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Book Reviews

# Understanding Azerbaijan's Geopolitical Perceptions

*Mitchell Belfer*

## Introduction

Azerbaijan's geopolitical situation largely determines its strategic priorities and presents solutions. This policy analysis suggests that there are three ways for Azerbaijan (and the other Caucasus states) to overcome its geopolitical situation, through: hegemony, neutrality or alliance. However, of the three, only alliance with exogenous powers, such as the GCC and its members, could assist Azerbaijan survive in its own region; by out-flanking its more aggressive rivals and reinforcing second and even third fronts in order to provide Baku additional strategic options, enhance its balancing capabilities and gain important breathing space. Such actions however, will likely produce a security dilemma since Azerbaijan's out-flanking will produce the (mis)perception in Tehran, Yerevan and, probably, Moscow, that Baku is attempting to enhance its regional position at their expense. So, the question is: how can Azerbaijan overcome its geopolitical vulnerabilities – via alliance – without sparking conflict? This analysis maintains that while it would be inappropriate to relegate armed conflict as impossible, the likelihood of conflict diminishes as deterrent capabilities are enhanced. Functioning alliances produce credible deterrence and hence alliance is preferable to other policy strands in geopolitically sensitive regions. Before continuing, it is important to identify the specific details of Azerbaijan's geopolitical situation in order to better grasp the nature of its challenges, rivals and the dimensions of its security policies that work at overcoming these.



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## Azerbaijan's Geopolitical Situation

Four key geographic features have, since Azerbaijan's earliest history, helped define its place in the region and the wider international community. These are: 1. the country's protective ring of mountains, 2. the pincer river system of the Araxes and Kura which provides fresh water for agriculture and consumption, food-stocks, hydroelectricity capabilities, and (previously) access to more distant places (navigation), 3. arable land for agriculture in the range of some 15%-18%, and 4. the Caspian Sea seaboard (some 713 kilometres) which connects Azerbaijan to Russia, Kazakhstan, Turkmenistan and Iran. These deserve deeper analysis since they serve to (partially) determine Azerbaijan's interests and behaviour.

*Editor's  
Analysis*

*Mountains* – Three ranges embrace Azerbaijan: the Greater Caucasus which form part of the border with Georgia and Russia, the Lower Caucasus shared with Armenia and the Talysh along much of the Iranian frontier. It is important to remember that mountains are not neutral territories and neither are they some form of “no man's land” or natural buffer areas. Mountains are of vital strategic importance and states have traditionally expended tremendous national energies attempting to gain high grounds as natural gateways and ramparts. In the Caucasus, many of the current conflicts are based on mountain boundaries and one of the main reasons for this work's proposal that Azerbaijan shift to a more Arab-focused flank to out-manoeuvre Iran is based on Iranian control over vital mountainous regions which could be used as pressure points in their dyadic relationship. Vying to secure their share of the mountain ranges while preventing others from doing so, is a vital, defining, interest of Azerbaijan no matter the century or political orientation of its leadership.

*Rivers* – While some 25 notable rivers criss-cross Azerbaijani territory, it is the flow of the Araxes (Araz) and the Kura (Mt'k'vari) that has risen to geopolitical significance for Azerbaijan (and the other riparian states) since these, together, form the country's most important sources of potable water (re: Kura), are a significant source of foodstuff and provides hydroelectric power potential. While detailing the specific geographic contributions these rivers have made to Azerbaijani geopolitical decision-making falls beyond the scope of this work, it is important to remember that both retain their own basins and the each basin helps water the country's agricultural sector. Hence, the Araxes and Kura basins – and the rivers running through them – bear direct

socio-economic and material significance for the communities that rely on them and, by extension, geopolitical significance for the state. And, the Araxes forms a huge portion of the Iran-Azerbaijan border; it is political by its very nature. Since these rivers flow through most of the Caucasus countries – the Araxes flows through Turkey, Azerbaijan, Armenia and Iran and the Kura flows through Turkey, Georgia and Azerbaijan – they may act as geopolitical tools.

