a corollary, its nuclear weapons. Second, it also highlights the possibility that states seeking a nuclear arsenal now have access to another unchecked network



### Box 22.2 The making of nuclear weapons

All nuclear weapons are made out of fissile materials, which are so-called because they are composed of atoms that can be split by neutrons in a self-sustaining chain-reaction to release enormous amounts of energy. The key fissile materials for nuclear weapons are plutonium-239 and uranium-235. While uranium occurs in nature, plutonium normally does not.

Natural uranium is comprised of about 99.3 per cent uranium-238 and 0.7 per cent uranium-235. For the purposes of making nuclear weapons, this natural uranium is 'enriched' so that it comprises 90 per cent uranium-235 isotope. About 15 to 25 kilograms of highly enriched uranium is required to make one nuclear bomb.

Plutonium-239 is a man-made element and is the by-product of burning uranium-238 in a nuclear reactor. However, the plutonium recovered from a nuclear reactor has to be 'reprocessed' chemically before it can be used to build bombs. About six to eight kilograms of plutonium are required for one bomb.

At the beginning of 2015, the global stockpile of highly enriched uranium (HEU) was 'about  $1370 \pm 125$  tons, enough for more than 76,000 simple, first generation fission implosion weapons' while the global stockpile of separated plutonium was 'about  $505 \pm 10$  tons' (International Panel on Fissile Material 2015), adequate for about 50,000 nuclear weapons.

The explosive power of nuclear weapons is based on either splitting atoms through a process called 'fission' or combining atoms through a process called 'fusion'. The former is possible only with fissile material, such as plutonium-239 and uranium-235, while the latter requires light atoms with very small mass, such as deuterium or tritium, both isotopes of hydrogen; hence a 'fusion' bomb is also called a hydrogen bomb or a thermonuclear bomb. While conventional explosives form the trigger for a 'fission' bomb, a nuclear explosion is required to trigger a 'fusion' bomb.

Since the first nuclear test on 16 July 1945, over 2,000 nuclear tests have been carried out worldwide until now. The latest nuclear test, at the time of writing, was conducted by DPRK on 3 September 2017. However, nuclear weapons have not been used for over 65 years since the United States first dropped a uranium bomb on Hiroshima on 6 August 1945 and then a plutonium bomb on Nagasaki on 9 August 1945.

for acquiring nuclear weapons technology (see also Chapter 31). Third, there is also the serious possibility that armed transnational non-state actors (such as al-Qa'ida or the Islamic State) seeking nuclear weapons might receive the necessary know-how and expertise from the Khan network or its successors (Corera 2006; Albright and Hinderstein 2005).

Although non-state actors were known to have used biological and chemical weapons as early as the mid-1980s and sought to acquire nuclear weapons thereafter, this concern was accentuated following the events of 11 September 2001, when the phenomenon of mass terrorism became more apparent. Expert opinion is sharply divided over the threat posed by non-state actors, particularly armed non-state actors. According to Graham Allison,

In sum, my best judgement is that based on current trends, a nuclear terrorist attack on the United States is more likely than not in the decade ahead. . . . Former Defense Secretary William Perry has said that he thinks I underestimate the risk.

(Allison 2006: 39)

This alarmist view is challenged by other scholars who argue that 'nuclear terrorism is a less significant threat than is commonly believed, and that, among terrorists, Muslim extremists are not the most likely to use nuclear weapons' (Frost 2005: back cover).

These differences notwithstanding, it is important to note three characteristics of the use of biological, chemical and nuclear weapons by non-state actors. First, so far biological and chemical weapons have been used by non-state actors operating in the territory of their own state and *not* by transnational groups, such as al-Qa'ida in the territory of another state. This was the case of the Rajneesh group's attack in Oregon, Aum Shinrikyo's assault on the Tokyo subway and the so-called Amerithrax attack in the US. Second, casualties caused by the use of chemical, biological and nuclear weapons by non-state actors have been minimal (far less than the daily death toll in Afghanistan and Iraq caused by conventional means): in the Rajneesh case, while 751 people were affected by salmonella poisoning, there were no deaths. The Aum Shinrikyo attacks affected 5,000 people and led to 12 deaths. In the Amerithrax case, where letters containing anthrax were posted to several locations in the US, 22 people were affected and five died. Third, so far there has been no known case of terrorism successfully using nuclear fissile material. While one plot in England planned to use radioactive material in a conventional bomb, this 'dirty bomb' plan was nipped in the bud (BBC 2006).

To consider this threat realistically, five factors would have to be taken into account. These include motives of the outfit (whether they are religious terrorists); their methods (whether they have a propensity for indiscriminate and mass killings); their access to nuclear material; whether they have the necessary monetary resources to buy nuclear material; and whether they have the expertise to manufacture and use such weapons (Zaman 2002). Given what we know about transnational armed non-state actors, such as al-Qa'ida and the Islamic State, and if we consider their outlook in terms of the five factors listed above we can conclude that, while there

is certainly a high risk of nuclear terrorism, the probability of its occurrence is low. However, there is a higher risk and probability of the use of a radiological dispersal device (popularly called a 'dirty bomb' because it combines conventional explosives with other radioactive material, such as that used for medical or industrial purposes). Such a device when detonated would not cause a nuclear explosion but would cause radioactive material to scatter and fall over a large area, increasing panic and some radioactive risk.

### **Three approaches**

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These three sets of challenges from state parties, non-party states and non-state actors to the non-proliferation regime have generated at least three different approaches to address them.

