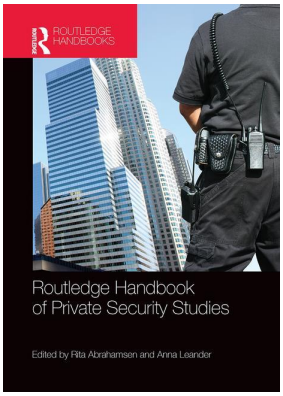

Routledge Handbook of Private Security Studies

Rita Abrahamsen, Anna Leander

Norms and Regulation

Publication details
https://www.routledgehandbooks.com/doi/10.4324/9781315850986-23
Sarah Percy
Published online on: 20 Oct 2015

22
NORMS AND REGULATION

Sarah Percy

The privatization of force has occurred with extraordinary speed. It is hard to imagine that in the late 1980s and early 1990s, the widespread use of private force, especially by major powers, was unthinkable. In 1989, Stephen Krasner noted that it was very difficult to explain why, even when it would seem strategically optimal, states did not use mercenaries. As he put it, the constraints against hiring mercenaries were so great that the United States could not simply 'buy a regiment or two of Gurkhas' (Krasner 1989: 91–2). Janice Thomson wrote in 1994 that 'today, real states do not use private force' (Thomson 1994). She went on to argue that since the '[anti-mercenary] norm was implemented, no state has attempted to reinstate eighteenth-century practice by reversing or even challenging' it (ibid.: 96). As the other chapters in this volume demonstrate, states today can effectively purchase large numbers of private security personnel to bolster their strategic positions. 'Real' states routinely use private force. The anti-mercenary norm appears to be under daily challenge. What is the continuing influence of this formerly powerful norm in a world where the use of private force is widespread?

The purpose of this chapter is to explain what the norm against mercenary use is, where it came from, how it has influenced the regulation of private force, and whether or not it has been challenged by the widespread use of private force today. Would Thomson still say that real states do not use private force, and if not, what does this tell us about the anti-mercenary norm? The chapter begins by defining and tracing the evolution of the anti-mercenary norm, and then discusses how the anti-mercenary norm played into debates about regulating mercenaries in the 1970s. Against this background, I explain how the rapidly evolving private security industry was met with equally rapidly changing regulation, and consider how the anti-mercenary norm played into this debate. The chapter considers how the industry's development both challenged and was shaped by the anti-mercenary norm, examining the appearance of private military companies such as Sandline in the 1990s and the proliferation of private security during the Iraq War of 2003 and afterwards. In each case I consider the impact the changing industry had on the anti-mercenary norm and the debate on regulating the industry.

The anti-mercenary norm: definitions, origins and development

What is the norm against mercenary use? We can generally define a norm as a rule or standard of behaviour. Norms can be written or unwritten. For example, there was a norm that states

should declare war at the outset of hostilities, but this norm did not take the form of a written law. Norms associated with warfare have a long history, going back well before the nineteenth century. Some of these norms were transformed into formal law. For example, the idea that a white flag indicates peaceful surrender goes back to the classical era but was only recorded in law at the turn of the twentieth century, as part of the Hague Conventions. The norm against mercenary use has mainly been an unwritten norm, until the 1970s when states sought to institutionalize it by creating a Convention against the use of mercenaries.

Where did the norm against mercenary use come from, and of what does it consist? While mercenaries have always existed, so too has criticism of their use, and states and other actors have consistently attempted to control them. The anti-mercenary norm builds on the generally accepted definition of a mercenary as a financially motivated fighter who uses force outside the control of the sovereign state. The precise content of the anti-mercenary norm has shifted over the long history of mercenary use, but has generally had two components. First, mercenaries are not under the control of the sovereign state. Mercenaries can then pose a threat to the physical existence of the state but also threaten the idea that the state ought to have a legitimate monopoly on the use force. Second, mercenaries do not fight for an acceptable cause. They are financially, rather than ideologically or patriotically, motivated. While there are some foreign fighters who are widely accepted in the international system, this is usually because their cause is also widely accepted as legitimate. For example, foreign fighters in the Spanish Civil War are generally understood to be morally acceptable while foreign fighters fighting alongside Islamist groups in Syria today are not. States can have long-standing arrangements to include foreign fighters, such as the French Foreign Legion or the Gurkhas. These arrangements are usually viewed as unobjectionable, because they often include the promise of citizenship (as in the French Foreign Legion, or indeed, for foreign individuals in the American armed forces) or exist as part of a historical relationship (e.g. the Gurkhas).