Upstream states can use water flows to pressure downstream states (as with Turkey's control of the headwaters of the Tigris and Euphrates) and therefore increase downstream states' sense of vulnerability. Since both of these rivers are predominately within Azerbaijani territory, it has been more sensitive to the way others use them and has spent considerable diplomatic energy ensuring that upstream states do not interrupt water flows. In terms of this assessment – to explain why Azerbaijan should seek to outflank Iran by politically investing in the Arabian Gulf – the Araxes and Kura should be understood in two ways. First, the Araxes river-border is more a symbolic division than a material one and since the USSR's Cold War industrial projects all but drained the river, the boundary is rather porous. Iran is more capable of exerting pressure on Azerbaijan than in the inverse. For Azerbaijan to rebalance the pressure on Iran, it needs to move beyond their shared frontiers. It is also worth noting that potable water in Iran is on the decline owing to poor infrastructure, sanctions and a policy black-hole, the Islamic Republic is facing an acute water crisis. Since Azerbaijan is water-rich and Iran increasingly water-poor, the latter may have an additional incentive to attempt to seize Azerbaijani water sources especially as Iran's demographic boom continues apace. Again, for Azerbaijan to prevent this, it could – as discussed in greater detail below – consolidate its relationship with the Gulf States to balance against the Islamic Republic.

*Arable Land* – Similar to its water resources, Azerbaijan maintains an abundance of arable land as a percentage of its total landmass. This implies that Azerbaijan could be autarkic in the production of foodstuffs and has increased the geopolitical value of its territory. With environmental challenges unfolding at a heightened pace, states seek to control adequate food production capabilities and arable land has come again to represent an important geopolitical resource. In the wider Caucasus region, only Turkey (26.7%) has managed to enhance its arable lands to a greater degree than Azerbaijan (22.8%). Each of



Azerbaijan's identified adversaries has significantly less – as a percentage – arable land (Iran 10.8%, Russia 7.4% and Armenia (15.1%).<sup>1</sup> This is particularly hard on Iran since the country is facing a population boom and will require additional foodstuffs while urbanisation continues to draw people away from more rural communities and the looming sanctions further frustrate Iranian food production. So, much like the situation related to water, Azerbaijan will need to balance against Iran's growing appetite by reinforcing its strategic position vis-à-vis the Islamic Republic. For Russia and Armenia arable land is a less important geopolitical item since the former is facing a rapid decrease in its population and the latter is largely a small, self-sufficient rural state.

*Mitchell  
Belfer*

*The Caspian Sea* – The world's largest lake – in surface and volume – is one of the most important geopolitical areas in contemporary international relations owing to the states that share the Sea and the riches buried beneath its seabed. Specifically, and to put the Sea region into context, 'the EIA estimates that there were 48 billion barrels of oil and 292 trillion cubic feet of natural gas in proved and probable reserves within the basins that make up the Caspian Sea and surrounding area in 2012.<sup>2</sup> As a result, control over the Sea and its littoral has emerged as a key interest for local and international powers alike. For Azerbaijan this has been a mixed blessing, since it has implied a steady flow of allies and adversaries. Unfortunately however, none of Azerbaijan's allies share the littoral; Georgia and Turkey – Azerbaijan's only regional allies – are Black Sea states while its other partners are located in more distant regions. So, Azerbaijan shares the Sea with two acutely adversarial states, Russia and Iran, and has frosty relations to Turkmenistan. At the same time, its relationship to Kazakhstan is deeply problematic since the latter has been forced into Russia's sphere of influence and has very little room to manoeuvre. In this context, it is clear that the Caspian Sea acts as a source of Azerbaijan's geopolitical strength – much of the states' national wealth is derived from Sea-related resources and its international alliances are a reflection of its geopolitical position – and its ultimate vulnerability since its adversaries are lined along the littoral. Azerbaijan retains neither the capabilities nor interests to dominate the Caspian Sea or its environs. Instead, it seeks to maintain a legitimate exclusive economic zone (EEZ) so that it may add many of the Sea's hydrocarbon resources to its national coffers. Iran and Russia, however, are attempting to project their power around the Sea and hence Azerbaijan's geopolitical strategy is based on bringing

exogenous powers into the region in order to prevent its hijacking by either of these aspiring states.