First, there are the traditional multilateral institutional approaches anchored in negotiated treaty-based regimes, such as the 1963 PTBT, the 1968 NPT and the 1996 CTBT. All these treaties were concluded after a long-drawn-out negotiating process. In the case of the CTBT, for instance, the idea was first proposed in the 1950s but was only taken up seriously in the early 1990s. This long delay may have been on account of the ongoing Cold War as well as the impetus of the NPT nuclear states to continue testing; the end of the Cold War and the cessation of tests by at least three of the five NPT nuclear states paved the way for the CTBT negotiations to begin. Given the complexity of negotiating treaties, such treaties are also not amenable to amendments and cannot be altered to adjust to the new realities. Finally, these treaties are invariably strong in setting norms and principles in international law, but they tend to be relatively weak on enforcement. For instance, the NPT is as incapable of dissuading states from exercising the right to withdraw under Article X as it is of enforcing nuclear disarmament under Article VI. (Article X of the NPT gives each signatory the 'right to withdraw from the Treaty if it decides that extraordinary events . . . have jeopardised the supreme interests of its country', while Article VI calls on members to 'pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament'.)

Despite these drawbacks, the post-Cold War period was regarded as one opportunity to strengthen the treaty-based regime. This promise was partly fulfilled in the mid-1990s following the indefinite extension of the NPT in 1995, the successful culmination of the CTBT in 1996 and adoption of the so-called '13 steps' in the 2000 NPT Review Conference. The '13 steps' suggest a set of practical measures for the 'systematic and progressive efforts' to implement Article VI of the NPT. They call for, among other things, a moratorium on nuclear testing, further unilateral reductions in the nuclear arsenals of nuclear weapons states, a reduced role for nuclear weapons in security policies, and an unequivocal undertaking by the NPT nuclear weapon states to the total elimination of their nuclear arsenals (NPT RevCon 2000: paras 14–15). Simultaneously, the promise was also belied by the failure to make substantive progress on the Middle East Resolution (a critical element of the 1995 deal to indefinitely extend the NPT), the inability to ensure the entry into force of the CTBT (partly on account of the shift in US policy and partly as a result of the Indian and Pakistani tests in 1998)

and a retreat on the commitment to the ‘13 steps’, especially by the NPT nuclear states. The diminishing role of the multilateral approach was highlighted by the debacle of the 2005 NPT Review Conference, which ‘foundered on procedural wrangling’ and failed not only to produce a substantive consensus final document but also retracted from some of the significant agreements made in the 1995 and 2000 NPT Review Conferences, particularly the ‘13 steps’ (Johnson 2005).

This trend continued with the 2010 NPT Review Conference; its 64-point action plan not only reiterated commitments made in previous NPT Review Conferences, notably the ‘13 steps’ of 2000, but also laid out an even more ambitious agenda. However, the prospects of this grand plan being fulfilled stumbled on the political realities of nuclear weapons and the reluctance of key member states to cooperate. Consequently, the 2015 NPT Review Conference once again failed to produce a final document partly on account of the lack of progress on the Middle East weapons of mass destruction free zone and partly due to the lack of progress on nuclear disarmament. If the treaty-based regime was ineffective in holding member states to their commitments, it was even weaker in its efforts to deal with both non-member states as well as non-state actors.

Second, partly on account of these inherent weaknesses in the treaty-based regime, in the post-Cold War world a series of non-treaty-based multilateral approaches were adopted, such as the various declarations and resolutions made by the UN Security Council and the UN General Assembly. This, of course, was not the first time that such an approach was followed: in the 1960s the UN General Assembly passed several resolutions supporting the NPT and, after further revision – mainly concerning the preamble and Articles IV and V – the General Assembly commended the draft text of the NPT, which is annexed to its Resolution 2373 (XXII). Similarly, it was the General Assembly that resurrected the CTBT (after it had been blocked at the Conference on Disarmament in Geneva) by adopting a resolution (A/RES/50/245) on 10 September 1996. In April 2005, the General Assembly also adopted the International Convention for the Suppression of Acts of Nuclear Terrorism, which addresses non-state actors.

In 2017 one of the most significant developments under the aegis of the General Assembly was the start of negotiations to create a ‘legally binding instrument to prohibit nuclear weapons, leading towards their total elimination’ (United Nations 2017). Approximately 120 states – nearly two-thirds of UN members – that do not possess nuclear weapons participated in this UN conference. The subsequent treaty, which was concluded in 2017, is unlikely to disarm a single nuclear weapon. Yet, it has put the concept of nuclear weapons-based deterrence on notice. Unsurprisingly, then, all the states with nuclear weapons plus a number of countries that live under the nuclear umbrella – a total of less than 40 UN members – boycotted the conference. Nikki Haley, the US ambassador to the UN, justified their absence thus:

In this day and time we can't honestly say that we can protect our people by allowing the bad actors to have them [nuclear weapons] and those of us that are good, trying to keep peace and safety, not to have them [nuclear weapons].

(Reuters 2017)

In response, Alexander Marschik, the Austrian delegate to the conference, retorted: 'If nuclear weapons are truly indispensable in providing security, then why should not all states benefit from this advantage?' (Sidhu 2017).

In contrast, the UN Security Council, which had been in a debilitating paralysis during the Cold War, also became more active on the issue of nuclear proliferation, but not disarmament. The first indication of this was the various resolutions related to Iraq's invasion of Kuwait, which also established the UN Special Commission (UNSCOM) to disarm Iraq's nuclear, biological and chemical programmes. Another significant step was the Security Council's presidential statement of 31 January 1992, which stressed that 'proliferation of all weapons of mass destruction constitutes a threat to international peace and security' and with specific reference to nuclear weapons noted 'the decision of many countries to adhere to the [NPT] and emphasise the integral role in the implementation of that Treaty'. Ironically, this statement also highlighted the failure of the NPT nuclear states (who are also the permanent members of the UN Security Council) to keep their commitments to the Treaty. Subsequently, the Security Council passed several other resolutions related to state actors and nuclear proliferation including 1172 (1998), 1696 (2006), 1718 (2006) and 1737 (2006). A notable development was UN Security Council Resolution 1887 (24 September 2009), which was the result of a special session chaired by President Obama. This is the first-ever council resolution that underlined the commitment of the NPT nuclear weapon states who are also the permanent members of the UN Security Council to Article VI of the NPT.