It is important to note that there are many logical problems with the component parts of the anti-mercenary norm. Of course, many soldiers may be more financially motivated than any mercenary. Mercenaries may share the cause of those for whom they fight, and foreigners are not precluded from supporting someone else's cause. However, even though these concerns about mercenaries are illogical, they have deeply influenced policy towards the use of private force (Percy 2007a).

Mercenaries remained commonplace in the armies of Europe until the late nineteenth century, when they disappeared from use until the 1960s. The decision to abandon mercenaries in European armies has been extensively examined (Percy 2007a; Avant 2000; Thomson 1994) and clearly has a normative component. The decision to cast aside the mercenary system is associated with rising norms of citizen service. If citizen soldiers are being asked to fight and die for love of country, it becomes increasingly difficult to justify the use of financially motivated, foreign soldiers.

Even when mercenaries appeared again a hundred years later, in the 1960s wars of decolonization in Africa, sovereign states almost never used mercenaries. Rather, mercenaries were mostly hired by former colonial interests or insurgent groups (Percy 2007b). Mercenaries in this period 'appear to us as anomalies precisely because they are only marginally legitimate' (Thomson 1994: 97). Many states were alarmed by this reappearance of an antique, and disliked, military practice. The depth of time that had passed since mercenaries were commonplace cannot be underestimated. It would be rather like the sudden reintroduction today of execution by firing squad for deserters, a practice that disappeared approximately 100 years ago. The fact that mercenaries were used to destabilize newly decolonized states did not help their public image. It was easy to associate mercenaries with a whole host of forces that prevented national

self-determination, which in turn made it easy to advocate for legal control of mercenaries in the early 1970s. Newly decolonized states entering the United Nations changed the political composition of the General Assembly, which took up issues associated with colonization and national self-determination with great vigour.

The General Assembly passed a series of resolutions criticizing mercenary use beginning in the late 1960s. There are two particularly significant resolutions. The General Assembly drafted a Definition of Aggression in 1974. This definition was meant to clarify what would constitute an act of aggression in situations where there was no declaration of war and included the sending of mercenaries alongside other acts of aggression such as the bombardment and blockade of another state's territory.[1] The General Assembly also passed a resolution on the right to self-determination in 1976,[2] stating that using mercenaries against national liberation movements is a criminal act and that mercenaries themselves are criminals.[3] An Organization for African Unity (OAU) Convention on Mercenaries, based on an earlier Luanda Draft, was signed in 1977.

The two most significant pieces of international law, both in their status as treaty law and also in the impact they have had on private force and on debates about its regulation, were developed in the 1970s and 1980s. Between 1974 and 1977, states negotiated the Protocols additional to the Geneva Convention. These Protocols were meant to extend the Geneva and Hague Conventions and regulate conduct on the battlefield. Article 47 of Protocol I deprives mercenaries of combatant status and the right to be treated as prisoners of war. It relies on a similar definition of 'mercenary' as that set out in the OAU and Luanda Conventions. This definition is extremely, and famously, problematic. It has become almost automatic when writing on Article 47 to note that 'any mercenary who cannot exclude himself from this definition deserves to be shot – and his lawyer with him'![4] Unfortunately, this problematic definition was also used in the second significant piece of international law, the International Convention against the Recruitment, Use, Financing, and Training of Mercenaries (the UN Convention). Negotiations for the UN Convention began in 1980, were complete in 1989, and the Convention entered into force in 2001.