Before turning to the types of alliances Azerbaijan may pursue, it is essential to lay bare the main geopolitical challenges that currently preoccupy Baku. For the most part these have not changed since 'Baku suddenly emerged in the 1890s as the world's oil capital.'<sup>3</sup> However, they serve as one of the foundations for strategic decision making in the country and therefore need further presentation and understanding.

### Azerbaijan's Main Geopolitical Challenges

Three identifiable geopolitical challenges are currently facing Azerbaijan. First, there is the very real possibility of encirclement and with encirclement come the possibility of enforcing an economic quarantine of Azerbaijan, especially in its hydrocarbons trade. With Georgia, as Azerbaijan's only allied neighbour, under intense Russian pressure, Armenia bent on maintaining its Nagorno Karabakh proxy and both Russia and Iran steadily increasing their Central Asian presence, Azerbaijan's international access is becoming more and more retarded and its constraints increasingly apparent. Second, as noted above, there is a "southern push," strategically and demographically, from Iran. Instead of being satisfied with the existing *status quo* of an encircled Azerbaijan, it is clear that Iran is trying to break through to its north and on the Caspian Sea. Azerbaijan has recognised this challenge and recently (2013) developed its own Maritime Security Strategy (MSS) that is designed for 'enhancing border protection and tackling possible threats to [its] hydrocarbon fields, wells, production facilities, and underwater pipeline systems in the Caspian Sea.'<sup>4</sup> Finally, as in other parts of the post-Soviet space, Azerbaijan needs to remain vigilant against low-intensity operations that seek to slice away slivers of its national territory (re: salami tactics). While there are no sizable Russian language minorities in the country (re: Ukraine) or "disgruntled" cultural-political groups (re: Abkhazia and South Ossetia vis-à-vis Georgia), Russia and Iran are eying Azerbaijan – especially its energy fields – and have supported Armenia's seizure of Nagorno Karabakh. There are fears that Armenia will attempt to consolidate its position through further expansions, together with Iranian and Russian interference.

Since there are clearly three main challenging states for Azerbaijan, it is essential to justify the selection of Iran for a new strategic thinking for Azerbaijan; as a means of dealing with all of its main challenges. On the surface, exacerbating existing Iran-Azerbaijan tensions may seem counter-productive. However, this work suggests that since Azerbaijan is not a great regional or international power and remains relatively small compared to Russia, Iran and (allied) Turkey – though it is considerably more powerful than Armenia – it is unable to comprehensively deal with each of its challenges simultaneously. Instead, it is forced to deal with them on a case-by-case basis. Azerbaijan should prioritise containing Iran since it seems to pose the greatest threat and solving its Iranian challenge may heighten Azerbaijan's deterrence capabilities vis-à-vis Russia and its compellence capabilities vis-à-vis Armenia. In short, by dealing properly with Iran, Azerbaijan would also enhance its security vis-à-vis both Russia and Armenia without having to resort to armed conflict. While both Russia and Armenia will likely remain competitors of Azerbaijan, Iran is the most dangerous for the time being and Azerbaijan must take preventive action to better secure itself from the Islamic Republic. This threat assessment is due to several overlapping features.