Pessimists have argued that this resolution was a last-ditch effort to salvage the NPT regime. They asserted that it was narrowly designed to ensure a modicum of success for the much-beleaguered NPT review conference in May 2010 and had a sell-by date of only a few months. They noted that the unprecedented reference to Article VI and a brief reference to disarmament was the only price that the five permanent nuclear members of the Security Council were willing to pay.

Optimists on the other hand, while acknowledging these omissions and commissions, nonetheless looked to the resolution as an important first step in bridging the gap between non-proliferation and disarmament. In addition, they also welcomed the resolution's efforts to highlight the clear and present danger posed by non-state actors seeking weapons of mass destruction. They argued that not only had disarmament been put back on the UN agenda but also the major powers and the original five nuclear weapons states were brought back to the UN to discuss this crucial issue.

In addition to Resolution 1887, the Security Council had previously passed several resolutions related to non-state actors and nuclear proliferation including 1373 (2001), 1540 (2004) and 1673 (2006). These resolutions are particularly innovative for two reasons: they seek to deal with non-state actors and to provide stopgap arrangements to plug existing loopholes in the present treaty-based regime. UN Security Council Resolution 1540 in particular is far-reaching because it calls on all UN member states to 'adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery' as well as to 'take and enforce effective measures to establish domestic controls to prevent

the proliferation of nuclear, chemical, or biological weapons and their means of delivery'. While Resolution 1540 has been generally welcomed given that present treaty-based regimes do not address this aspect of proliferation, there is concern that this approach of using the UN Security Council to legislate, if exercised often enough, would circumvent the negotiated approach to developing treaty-based regimes. Besides, the implementation of these council resolutions to address non-state actors has remained uneven (Sidhu 2016a).

Third, there are ad hoc, non-institutional, non-conventional approaches led by individual states or a group of states to address the immediate challenges of non-proliferation. These include the preventive war ostensibly against Iraq's nuclear, chemical and biological weapons in 2003, which was probably the first (and last) non-proliferation war; the US-led Proliferation Security Initiative (PSI); the P-5+1 negotiations with Iran, leading to the Joint Comprehensive Plan of Action (JCPOA); the six-party talks to address the DPRK's nuclear ambitions; the Indo-US civilian nuclear initiative; and the Nuclear Security Summits (NSS).

The NSS process – to prevent non-state actors from acquiring nuclear material – was launched with fanfare in 2010 by US President Obama with the ambitious objective 'to secure all vulnerable nuclear material in four years'. Six years and four summits later – the last of which concluded in 2016 – this aim has not been reached, despite substantial progress having been made (Sidhu 2016b).

Similarly, the July 2015 JCPOA to curb Iran's potential nuclear weapon programme is regarded as a successful effort to curb proliferation challenges through diplomatic means. While the JCPOA 'is off to a good start . . . challenges to effective and sustained implementation . . . are formidable' (Nephew and Einhorn 2016).

All these arrangements tend to be stronger on the enforcement dimension but are relatively weak in both international law as well as establishing norms and principles. Indeed, all of these initiatives are discriminatory and, predictably, do not enjoy universal adherence. Although the states behind these initiatives – primarily the NPT nuclear weapons states – have attempted to seek greater legitimacy for their actions by having these initiatives endorsed by the UN Security Council, there is concern that these initiatives might deal a fatal blow to the already weakened treaty-based non-proliferation regime. Nonetheless, given the inability of the existing formal regime to address many of the proliferation challenges of today, these ad hoc initiatives are likely to flourish.

Based on the above overview, it is evident that the liberal and institutional school would prefer strengthening the multilateral treaty-based institutions to address the non-proliferation challenges rather than opt for ad hoc and military options to deal with the present set of proliferation challenges. In contrast, the realist school would appreciate the ad hoc and unilateral or 'coalition of the willing' approaches, including the use of force, to ensure the security of the state vis-à-vis other states as well as non-state actors. However, it is equally clear that ad hoc approaches alone are unlikely to be effective either in the short or long term unless they are intrinsically linked to the universally applicable treaty-based regime. This is possible only if the realists and liberals bridge their differences and seek a middle ground. Is such a compromise possible?

## Way forward

Scholars and practitioners from both the liberal and the realist schools believe that while in the short term ad hoc and innovative approaches are likely to be preferred in addressing the most immediate challenges, such approaches should be dovetailed with the medium- to long-term objective of strengthening the global non-proliferation regime by eventually decoupling nuclear weapons and international peace and security. For instance, among the proposals made by Shultz et al. (2007) are:

- Changing the Cold War posture of deployed weapons to increase warning time and reduce the danger of accidental or unauthorized use of nuclear weapons;
- Continuing to reduce substantially the size of nuclear forces in all states that possess them;
- Eliminating short-range nuclear weapons designed to be forward deployed;
- Achieving ratification of the CTBT;
- Providing the highest possible security standards for all stocks of weapons [and fissile material] everywhere in the world;
- Halting the production of fissile material for weapons globally;
- Resolving regional confrontations and conflicts that give rise to new nuclear powers.

Most of these proposals are neither radical nor new but their authors are new converts from the original nuclear weapons state and, therefore, this message carries greater weight than that of other analysts. Many of these proposals form part of Obama's Prague agenda.

In addition, countries that are presently under the extended nuclear umbrella of nuclear weapons states might consider whether their dependency on such weapons is posing a challenge for nuclear disarmament, as is evident from their boycott of the UN nuclear ban negotiations. What are the likely implications for such countries to reconsider their position and move out from under the nuclear umbrella? Would it really make them more vulnerable or less vulnerable? Would such vulnerability be worth it to start the process of nuclear disarmament rolling? What is the likely critical mass of countries required to ensure that the process of disarmament could begin and be sustained?

Yet another approach to delinking nuclear weapons and international order would be for one of the current permanent members of the UN Security Council and nuclear weapons states to give up their arsenals and become the council's first non-nuclear weapons permanent member. What are the prospects of one of the nuclear weapons states considering that their security is unaffected even if they were to give up their nuclear arms? It would also, inevitably, set the stage for the creation of a new international order not based on nuclear weapons and would have a lasting impact on the reform of the UN Security Council. These ideas are compelling and the only missing element is the will to operationalize them. This is, perhaps, the mother of all challenges.