The definition shared in both documents is cumulative, meaning that an actor would have to meet all the criteria in order to be considered a mercenary. It has two significant loopholes. First, it states that a mercenary is 'not a member of the armed forces of a Party to the conflict'.[5] Avoiding the punitive aspects of Article 47 is easy: would-be mercenaries could avoid trouble by simply enrolling in the armed forces of the state that had hired them. In fact, such avoidance techniques were commonplace in the 1990s, when private military companies like Sandline and EO insisted on this type of enrolment as part of their contracts.

The second loophole arises from Article 47's statement that a mercenary is 'motivated to take part in hostilities essentially by the desire for private gain, and in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party'.[6] Two problems follow: first, it is probably impossible to demonstrate that a fighter is motivated to fight 'essentially by the desire for private gain'. Second, even if it is possible to do so, a clever mercenary would avoid this clause by arranging to be paid (at least on paper) the same amount as regular soldiers.

The international lawyer Antonio Cassese (1980) has argued that these loopholes reflect a deliberate attempt on the part of African states to protect themselves from mercenary attack while reserving the right to use mercenaries in the future. However, a close examination of the *travaux preparatoires* of Article 47 reveals that in the case of both loopholes states were attempting to devise law that reflected what they found to be objectionable about mercenaries. States,

when devising the clause stating that enrolment in the armed forces prevented an actor from being considered a mercenary, were in fact attempting to protect non-mercenary fighters from the serious consequences of the Article. Without this clause, both regular soldiers and foreign fighters permanently enrolled in the armed forces (such as Gurkhas or the French Foreign Legion) could lose prisoner of war (POW) protection or combatant status. States clearly attempted to exclude longstanding foreign fighter arrangements such as these from the Article. Moreover, there was concern that regular soldiers who were attracted to fight by good pay (thus meeting the financial motivation aspect of the definition) would not be considered to be mercenaries. The enrolment in the armed forces clause solved both these problems.

The financial motivation loophole was included even though states were well aware it might cause problems. The Working Group drafting the article shared a clear definition of a mercenary as an individual motivated to fight 'essentially or primarily by the desire for hard cash' (Percy 2007b: 379). However, transferring this core agreement into workable law proved to be very difficult. The Working Group agreed that one solution to the problem of demonstrating whether or not an alleged mercenary was financially motivated was to require that mercenaries must be paid more than soldiers. Including the idea of financial motivation, which states felt to be essential to the idea of a mercenary, was impossible without creating loopholes. However, without it, all sense of what it meant to be a mercenary would have been lost.

The norm against mercenary use, then, can explain the faulty construction of Article 47. It is not the case that Article 47 reflected states that either did not care about mercenaries, or wanted to reserve the right to use mercenaries themselves. Instead states were very specifically and deliberately condemning mercenaries with the creation of Article 47. First, mercenaries had been generally used during intra-state wars, which was the subject of Protocol II, and not during international armed conflicts, which was the subject of Protocol I. The decision to include them in Protocol I was thus a deliberate one and excluded the situation where mercenaries had been most common. Second, the inclusion of an article meant to punish actors within the Protocols is also noteworthy. Protocol I was supposed to protect actors of all types on the battlefield regardless of their motivation. Including an article that relied at its core on the idea of motivation and also sought to punish rather than protect meant that Article 47 was significantly out of step with the humanitarian aims of the wider document. States could have opted for regulating mercenaries in line with other combatants: should a mercenary violate the laws of war, it would draw the same legal consequences as if any other actor violated the same laws. However, it is more difficult to regulate mercenaries on the basis of their status rather than the basis of their actions and states took the less efficient path (Percy 2007b). Article 47 was clearly an attempt to punish mercenaries, rather than regulate them.