First, Iran is an expansionist power. While the Islamic Republic has done much over the past decade (or so) to adopt a tech/media savvy approach for generating international sympathy and garnishing support for its foreign policy, its actions speak volumes. For instance, in a recent publication, Iranian Foreign Minister, Mohammad Javad Zarif, candidly verifies Iranian strategic goals by noting that

(beyond its borders, Iran seeks to enhance its regional and global stature; to promote its ideals, including Islamic-democracy; to expand its bilateral and multilateral relations, particularly with neighbouring Muslim-majority countries and non-aligned states; to reduce tensions and manage disagreements with other states; to foster peace and security at both the regional and international levels through positive engagement; and to promote international understanding through dialogue and cultural understanding.<sup>5</sup>

While Zarif intended to assuage international fears, his depiction of a chief Iranian priority being the promotion of its ideals beyond its frontiers is less than comforting given that such ideals are based on a

lethal brew of sectarianism, chauvinism and theocratic governance. A quick glance at how those ideals have affected the regional situation stand in testament to the nature of Iranian interference since it 'seems unlikely that Iran seeks to conquer any of its neighbours outright [...] it seems more likely that Iran seeks to ensure that all of the region's governments are friendly to it and subservient.'<sup>6</sup>

Second, Iran is ideologically driven and does not typically play by the same geopolitical Westphalian rules of statecraft. Iran is not only seeking an enhanced geopolitical position, it is seeking to export its Islamic republic-esq ideological structures implying that, if successfully implemented, Azerbaijan faces a fundamental and existential threat from Iran. Third, there is an intimidating imbalance of power between Azerbaijan and Iran stemming from access to key material power resources, relative GDP and GNP compared to arms production and procurement, size and strength of the armed forces, territorial and population size, participation in international organisations, levels and depth of international alliances (current) and national cohesion. Fourth, there is a sizable ethnic-Azerbaijani population in Iran and the latter is loathe to allow Azerbaijan to grow in regional power and influence lest it becomes a magnet for those Azerbaijanis living in Iran. In other words, since Azerbaijanis comprise some 40% of Iran's population, the Islamic Republic is particularly sensitive to changes to the balance of power within the dyad, implying that – in this case – it remains an intrusive, status quo actor—one that Azerbaijan is required to counteract in order to enhance its strategic position in the region. Finally, in addition to the ethnic Azerbaijanis which live in Iran, a sizable chunk of Azerbaijani territory is occupied by the Islamic Republic, which will likely take preventive actions in order to prevent its return.

### **Breaking the Rhythm: Solving Azerbaijan's Geopolitical Challenges**

For its part, Azerbaijan has three options for dealing with Iran: hegemony, neutrality or alliance. While Azerbaijan lacks the political will to assert itself to the levels needed to assume regional hegemony, it should be remembered that being relatively small in a particular region does not, automatically, relegate a state to the second tier of regional or international stewardship. Azerbaijan has the financial surpluses, healthy institutions, a consolidated body politic, international

alliances, modern armed forces, food and potable water autarky and stable demographic situation needed to more comprehensively assert itself along the Caspian littoral and emerge as a regional hegemony. This would not occur in a vacuum however and Azerbaijan has sought to maintain a secure regional political environment instead of altering the balance of power for its own power aggrandisement. It recognises that any considerable Caspian power projections from Baku would produce increased tensions along the littoral and potentially lead to open hostilities. So, Azerbaijan's decision not to pursue hegemony is largely rooted in its national desire to prevent greater regional instability. This may seem odd considering that neither Iran nor Russia are deterred from reaching for hegemony on the same logic and Azerbaijan has adopted a strategy (alliance) that is much less antagonising than reaching for hegemony. With Iran actively seeking regional hegemony, and Russia actively supporting that endeavour, Azerbaijan's attempts at the same objective would likely spark a region-wide arms race and, ultimately, war. In such a situation, Azerbaijan would be at a severe disadvantage considering that two of its three chief adversaries are located along the littoral, while the third is proximate.