## Further reading

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- Disarmament Diplomacy* at [www.acronym.org.uk/dd/index.htm](http://www.acronym.org.uk/dd/index.htm). An independent, quarterly journal of the Acronym Institute that provides some of the best in-depth and critical coverage of developments in disarmament negotiations, multilateral arms control and international security.
- Jozef Goldblat, *Can Nuclear Proliferation be Stopped?* (Geneva International Peace Research Institute (GIPRI), 2007). An excellent, concise overview of the present state of nuclear proliferation that includes recommendations that build on, and go beyond, the '13 steps'.
- Waheguru Pal Singh Sidhu and Ramesh Thakur (eds), *Arms Control after Iraq* (UN University Press, 2006). Offers global and regional perspectives to examine the impact of the Iraq crisis on nuclear proliferation and stresses a central role for the UN in non-proliferation.
- The Bulletin of Atomic Scientists* at [www.thebulletin.org](http://www.thebulletin.org). Founded in 1945 by atomic scientists involved in the Manhattan Project, this is the oldest and most respected journal on all things nuclear, especially non-proliferation. Its data on nuclear arsenals of nuclear states (prepared by the Natural Resources Defense Council) is regarded as one of the most reliable.
- Nuclear Threat Initiative* (NTI) at [www.nti.org](http://www.nti.org) is a one-stop website for nuclear, biological and chemical weapon programmes of different countries. The website also hosts an innovative online tutorial (WMD 411), which provides essential information on nuclear weapons and efforts to disarm them.



# Private security companies

Deborah D. Avant

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## ABSTRACT

In this chapter, students will learn about the growth of private security – security allocated through the market. The chapter explains why this development is important for the control of force and outlines a debate over its costs and benefits. It also describes the current market, compares it to other markets for violence in the past, and explains its origins. The chapter encourages students to think about how the market for force poses trade-offs to the state and non-state actors that seek to control it and how a market for force challenges some of the central assumptions in security studies.

## Introduction

The common-sense understanding in security studies that the control, sanctioning and use of violence fall to states was disrupted by private security activity in the two decades after the Cold War's end. More than half of the people the US deployed in Iraq and Afghanistan were contractors working for private military and security companies (PMSCs): companies that, under contract, performed services that might otherwise be provided by military or police forces. As lawlessness followed the fall of the Iraqi government and coalition forces were stretched thin, an 'army' of private personnel flooded into the country. Some were hired by the Coalition Provisional Authority (CPA) to train the Iraqi police force, the Iraqi army, and a private Iraqi force to guard government facilities and oil fields. Other PMSCs worked for the US Army translating and interrogating prisoners, or for a company called Parsons, providing security for employees rebuilding Iraq's oil fields. The role of PMSCs in the Iraqi occupation was thrust into the public eye when four private security personnel working for the US PMSC Blackwater were killed and mutilated on 31 March 2004 and when contracted interrogators working for CACI and Titan were among those implicated in the abuses at Abu Ghraib prison. A similarly wide range of services have been provided to the US government in Afghanistan and with comparable controversy. The US government was not the only consumer of military and security services, though. Non-governmental organizations (NGOs), oil companies, the United Nations (UN) and many other countries joined the US as customers of PMSCs.

The role of private military and security services in Iraq was only one chapter in the private security boom. While the state's monopoly on the use of force that Max Weber (1964) wrote about was exaggerated from the start and there has been a role for the private sector in security for some time, since the end of the Cold War that role grew larger and different than it has been since the foundation of the modern state. PMSCs provide more services and more kinds of services including some considered core military capabilities in the modern era. Also, changes in the nature of armed conflicts led to tasks less central to the core of modern militaries (such as operating complex weapons systems and policing) being subcontracted to PMSCs. Furthermore, states were not the only organizations to hire security providers. Transnational non-state actors (NGOs, multinational corporations and others) financed security services to accomplish their goals. In sum, a burgeoning transnational market for force now exists alongside the system of state forces.

This chapter analyses these issues in five parts. The first part explains why this development is important for the control of force and outlines the debate over the market's costs and benefits. Part two describes the current market for force and provides some examples of how it works. The third section compares today's market for force to other markets for violence in the past. The fourth part describes the origins of the current market. Finally, the chapter concludes with some thoughts about how the market for force poses trade-offs to the control of force and changes the role of both states and non-state actors in security studies.

## Private security and the control of force

Why should we worry – or even care – about this transnational market? The answer is simple: private security affects how and whether people can control violence, a key question for students of security studies. Does the privatization of security undermine state control of violence? Can the privatization of security enhance state control of violence? Does the privatization of security chart new ways by which violence might be collectively controlled? How does private security affect the ability to contain the use of force within political process and social norms?

It also raises questions about the language we use to talk about and analyse these developments. In keeping with the most common usage, ‘private’ refers to actors that are not governments. Commercial entities and NGOs thus fall into this category – however, so do vigilantes, paramilitaries and organized crime bosses. Though many use ‘public’ to denote governmental institutions of whatever sort, it is important to distinguish between governments that have the capacity and legitimacy to claim to work towards collective ends (strong states) and those that do not (weak states).

From early on, the implications of privatizing security for the control of force were hotly debated. Pessimists claimed that the turn to private security threatened to undermine state control and democratic processes (e.g. Silverston 1998; Musah and Fayemi 2000). In Africa, for example, Musah and Fayemi (2000: 23–6) argued that the consequences of privatizing security could be devastating. Though contemporary mercenaries attempt to distinguish themselves from the lawless ‘guns for hire’ that ran riot over Africa during the Cold War, their consortium with arms manufacturers, mineral exploiters and Africa’s authoritarian governments and warlords could sustain the militarization of Africa and pose ‘a mortal danger to democracy in the region’. Unregulated private armies linked to international business interests threatened to undermine democracy and development in Africa.