The UN Convention, which followed Article 47, adopted the existing definition of a mercenary. However, it faced an additional problem. While all states agreed that mercenaries needed to be controlled, they differed significantly over what types of control were necessary. There were two points of contention. First, non-Western states wished to use the Convention to make states responsible for the actions of any citizen choosing to become a mercenary. The notion of state responsibility is very specific in international law, and the dominant view is that states cannot be held accountable for the actions of their citizens where they do not know in advance of these actions. Western states, along with some others, took the view that the importance and practicality of this approach to state responsibility meant that the mercenary threat, however serious, could not be controlled using an international convention that required national legislative and enforcement action. Second, the drafts of the Convention called for limitations on freedom of movement, which were deemed necessary to prevent would-be mercenaries from leaving home to cause trouble in the first place. Again, Western states,

supported by some others, asserted that the well-established right to freedom of movement could not be superseded. Even if it could be agreed that the mercenary issue were serious enough to overturn an important right, the practical obstacles of stopping putative mercenaries from achieving their goals were also impossible to overcome.

Disagreement on these two points led a stalemate in the UN Convention, which took nearly a decade to draft. Western states indicated that if the Convention went ahead containing the clauses pertaining to state responsibility they would not sign, and they have not done so. The Convention thus made very slow progress at the negotiation stage, as states attempted to resolve these and other issues. It was completed in 1989 but only received enough signatures to enter into force in 2001, when it was quickly overcome by events.

The norm against mercenary use itself had less direct influence over the UN Convention than it had over the creation of Article 47. The decision to use the Article 47 definition further reflected that states felt quite clear about what they understood a mercenary to be, and also what they thought objectionable about mercenaries. The UN Convention process also indicates that states do have to adjudicate between competing norms. In this case, Western states took the view that the norms of freedom of movement and narrow state responsibility were more important than the anti-mercenary norm. Other states disagreed. The UN Convention does not simply reflect a lack of state interest in the mercenary question. Rather, it reflects a difference in the way states adjudicate between competing norms.

The appearance of private military companies

The appearance of private military companies (PMCs) in the 1990s provided the first test of the two (notably weak) laws regarding mercenary use. Private companies offering military services in Africa rose to prominence in the mid-1990s. The companies Executive Outcomes (EO) and Sandline International both offered a range of military and security services, including active combat. While the laws discussed above were inapplicable to PMCs, the use of private force was clearly shaped by the anti-mercenary norm. The relationship between the anti-mercenary norm and international law became more complex.

There was very little doubt that the law against mercenaries did not apply to PMCs in the 1990s (Percy 2007b; Zarate 1998). However, the fact that these PMCs were probably mercenaries was equally uncontroversial. According to the general definition of a mercenary, a person who exchanges military services in exchange for money, both companies were clearly mercenary. EO and Sandline made it perfectly clear in both their actions and in their statements that a core part of their business model was the planning and conduct of military operations. EO had a significant and still-controversial impact on the war in Sierra Leone, in large part because of the company's superior firepower and the use of combat helicopters. Tim Spicer, former head of Sandline, was explicit about his company's willingness to use force. As he put it, 'if it is going to stop the war, of course we will go and blow up those helicopters or aircraft' (Spicer 1999: 168). EO and Sandline did not like the term 'mercenary' but nor did they try and obscure the fact that they were paid to fight for money. Spicer even said he did not mind the dictionary definition of the term mercenary, but rather 'the image it conjures up in people's minds. We don't like the Rambos, the psychopaths, the killers. In the conflicts in which we become involved they actually work for the other side' (ibid.: 165). Referring to PMCs as mercenaries was also commonplace even among academic analyses during this period (Percy 2014).

The inapplicability of anti-mercenary law, coupled with the strong sense that PMCs were mercenaries and that mercenary use was problematic, led to an interesting interplay between law and norm. The UN Convention had only just come into force when PMCs came into the

public eye. Angola, despite employing EO, was one of the signatories of the Convention. EO and Sandline personnel enrolled in the armed forces of the hiring state to avoid any potential legal problems. Article 47 was entirely inapplicable because it is part of Protocol I, which deals with international rather than internal armed conflicts. The law against mercenaries was never effective and the 1990s saw its death confirmed (Percy 2014; Singer 2004: 531).