*Mitchell  
Belfer*

At the same time, Azerbaijan does not have the luxury of being able to follow a posture of neutrality; the region is far too dangerous. Sure, Azerbaijan could attempt to follow in the footsteps of Switzerland (armed neutrality) or Sweden (allied neutrality) but the costs would be too great since such a posture would be seen as an intrinsic national weakness by its more entrepreneurial neighbours and invite interference. The violation of Belgium's neutrality prior to the outbreak of hostilities in WWI acts as a constant reminder of the risks associated to neutrality in periods that favour offensive strategies, where the main actors view others' neutrality as a licence to intervene. The Caucasus, as mentioned, is unforgiving and maintaining an offensive posture is often the only way to produce stability and enhance national defence. This is particularly true since Iran is Azerbaijan's chief adversary—Iran would not likely respect Azerbaijani neutrality in its rise to regional hegemony. This assumption is based on the Islamic Republic's past record of interference in Bahrain, the UAE, Kuwait, Saudi Arabia, Iraq, Lebanon, Israel, Palestine, Afghanistan, Syria, Pakistan and Azerbaijan.

So, since Azerbaijan is not attempting to emerge as a great regional power or hegemon, and given that adopting a neutral posture would be too risky, there is an air of determinism to Azerbaijan's security po-

sition – it must attempt to balance emergent threats via alliance. However, localised alliances are difficult to form and even more difficult to maintain owing to the fluidity of the region and the great powers present. Azerbaijan is situated on the wrong side of the prevailing alliance network in the region. It is therefore a priority that it develop alliances with states situated beyond the Caucasus, that are able to assist it in achieving its regional goals of (in the worst case) deterring Iran and preventing collective action by Armenia, Russia and Iran against its interests, or (in the best case) create disharmony within that nexus. In short, Azerbaijan requires international allies for dealing with its regional challenges. This analysis concludes that Azerbaijan seek alliance with the GCC states in a bid to out-manoeuvre and deter the Islamic Republic, so that it may also deter Russia and constrain Armenia from further expansive efforts.

### Notes

- 1 See 'Arable Land (% of Land Area,' The World Bank, 2014. This information is available at: <<http://data.worldbank.org/indicator/AG.LND.ARBL.ZS>> (accessed 12 August 2014).
- 2 US Energy Information Administration, 'Oil and Natural Gas Production is Growing in Caspian Sea Region,' 11 September 2013. This article is available at: <[www.eia.gov/todayinenergy/detail.cfm?id=12911](http://www.eia.gov/todayinenergy/detail.cfm?id=12911)> (accessed 02 August 2014).
- 3 Karl E. Meyer, *The Dust of Empire*, The Century Foundation, New York: USA, 2003, p. 164.
- 4 Peter Dunai, 'Azerbaijan Inaugurates Shipyard,' IHS Jane's Defence Weekly, 51:31, 30 July 2014, p. 20.
- 5 Mohammad Javad Zarif, 'What Iran Really Wants: Iranian Foreign Policy in the Rouhani Era,' *Foreign Affairs*, 93:3, May/June 2014, p. 49.
- 6 Kenneth M. Pollack, *Unthinkable: Iran, the Bomb and American Strategy*, Simon and Schuster, New York: USA, 2013, p. 11.



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## Guest Introductory Note

Dear Readers,

It is a great pleasure to highlight that the articles appearing in this section were first presented – together with a series of other works – at the 6th Annual Experts' Conference held by the Centre for Security Studies at Metropolitan University Prague on 28 November 2014. The analyses presented in this collection of articles and presented at the conference adapts corporate strategies of the private military and security companies in Iraq due to new security demands and regulatory changes since 2011 (Ireland and Varin), looks at the problematic involvement of the two largest private prisons corporations in the US in the immigration policymaking arena (Saldivar and Price), and the genesis of private security in Poland (Wordliczek). These works reflect the main goals of this conference, which intended to refresh the debate in light of unfolding case-work. In addition to examining the numerous dilemmas concerning the activities of private military and/or security companies (PMSCs), the conference also attempted to widen the existing debates on security privatisation by looking at how private actors beyond PMSCs perform various security related functions.