Optimists, however, declared that private options offered solutions to intractable security problems that could operate within national interests and/or the values shared by the international community (e.g. Shearer 1998; Brooks 2000). David Shearer (1998) argued that, in Africa and elsewhere, PMSCs willing to take on messy intervention tasks that Western militaries were eager to avoid could help end civil conflicts that would otherwise be intractable. He suggested that, rather than outlawing PMSCs, international actors and institutions should engage them, give them a legitimate role and expect them to operate as professionals, according to the values held by the international social system. Doug Brooks (2003) proposed that a consortium of PMSCs could bring years of peacekeeping experience and NATO-level professionalism to protect vulnerable populations in places such as the Democratic Republic of the Congo (DRC) or Darfur, Sudan; they could also train local gendarmes in policing and human rights so as to build a more professional local force.

Who was right? It turns out they both have been. These two sets of arguments often hinge on different conceptions of ‘control’ and compare private security to different state alternatives. Privatization’s effect on the capability of forces and the values they serve varies depending on the issue and context in question. Privatization sometimes leads to greater capabilities, other times to lesser capabilities, and sometimes leads to more, sometimes less integration of violence with prevailing international values.

Inevitably, however, privatization involves the redistribution of power over the control of violence. In effect, the shift to private guardians changes who guards the guardians.

When considering the effects of privatization in different settings, a fundamental intervening variable is the varying capacities of states. Strong states that are coherent, capable and legitimate to begin with are best able to manage the risks of privatization and harness the PMSCs to produce new public goods but at the risk of corrupting democratic processes. Weak states with ineffective or corrupt forces have the most to gain (or the least to lose) from the capacities offered by the private sector, but are also the least able to manage private forces for the public good. Attempts to harness the private sector for state-building in such environments are often a desperate gamble.

### ■ A transnational market for military and security services

Since the end of the Cold War, both demand for and supply of private military and security services has grown. Demand has come from states, international organizations, NGOs, global corporations and wealthy individuals. The number of private security providers burgeoned during the 1990s and has shifted over time with changes in demand. It grew much larger quickly with the ramp up in Iraq and Afghanistan and looked to private-sector demand as those Western states turned away from those conflicts.

Though it is hard to specify the size of the market, we have a variety of benchmarks. One set of projections within the industry suggested in 1997 that revenues from the global international security market (military and policing services in international and domestic markets) would rise from US\$55.6 billion in 1990 to US\$202 billion in 2010 (see Vines 1999: 47). In 2003 it was estimated that global revenue for this industry was over US\$100 billion (Singer 2003b: 2). PMSCs were also valuable commodities in their own right, as those with publicly traded stocks grew at twice the rate of the Dow Jones Industrial Average in the 1990s. The Commission on Wartime Contracting (CWC), established by Congress in the US in 2008, estimated conservatively that at least \$177 billion has been obligated in contracts and grants to support US operations in Afghanistan and Iraq since 2001 (see CWC 2011: 1). What kinds of services do these firms provide? Despite the media hype, few contracts promise participation in combat. Instead, PMSCs offer three broad categories of military support: operational support, military advice and training, and logistical support. PMSCs also offer services more similar to policing ranging from site security (armed and unarmed), crime prevention and intelligence. Singer (2003a) disaggregated these firms by the relationship of their primary services to ‘the tip of the spear’ in ‘battlespace’. Services closest to the tip of the spear are those on the frontlines of battle, typically the most deadly and dangerous. Figure 23.1 draws on Singer’s battlespace analogy, extends it to police as well as military services and provides examples of contracts providing these services in particular settings.

A small number of contracts have stipulated services at the very tip of the spear that most closely resemble ‘core’ military competencies – armed operational support on the battlefield. Sandline and Executive Outcomes (EO) (both now defunct) became famous for missions that included the deployment of armed personnel on



**Box 23.1 The evolution of a private military and security company: the example of ArmorGroup (formerly DSL, now part of G4S)**

Sources: O'Brien 1998, ArmorGroup company literature, author's interviews

ArmorGroup began as DSL, a British firm founded in 1981. DSL was purchased by a publicly held American conglomerate called Armor Holdings in 1997. Most of its employees who operate out of its London office are former British Special Air Services (SAS), but the company also draws on retired US military personnel and local personnel in its offices all over the world. In 2000 Armor Group had offices in the US, the UK, South Africa, DRC/Zaire, Mozambique, Kenya, West Africa, North Africa, Zimbabwe, Uganda, Hong Kong, Nepal, Asia, the Philippines, France, Bosnia and Herzegovina, Russia, Kazakhstan, Ukraine, Colombia, Ecuador, Venezuela and Brazil, and regional managers in Europe and the CIS, Russia, Latin America, southern Africa, Central Africa, North Africa, the Far East and the Middle East. In most of the regional offices, a small expatriate core with mostly British military background employs predominantly local personnel. ArmorGroup works according to local laws and with local personnel, but its behaviour in one area affects its reputation worldwide. The company's leadership claims to be keenly aware of the need to have professional standards for behaviour and monitor them closely.

ArmorGroup has worked for a variety of customers including private businesses, INGOs, and states. It provided security and logistics personnel to the UN mission in the former Yugoslavia from 1992–95, protected BP oil property against attacks in Colombia, provided security for Bechtel in Iraq, trained Iraqi police under contract with the British government in Basra and also worked for such clients as De Beers, Shell, Mobile, Amoco, Chevron, CARE and GOAL.

DSL was privately held until 1997, but was publicly traded as part of Armor Holdings from 1997–2004. In January 2004, the US-based ArmorGroup informed the Securities and Exchange Commission that it intended to sell off its London-based affiliate DSL (renamed ArmorGroup International) to a group of its own staff. With that sale complete, it was again a privately held company. In April 2008 ArmorGroup International was purchased by G4S (formerly Group 4 Securicor), the world's largest security company. Like all PMSCs, ArmorGroup fills contracts from its database, supplemented by advertisements. That is, it has a small contingent of full-time employees and a large database of individuals from which to fill specific contracts. These databases are not exclusive – persons may appear on the databases of several different firms. This means that someone could be working for ArmorGroup one week and Control Risk Group, Xe, Erinyes or a wide variety of others the next.