While the law was ineffective, the norm remained influential. There are three particularly noteworthy examples of the considerable international disapproval of PMC activities in Africa and in Papua New Guinea during the 1990s. First, international pressure contributed to the end of PMC involvement in Angola, Sierra Leone, and Papua New Guinea. The Americans pressured Angola to end its arrangements with EO. The Sierra Leonean government, possibly under pressure from the IMF, did not renew EO's contract (Shearer 1997: 855). Australia applied direct pressure to the PNG government to cease employing Sandline (Dorney 1998: 227).

Second, the Special Rapporteur on Mercenaries, Enrique Bernales Ballesteros, provided vocal criticism of PMCs during this period. The long-serving Special Rapporteur referred to PMCs as mercenaries repeatedly. He had notably negative views of mercenaries, stating in his final report in 2003 that 'whether individually, or in the employ of contemporary multi-purpose security companies, the mercenary is generally present as a violator of human rights'[7] (see also Chapter 23, this volume).

Third, the heated criticisms of PMCs in the 1990s tended to ignore that PMCs were employed by sovereign states. States like Sierra Leone were fighting brutal civil wars against vicious adversaries. The Rebel United Front, famous for amputating arms as a terror tactic, was very close to Freetown, the capital of Sierra Leone, when the government chose to hire EO. There was no international assistance forthcoming, and yet the Sierra Leonean government was extensively criticized (Percy 2007a). PMSCs that provided combat as part of their services disappeared. Tim Spicer deliberately decided that his new company, Aegis, set up prior to the attacks of 11 September 2001, would not provide combat services because they were too controversial (Percy 2007a). When the war started in Iraq, Aegis was one of a number of companies that sought to avoid the mercenary label by avoiding combat.

The proliferation of private force, regulation, and the anti-mercenary norm

What does the commonplace use of private military and security companies (PMSCs) during the Iraq War of 2003 and afterwards tell us about the anti-mercenary norm? Do current regulatory efforts still reflect the anti-mercenary norm? I argue that despite some suggestions that the anti-mercenary norm is dead (Panke and Petersohn 2011), or at least ailing (Krahmann 2013), the anti-mercenary norm has in fact changed form. The transformation of the norm against mercenary use has occurred in part because of the events in the 1990s outlined above, and its transformation is reflected in the newest regulatory instruments devised to deal with mercenaries, the Montreux Document and the International Code of Conduct for Private Security Providers (ICoC).

It is not without logic to point out that the large number of PMSCs currently in existence, and the wide range of tasks for which they are employed, might suggest that the anti-mercenary norm is dead or dying. Petersohn and Panke are interested in explaining why the norm against mercenaries has 'disappeared' or become suddenly 'obsolete' (Petersohn 2014: 720). However, it may be more accurate to note that the norm against mercenary use has changed (ibid.; Percy 2014; Krahmann 2013). States do indeed use 'mercenaries', or actors that exchange the use of violence for money, but they do not do so in an unfettered fashion and the PMSCs

of today do not resemble the mercenaries of the 1960s or the still-earlier mercenaries of the nineteenth century.

The appropriate question, then, is what about the anti-mercenary norm has changed that allows for states to use private force? The answer lies in the question of combat. Today's PMSCs are not considered to be mercenaries because they use force only in self-defence. In other words, they do not 'directly take part in hostilities' in the words of the shared definitions of Article 47 and the UN Convention. The norm against mercenary use has changed from one that prohibits mercenary use in all forms to one that allows it in restricted circumstances, specifically in 'defensive' combat.

Krahmann points out that the US has narrowed the definition of 'directly' participating in hostilities by insisting that 'private security personnel are not authorized to participate in offensive operations' and that this view is reflected in Canada and among other NATO nations (Krahmann 2013: 65). Panke and Petersohn note that the use of defensive force by private companies is now considered legitimate (Panke and Petersohn 2011: 730; Petersohn 2014).