I very much look forward to your comments and generally your feedback. We at the Centre remain committed to understanding security into the 21st Century.

Yours,

Oldrich Bures  
Head of the Center for Security Studies  
Metropolitan University Prague

# PMSCs and the Regulatory Environment in Iraq Post-2011

*Jason Ireland and Caroline Varin*

This article explores the security demands and regulatory changes in Iraq since 2011 that have required the private security industry to adapt its corporate strategy. Drawing from cutting-edge primary research, including interviews with contractors and with multinational clients in Iraq and the United Kingdom, the article highlights the impact of Western corporate values and government requirements on the operational ability and effectiveness of PMSCs in Iraq. So far, the literature on the subject has fallen short of recognising the global shift in demand, requirements and opportunities that have taken place in the industry since the handover of security to the Iraqi government. This work will provide an urgent update to the current situation in Iraq and its effects on the private military and security companies that operate around the country.

*Keywords* Private military and security companies, international security, Iraq, regulations, corporate values, norms

## Introduction

The operating environment for private military and security companies (PMSCs) in Iraq has changed dramatically since 2003. This turning point can be traced to the handover of security and the departure of the United States Forces in Iraq (USFI) in December 2011. The government of Iraq subsequently began regulating foreign PMSCs under Iraqi law, inevitably bringing up the costs of operations and reducing the margins of profit of these companies. In addition, Western commercial interests have transformed the culture of private security compa-



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nies by setting operating standards that are restrictive considering the security environment in Iraq.

The combination of new security regulations imposed by the Iraqi government, and the corporate requirements of multinational clients, has affected how PMSCs carry out security services and bid for new business opportunities. An emphasis on the health and safety of local and foreign contractors and a high requirement for transparency and contract compliance render decision-making bureaucratic, which can be counter-productive in a threatening security environment. This is particularly salient considering the rising threat of the Islamic State (IS) across the country.

Personnel who have experienced the change in the security of the country, from the occupation by USFI to its current situation in 2014, observe that the modus operandi of contractors has gone from one of “proactive to reactive,” due to a change in threat levels, a more hostile host government and a shift in clients who demand a softer, more commercialised and ultimately more corporate approach. These measures may heighten the risk that a private security company will not be able to respond in a robust and competent manner to a threat, as it may have done in the past.

This work is organised as follows: it first outlines the methodology underlining the study. Next, it analyses the driving factors behind the changes in the private military and security industry, highlighting the role of clients, the demands made by the Iraqi government, and the shifting security market within the country. It assesses how these forces have transformed the identity of contractors, emphasising the role of the International Code of Conduct (ICoC) and the Montreux document. Finally, it considers the options for the industry in the near future.

## Methodology

The purpose of this research is to investigate the changes in corporate values, practices and identities of private security and military companies (PMSCs) operating in Iraq between 2003 and 2014. Iraq was the playground where PMSCs were first legitimised, and arguably institutionalised, and therefore serves as an excellent study to trace the evolution of the industry countrywide and on a global scale. Despite

a growing body of literature examining the experiences of the private security industry over the last decade,<sup>1</sup> there has been limited focus on the period since the handover to the Iraqi government, post-2011. Furthermore, there is a short supply of reliable qualitative data to evaluate the change in practices, values and identities of contractors over the last five years. This is largely due to the difficulties of carrying out primary research in Iraq at this time, and the sensitive nature of the security industry.

This project specifically targets armed contractors and PMSCs working in Iraq, and does not deal with unarmed support contractors due to the very different nature of the latter's work. There are approximately '14,000 contractors, including 5,500 security guards,' currently operating in Iraq,<sup>2</sup> down from a height of 48,000 in 2007.<sup>3</sup> Until 2011, government agencies were the primary clients for the security industry, whereas the trend has shifted towards the private sector, with large oil and gas companies now providing the bulk of security contracts in 2014. This work aims to verify whether the shift in clientele has also affected the contractual conditions and corporate value system of the hired security companies.