FIGURE 23.1 Contracts in battlespace

the battlefield, Sandline in Sierra Leone and Papua New Guinea and EO in Angola and Sierra Leone. EO closed its doors for business after the post-apartheid South African government passed legislation ostensibly designed to regulate the export of military services but believed by many to try to outlaw this kind of activity. Though EO employees now operate or work for a variety of firms – some new, some outside of South Africa – the firms are less public about their dealings.

Many more contracts do not raise troops or deploy personnel on the battlefield, but offer advice and training to military forces. The training programmes vary widely from the high end, where PMSCs are reorganizing the force structure and training officers in battlefield scenarios, to more mundane troop training, simulations and peacekeeping training. Examples of such firms in the US include MPRI, Booz Allen and Hamilton, Cubic and DynCorp. UK examples include ArmorGroup, Aims Limited, Gurka Security Guards, Watchguard International and Sandline. Similar firms can also be found in Canada, France, Israel, Australia and Belgium.

There are also firms that offer operational support in the form of command and control, transport, and weapons systems. Both Sandline and MPRI suggested they could offer command and control support to UN peace missions. More common are contractors that provide support for or operate weapons and information systems on the battlefield. As the technological sophistication of weapons systems and platforms have grown, more and more contractors have been hired to work with troops to maintain and support these systems. During the 2003 war with Iraq, for instance, PMSCs also provided operational support for the B-2 stealth bomber, the F-117 stealth fighter, the Global Hawk UAV, the U-2 reconnaissance aircraft, the M-1 tank, the Apache helicopter and many navy ships.

Logistics support for militaries in the field is another significant market for the private sector that has many providers. A wide variety of PMSCs offer transport,

telecom, food, laundry and other administrative services, as well as setting up and taking down temporary bases and camps. The Halliburton subsidiary Kellogg, Brown and Root (a US company) has a huge presence in this market. It supported American troops in Somalia, Haiti, Bosnia, Afghanistan and the 2003 war with Iraq.

PMSCs also offer internal security services, closer to what police routinely do, such as site security, international civilian police, police training, crime prevention and intelligence. They include decades-old private security companies such as Pinkertons and Wackenhut as well as new firms in South Africa, the UK and the US and all over Europe. For instance, virtually all US contributions to international civilian police units in the 1990s were DynCorp employees. DynCorp was also responsible for protecting Afghan president Hamid Karzai.

Harder to categorize are the contracts that offer operational capacity in counter-insurgency, antiterrorism and other special operations. These services, offered to states as well as multinational corporations and other non-governmental entities, work in the nebulous area that connects external and internal security. The demand for these kinds of services undoubtedly reflects the increasing concern with international criminal threats and the blurring of internal and external security (Andreas 2003).

In the midst of a violent environment it may be difficult to distinguish between policing-type security duties and combat – and personnel sent to do one job may shift to others. In Iraq, for example, Blackwater employees providing security to US Coalition Provisional Authority administrator Paul Bremer carried weapons, had their own helicopters and fought off insurgents in ways that were hard to distinguish from combat (Priest 2004). Reports out of Syria suggest that personnel doing training or security have similarly been drawn into fire (Roston 2017). The CWC set forth three categories of contracted services: logistics, reconstruction (including military and police training) and security – which they highlight as a set of services requiring strict scrutiny given the controversies created by armed security guards and mobile details in Iraq and Afghanistan (CWC 2009).

A helpful way to think about the contours of markets for force more generally is set out in Table 23.1. This makes use of the distinction between the financing and delivery of security services. As the shaded boxes in Table 23.1 indicate, the term ‘privatization’ refers to decisions to devolve *delivery or financing* of services to private entities – the two outermost rows and columns of Table 23.1. Though conventional wisdom suggests that traditional military forces are the norm, the last century has provided cases that fit in almost every box. The not-for-profit financing column is the most problematic, conceptually, as it encompasses a range of possibilities from NGOs to rebel, paramilitary and militia forces. It is also, however, one of the more important columns. During the post-Cold War era, private (for- and not-for-) profit financing and delivery have been, and continue to be, significant areas of growth.

## **■ The current market compared**

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This is not the first market for force. Markets for allocating violence were common before the systems of states came to dominate world politics. Feudal lords supplemented their forces with contracted labour from the beginning of the twelfth century, and from the end of the thirteenth century through the Peace of Westphalia in 1648

**TABLE 23.1** The variety of arrangements for allocating violence

		<i>FINANCING FOR SECURITY SERVICES</i>				
		National financing	Foreign national financing	Multi-national financing	Private financing (for profit)	Private (not-for-profit) financing
<b>DELIVERY OF SECURITY SERVICES</b>	<b>National delivery</b>	1. US in WWII	2. German troops in the American Revolution	3. The first Gulf War	4. Shell financing Nigerian forces	5. WWF financing park guards in DRC
	<b>Foreign national delivery</b>	6. German troops in the American Revolution	7. Korean troops fighting for the US in Vietnam	8. The first Gulf War	9. Branch group contributing to Nigerian forces in Sierra Leone	10.
	<b>Multi-national delivery</b>	11. NATO in Kosovo	12. Muslim states contribution to Western military aid in Bosnia	13. UN peace-keeping	14.	15.
	<b>Private (for profit) delivery</b>	16. MPRI's provision of ROTC Trainers to the US	17. MPRI's work for Croatia	18. MPRI's work for Bosnia	19. DSL working for Lonrho in Mozambique	20. DSL working for ICRC around the world
	<b>Private (not-for-profit) delivery</b>	21.	22.	23. 'Green Cross'	24. BP financing Colombian para-militaries	25. Wildaid in Asia

Source: Avant 2005: 25

virtually all force was allocated through the market. Furthermore, the rise of the state did not immediately preclude the market allocation of violence. Early modern states both delegated control over force to commercial entities and participated in the market as both suppliers and purchasers.