The idea that there is a difference between offensive and defensive combat is problematic. Indeed, it is illogical, as many commentators have noted. A PMSC providing 'defensive' assistance can be required to use force vigorously, and the distinction between offense and defence may be lost on those being fired upon. How is it that this illogical distinction has allowed states to use private force legitimately?

Petersohn argues that PMSCs used a deliberate strategy of 'framing' themselves as non-combat actors. This strategy permitted them to be considered legitimate, as their defensive actions would be clearly under control of the hiring state (Petersohn 2014: 16). I have argued elsewhere that in fact the loopholes in anti-mercenary law explain how it is has been possible for the 'defensive' exception to apply. Before the anti-mercenary norm was institutionalized as law, the notion of a mercenary who did not engage in combat was nonsensical. The point of hiring mercenaries was to hire fighters. However, in the creation of the clause referring to direct participation in hostilities, the framers of Article 47 created another way for states to avoid the mercenary label and its consequences. In this case, the law itself has probably channelled the changes to the underlying norm (Percy 2014). States have interpreted 'direct' participation to mean 'offensive' operations. Defensive operations are not 'direct' participation (Krahmann 2013; Petersohn 2014: 17). The norm against mercenary use now only applies to offensive force. Private force is legitimate as long as it remains defensive.

The newest regulatory instruments dealing with private force, the Montreux Document and the ICoC, move from the starting point that PMSCs are regular actors on the battlefield (see Chapter 26, this volume). They differ substantially from the first generation of anti-mercenary law in that they no longer penalize private fighters for being private fighters. Rather, they seek to control the activities of PMSCs and ensure that they are compliant with international humanitarian law. The ICoC in particular requires PMSCs to abide by clear standards of conduct that in some cases go beyond the requirements of international humanitarian law. While both Montreux and the ICoC represent important steps forward in the regulation of the private security industry, it is important to note that they are both 'soft law'. In other words, they are non-binding agreements that do not require states to take any particular action. In the case of Montreux, states' existing obligations are merely re-stated. The ICoC lays out obligations for PMSCs but is non-binding. The failure to institutionalize the anti-mercenary norm successfully explains why these soft law instruments are the only regulatory agreements applicable to mercenaries today. They also reflect the change in the anti-mercenary norm, by no longer concentrating on the status of the mercenary but rather the type of action the mercenary undertakes. The ICoC, in its clauses on the use of force, that signatory companies will try

to avoid the use of force (clause 30) and furthermore only use firearms in self-defence or in defence of an imminent threat (clause 31). The ICoC is further evidence that today, the difference between a mercenary and a private security contractor lies in the type of force used. The anti-mercenary norm has previously relied on financial motivation and the attachment to an appropriate cause in order to distinguish between mercenaries and other fighters. The interplay between international law, the activities of mercenaries and PMSCs on the ground, and the norm itself has altered the meaning of the anti-mercenary norm.

Conclusion

It is simply no longer the case that 'real states' do not use private force. As other chapters in this Handbook demonstrate, the use of private force is increasingly common. But the widespread use of private military and security companies does not indicate that the norm against mercenary use is no longer influential. In fact, the interplay of the anti-mercenary norm and regulatory efforts to deal with private force demonstrates that the norm against mercenary use has changed shape. After all, real states may use private force, but they do not use 'mercenaries'. They use private security companies. And very few states use PMSCs to replace military personnel on the battlefield, even where these activities are 'defensive'. The US is somewhat unique in having military contractors hired by the Department of Defense. In the UK, the Ministry of Defence does not use private security personnel, although the Foreign and Commonwealth Office (FCO) does. The majority of states restrict the use of private force to guarding installations such as embassies or providing security in dangerous situations that fall short of conflict.

What does the tangled evolution of the anti-mercenary norm, the participation of private fighters in conflict, and the law against mercenary use tell us about the relationship between norms and law? The anti-mercenary norm is a strong reminder that simply creating a law does not mean a practice will disappear. Rather, states and other actors will interact with that law, and interpret it differently. Both law and norms can shift as part of this process of contestation. The anti-mercenary norm has been significantly changed by the recent history of mercenary use.