This study is conducted through an empirically based survey of security contractors in Iraq and civilian employees in Great Britain. A nine-month long immersion in Iraq enabled privileged access for researchers to conduct over thirty interviews with contractors during the time of employment by a PMSC. These semi-structured interviews targeted employees who had experienced the shift in security contracting before and after the Status of Forces Agreement (SOFA) in 2009, thereby lending a long-term perspective on how the security industry may have changed in Iraq. Interviewees held a variety of roles, ranging from Team Leader up to and including Director of Operations, thus offering a significant scope of experiences, opinions and exposures in their assessment of industry changes.

In addition, informal interviews were carried out with over a dozen employees of oil and gas companies, the primary clients of the aforementioned security contractors. This survey was undertaken with the objective of testing and contrasting the perceptions of the industry from both ends of the supply-and-demand chain. The interviews targeted staff with an engineering or project support background, several of whom were responsible for health, safety and the environment (HSE).

The latter were particularly relevant to evaluate the requirements and efficacy of the health and safety regulations recently imposed on security companies, and in assessing whether this may have had an impact on the effectiveness of the services being carried out by the contractors.

Finally, recognising that the market for security is changing both on the supply and demand sides, interviews were carried out with contractors with either experience working for some of the 40+ Iraqi security companies, or who had provided security to non-Western clients, including Chinese engineering and construction companies. These interviews offered a novel perspective into the inner workings of locally owned PMSCs. All persons interviewed gave full consent for academic use of the data provided. However, many spoke under conditions of anonymity, which explains the omission of specific references to either people or events that could identify and compromise a survey participant.

*Jason Ireland*  
*Caroline*  
*Varin*

### Driving Change

According to data supplied by interviews of contractors in Iraq and in the United Kingdom, the private security industry has irrevocably changed since the government of Iraq has taken over the governance and rule of law of the country. This change has largely been driven by three factors:

First, the client base for private security has shifted. Government agencies, who were previously the principle client for the security industry, have shrunk since the height of the Iraqi war. Today, oil and gas companies make up the bulk of the demand for the services of PMSCs in Iraq. These corporations are generally accountable to a board of directors and to shareholders, and are concerned about reputational damage to their brand. This affects their requirements regarding the image and conduct of the private security companies they hire, thereby impacting, among other matters, the practices of PMSCs vis-à-vis the health and security of their own employees. The corporate values of the clients are now driving the practices of the industry.

Second, the transfer of power to the government of Iraq has transformed the regulatory environment. Red tape, bureaucratic complications, changing laws and corruption have contributed to a rise in operating costs and often cause time delays in carrying out operations. This

has arguably reduced the effectiveness of certain private security companies which are dependent on the whims of (and their relations with) Iraqi government officials. Furthermore, the uncertain administrative environment has affected the employment stability of contractors.

Finally, market forces have reshaped the private security industry. Contractors with a background in the British and US armies are less in demand for now as salaries have shrunk along with the margins of profit of these companies. The rise of Iraqi-owned private security companies, and allegedly Chinese companies, has also changed the operating culture of PMSCs in the country.

### *Client Demands*

This work makes the case that the value systems of the private military and security industry have changed in large part due to the demands of their clients. Western corporations these days are particularly sensitive to reputational damage. This is partly due to a recent history of scandals implicating oil and gas companies – which are subsequently concerned with their public image – and abuses by private military companies in Iraq. In fact, three incidents in particular transformed the operating environment for companies employing PMSCs: the first was the BP Deepwater Horizon oil spill in the Gulf of Mexico, which caused massive reputational damage to BP; the second was the fraud case against PMSC Custer Battles which highlighted the lack of transparency in the security industry in Iraq; and the third was the Fitzsimons incident in Bagdad which indicated on-going gaps in the hiring process of private security companies.