Chartered companies, prominent in the seventeenth and eighteenth centuries, such as the British East India Company, were an instance of state-delegated commercial control over violence. Chartered companies were state-designated entities for



engaging in long-distance trade and establishing colonies. The Dutch, English, French and Portuguese all chartered companies during this time. French companies were state enterprises forged by the king and designed to increase state power later in the game. Dutch companies were private wealth-seeking enterprises that were organized in a charter so as to enhance the Dutch profit relative to the English or (particularly) the Portuguese. The crown chartered the English Companies for similar reasons. These forces were both armies and police forces for establishing order and then protecting both trade routes and new territory. Also, during the early period of the state, states rented out their forces to other friendly states. These troops would arrive equipped and ready to fight under the command of the contracting government.

Even in the modern system, some states have relied on the private sector, for weapons particularly, but also for logistics support, and for a variety of services idiosyncratic to a particular conflict. The US government, for instance, has a long history of looking to the market for military services. Up until the beginning of the Second World War, most of these services were in the area of logistics support and weapons procurement. During the Cold War, however, the US hired firms to perform military training missions as well. The British government hired from the market for military services less frequently in the modern period than the US, but allowed its citizens to sell their services abroad. The commercial sale of security services by British citizens abroad can be traced back through the centuries (Thomson 1994: 22). More recently, UK Special Air Services (SAS) personnel formed firms to sell military and security services during the Cold War. For instance, in 1967 Colonel Sir David Stirling founded Watchguard International (O'Brien 2000). And, of course, individuals acting on their own sold a variety of services in Africa during the Cold War. Also, states still do 'rent out' their forces – to UN peacekeeping units or to other states. In the first Gulf War, for instance, US forces were subsidized by Japan. In the 2003 war with Iraq, the US paid forces from other countries to participate in the coalition.

While market allocation of security was never completely eliminated in the modern era, it was frowned upon. This led private security to be informally organized, secretive and directed to a specific customer base. Soldiers of fortune operated in the shadows – as did the covert private military services provided to individual governments. In the current system, though, PMSCs have a corporate structure and operate openly, posting job listings on their websites and writing papers and articles mulling over the costs and benefits of the private sector in security (see, for example, IPOA 2007). They have sought, and received, some degree of international acceptance.

The corporate form, relative openness, acceptance and transnational spread of today's security industry bear many similarities to the late Middle Ages and early modern period. There are some features of today's market, though, that are unique. First, unlike the military entrepreneurs of the late Middle Ages, today's PMSCs do not so much provide the foot soldiers, but more often act as supporters, trainers and force multipliers for local forces. PMSCs, then, are different from private armies – when they leave, they leave behind whatever expertise they have imparted – subject to whatever local political controls (or lack thereof) exist. Second, unlike the period of the chartered companies, states do not authorize private takeover of other territories, even though transnational corporations and INGOs finance security on

their own – either by subsidizing weak states or hiring PMSCs. Thus chartered companies provided a more specific administrative and legal framework for the private use of force than is the case with private financiers today.

### ■ Why the current market?

As suggested above, the growth of the market was tied to supply and demand. In the 1990s, the supply factors came from both local (the end of apartheid in South Africa) and international (the end of the Cold War) phenomena that caused militaries to be downsized in the late 1980s and early 1990s. Military downsizing led to a flood of experienced personnel available for contracting. Concomitant with the increase in supply was an increase in the demand for military skills on the private market – from Western states that had downsized their militaries, from countries seeking to upgrade and Westernize their militaries as a way of demonstrating credentials for entry into Western institutions, from rulers of weak or failed states no longer propped up by superpower patrons, and from non-state actors such as private firms, INGOs, and groups of citizens in the territories of weak or failed states.

The downsizing of these militaries took place in an ideological context where liberal capitalist ideas were in the ascendancy. Initially, prevailing ideas about the benefits of privatization were associated with the powerful conservative coalitions in the US and the UK in the 1980s, but the collapse of the Soviet bloc, the ensuing privatization of state-owned industries across Europe and the endorsement of these principles by international financial institutions such as the International Monetary Fund and the World Bank led privatization to be endorsed much more widely. The appeal of privatization ideas both led people to see private alternatives as obvious and affected the growth of private supply.

The end of the Cold War also had important political repercussions that influenced the market for force. Just two years into what US President George H.W. Bush called the ‘New World Order’, a rash of smaller-scale conflicts unleashed disorder and demands for intervention. As the clamour for a Western response grew just as Western militaries were shrinking, nascent PMSCs provided a stopgap tool for meeting greater demands with smaller forces. For example, according to Robert Perito (2002), who served as the Deputy Director of the International Criminal Investigative Training Assistance Program at the US Department of Justice during the 1990s, this was the logic for the initial use of DynCorp to mobilize a small group of international civilian police to send to Haiti. The US had no such force and DynCorp could provide one.

The Cold War’s end had a different impact in the former Eastern Bloc (where it led to defunct governance structures and forces, new opportunities and a sudden opening to global flows) and in the developing world (where it abruptly ended superpower patronage – revealing the enduring difficulties of these governments and their militaries – corruption, poor standards, poor management, ethnic rivalries etc.). In each instance, the potential for violence increased. Weak governments paved the way for ethnic mobilization, transnational criminal activity, warlords, rebels and paramilitaries, and the result ravaged civilians, enslaved children, destroyed the environment and otherwise disrupted order and violated global norms (see Fearon

and Laitin 2003). In some cases PMSCs provided tools for weak governments in the Eastern Bloc and the developing world (e.g. Angola, Papua New Guinea and Sierra Leone) to shore up their capabilities.