What will happen to the anti-mercenary norm in the future? It may well be that use of private force on a wide scale in Iraq and Afghanistan was an anomaly. Not only are states now keen to avoid such entrenched land-based conflicts, which in turn means they will require less support from the private sector, the perceived failures of both conflicts but particularly Iraq may lead states to consider whether or not to use private force differently in the future. It may also be that an unexpected turn of events shapes the industry in a new direction. However, the recent evolution of the private military industry demonstrates that it has been shaped by the anti-mercenary norm. We can assume, whatever shape it takes, that the future industry will develop by interacting with, and possibly changing, the anti-mercenary norm.

Notes

1 GA resolution 3314 (XXIX) of 14 December 1974
2 This resolution, or a variation of it, has been reaffirmed annually up to the writing of this chapter.
3 GA resolution 31/34 of 20 November 1976.
4 Originally quoted in Best (1980).
5 Article 47(2)(e) of Protocol I Additional to the Geneva Conventions, www.icrc.org/ihl/WebART/470-750057.
6 Article 47 (2) (c).
7 UN doc. E/CN.4/2004/15 of 24 December 2003, 11.

Bibliography

Avant, D. (2000) 'From Mercenary to Citizen Armies', *International Organization* 54(1): 41–72.

Best, G. (1980) *Humanity in Warfare: The Modern History of the International Law of Armed Conflicts*, London: Weidenfeld & Nicolson.

Cassese, A. (1980) 'Mercenaries: Lawful Combatants or War Criminals?' *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht* 40(1): 1–30.

Dorney, S. (1998) *The Sandline Affair: Politics and Mercenaries in the Bougainville Crisis*, Sydney: ABC Books.

Krahmann, E. (2013) 'The United States, PMSCs and the State Monopoly on Violence: Leading the Way Towards Norm Change', *Security Dialogue* 44(1): 53–71.

Krasner, S. (1989) 'Sovereignty: An Institutional Perspective', in J. Caporaso (ed.), *The Elusive State: International and Comparative Perspectives*, Newbury Park, PA: Sage, pp. 69–96.

Major, M.-F. (1992) 'Mercenaries and International Law', *Georgia Journal of International and Comparative Law* 22(1): 103–50.

Panke, D, and U. Petersohn. (2012) 'Why International Norms Disappear Sometimes', *European Journal of International Relations* 18(4): 719–42.

Percy, S. (2007a) *Mercenaries: The History of a Norm in International Relations*, Oxford: Oxford University Press.

Percy, S. (2007b) 'Mercenaries: Strong Norm, Weak Law', *International Organization* 61(2): 367–97.

Percy, S. (2014) 'The Unimplemented Norm: Anti-Mercenary Law and the Problems of Institutionalization', in A. Betts and P. Orchard (eds), *Implementation and World Politics: How International Norms Change Practice*. Oxford: Oxford University Press, pp. 68–84.

Petersohn, U. (2014) 'Reframing the Anti-Mercenary Norm: Private Military and Security Companies and Mercenarism', *International Journal: Canada's Journal of Global Policy Analysis* 69(4): 475–93.

Shearer, D. (1997) 'Exploring the Limits of Consent: Conflict Resolution in Sierra Leone', *Millennium* 26(3): 845–60.

Singer, P. (2004) 'War, Profits and the Vacuum of Law: Privatized Military Firms and International Law', *Colombia Journal of Transnational Law* 42(2): 521–49.

Spicer, T. (1999) 'Interview with Lt. Col. Tim Spicer', C*ambridge Review of International Affairs* 13(1): 165–71.

Thomson, J. (1994) *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe*, Princeton, NJ: Princeton University Press.

Zarate, J. (1998) 'The Emergence of a New Dog of War: Private International Security Companies, International Law, and the New World Disorder', *Stanford Journal of International Law* 34(1): 75–162.