And it was not just states that took advantage of the market for force. Transnational firms in the extractive industry, particularly, are often likely to stay in dangerous areas if that is where the resources are. Unable to rely on weak states for security and often unwilling to leave, these actors have provided another pool of demand for non-state protection that PMSCs have exploited. The reason that PMSCs – and not multilateral armed responses, such as those provided by the UN – have thrived is because multilateral forces have been much harder to deploy and (often because of problematic mandates) seen as less effective.

Thus, both material and ideational changes placed private military and security options on the agenda. The reluctance of states to take on the variety of missions that people have felt moved to respond to, and the poor performance of multilateral institutions have made the private alternative appear more workable, as have prevailing beliefs that private means cheaper and better.

## **Conclusion**

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Global forces, new ideas and political choices have combined to enhance the opportunities for private delivery of and private financing for security services. As a result, a growing market for force now exists alongside, and intertwined with, state military and police forces.

This development holds significant implications for students of security studies. It also has implications for the control of force that poses states, firms and people with a number of trade-offs. Individual states can sometimes enhance the capacity of their forces, and thereby increase functional control. At the same time, though, the market undermines the *collective* monopoly of the state over violence in world politics, and thus a central feature of the sovereign system. Without that collective monopoly, states face increasing dilemmas about whether to hire from the private sector for security and how best to regulate the export of security services.

The existence of an extensive market alternative for military services changes the options available to states for the conduct of foreign and security policies. The use of market alternatives, however, through government contracts or regulation, is different from using military organizations, and advantages some portions of the government more than others. In particular, using market allocation generally advantages executives relative to legislatures, reduces transparency, and reduces the mobilization required to send public forces abroad. Furthermore, the use of market alternatives often involves the private sector in decision-making – giving those with commercial interests in policy influence on its formation and implementation. Because of these changes, the market option has made it easier to undertake adventurous foreign policies – or actions that do not have widespread support in a polity – and thus more likely that such actions will be taken.

The US has taken particular advantage of this market. PMSCs were particularly vital to US efforts in Iraq, where they not only supported US troops via logistics and operational support missions but also deployed quickly to the country to train

Iraqi forces and provide security as stability unravelled in the wake of Saddam Hussein's fall from power. Sometimes US decisions to use PMSCs have been more costly than using US military forces, other times less, but, as one US official told me in 1999, 'it is easier to get money out of the Pentagon than people'. The US can thus use PMSCs as force multipliers for its own troops, to train and supervise other troops, and even as a tool for recruiting something like an imperial force.

Not all states have reacted to the market in the same way. For example, in contrast to the US, South Africa has eschewed the private military and security sector in its foreign policy. South Africa's efforts to sideline PMSCs led it to forgo new policy tools and also decreased its ability to control the violent actions of its citizens abroad. This was particularly poignant as South African personnel and PMSCs have poured into Iraq under contract with the US to support stability operations in the wake of a war that the South African government did not support (*Star* 2004).

Whether privatization of security in states such as the US will lead to disruptive change in military effectiveness or be folded into a new process of control is the key question. In Iraq, well-publicized cost overruns from outsourcing, dramatic scenes of private personnel abused and abusing, and unclear coordination between public and private forces all seemed to point towards an eroding process of control. This problem, though, generated a series of non-binding agreements that represent a nascent transnational governance structure for the industry (Avant 2016). Private forces have been folded into the future of American foreign policy as a necessary dimension in an era of uncertain and ever changing threats.

As well as offering new foreign policy choices to states, privatization also shifts power over violence outside the bounds of state machinery. This is most obvious when non-state actors finance security, which accords influence over security decisions to actors both outside the territory of the state and outside of government. In individual instances, transnational financing often diffuses power over the control of force. From a broader perspective, this diffusion of power should also lead us to expect a greater variety of actors to have influence over the use of force, should predict a furthering of competing institutions with overlapping jurisdictions over force, and thus accords with many who have argued that the world is entering a neo-medieval period (see Bull 1977: 254–5; Cerny 1998).

What is often lost in contemporary commentary is that the privatization of security does not so much transfer power from one institution (the state) to another (the market) so much as pose challenges to the way both states and markets have functioned in the modern system (Avant and Haufler 2017). Instead of focusing on ideal types of states and markets (which have little basis in historical fact), it would be more prudent to examine the variety of institutional forms that are emerging and the way they are functioning, and think about their viability in terms of the degree to which they generate mechanisms that work together, potentially generating reinforcing processes, or chafe against one another, generating continued change.

The market for force has loosened the ties between states and force and undermined states' collective monopoly on violence in the international system. This has not made states, per se, less important, but opened the way for changes in the roles states and other actors play in controlling force on the world stage. The rush to normative judgement about whether the privatization of security was 'good' or 'bad'

has impeded analysis of the range of privatization's effects, the trade-offs associated with private security, and the choices available for its management. Both policy-makers and their constituents, however, would be well served by refocusing on these issues now.



### Further reading

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- Deborah Avant, *The Market for Force: The Consequences of Privatizing Security* (Cambridge University Press, 2005). Provides an overview of the global market and its implications.
- Deborah Avant, 'Pragmatic Networks and Global Governance: Explaining Governance Gains in Private Military and Security Services', *International Studies Quarterly*, 60(2) (2016): 330–42. Describes the transnational regulatory system that has grown around the private security industry and explains how it came to be.
- Simon Chesterman and Chia Lehnardt (eds), *From Mercenaries to Markets: The Rise and Regulation of Private Military Companies* (Oxford University Press, 2007). Brings together a range of analysts and participants in the market to examine the potential for regulation.
- Elke Krahnmann, *States, Citizens and the Privatization of Security* (Cambridge University Press, 2010). Analyses the different trajectories of privatization in the US, Britain and Germany.
- P.W. Singer, *Corporate Warriors: the Rise of the Privatized Military Industry* (Cornell University Press, 2003). Suggests a typology of military firms and gives a good history of three: Executive Outcomes, MPRI and Halliburton.
- Private Security Monitor website: <http://psm.du.edu>. This website provides an annotated guide to data, analysis and regulation of the private security market all over the world.