Reputational concerns are a priority for Western companies operating worldwide. However, the relative stability of the country and the on-going media attention to the activities of PMSCs in Iraq – as opposed to elsewhere where PMSC are active but remain under the radar – make this operating environment particularly risky for corporations from a brand-management perspective. A further study of the impact of Western corporate values on PMSC hiring and operating practices in conflict zones such as Libya, Somalia and Afghanistan would consider the possibility that PMSC cultures are context dependent.

BP's position in the Iraqi market is particularly salient, as it is a primary employer of private military and security companies and therefore

their hiring requirements have wide-reaching repercussions. However the BP Deepwater Horizon oil spill in 2010 transformed the company's approach to risk. Initially CEO Tony Hayward downplayed the incident, but as figures revealed the oil spill to be the largest in US history, BP turned the blame of the explosion on Transocean Ltd, the company to which it had subcontracted the operation of their rig. Regardless, BP shouldered most of the reputational damage, demonstrating that the responsibility of an operation rests with the major company, not with a subsidiary or another contracting party. BP's shares fell by 52% immediately following the disaster, and in September 2014, after a federal judge found the company grossly negligent for their role in the oil spill, shares fell by an additional 6%.<sup>4</sup> As a result, companies such as BP are increasingly concerned that the actions of their subcontractors, including private security contractors, remain irreproachable to avoid a future scandal.

Cases of major fraud and criminal negligence by private security companies and their contractors have further damaged the reputation of the industry,<sup>5</sup> leading to a subsequent paternalistic oversight by the companies that hire them: In 2004, PMSC Custer Battles was found guilty for defrauding the US government of up to \$50 million. And the killing of civilians in Nisour Square by Blackwater contractors in 2007 further harmed the image of private security companies and anyone associated with them.<sup>6</sup> The aggressive tactics employed by some private security companies were widely reported in Western media, and include

driving on the wrong side of the road and firing warning shots. Similar accounts describe contractors forcing Iraqis off the road while driving fast and recklessly. Armed contractors have also reportedly cleared areas by throwing full water bottles at local civilians while driving through.<sup>7</sup>

Although the focus of the publicity remained with the companies rather than with their clients, the incidents highlighted the risk of associating with PMSCs as well as the general lack of accountability and transparency in the early years of the industry's operations in Iraq.

Finally, the Fitzsimons incident in 2009 caused immense damage to security company G4S Risk Management, which had recently acquired Armorgroup and was in the process of rebranding the company. The BBC Scotland Investigation revealed that the British security contrac-

tor who killed two colleagues and injured a third had not been properly vetted and was on bail for firearm offences.<sup>8</sup> Investigators found that G4S had been aware of the failings in the screening process but had failed to act upon it: A spokesman for G4S admitted that 'our screening processes should have been better implemented in this situation but it is a matter of speculation what role, if any, this may have played in the incident.'<sup>9</sup> G4S was

one of the drivers behind and initial signatories of the International Code of Conduct, (and) have been heavily involved in turning those principles into a set of standards against which companies can be accredited and sanctioned if they do not live up to these standards.<sup>10</sup>

The scandal prompted oil and gas companies hiring PMSCs to take oversight measures into their own hands. In addition, according to some British contractors, the Fitzsimons incident was a turning point which forced the entire security industry to review its operations, in particular how it recruited and vetted personnel. The incident also galvanising the image of security companies in the eyes of the Iraqi government, impacting the relationship between the two actors. This led to extra 'hassle at checkpoints, including being manhandled by the Iraqi Security Forces and generally mistreated.'<sup>11</sup>

As a consequence of this incident, multinational corporations now also carry out their own extensive due diligence prior to hiring a private security company.<sup>12</sup> They systematically employ their own security and risk management teams, often pooled from former private security contractors who have intelligence on the security firms they contract. This has facilitated wide networks between private security companies and potential employers. It also enables corporations to control contractors, as they have privileged information on how the industry operates on the ground in Iraq. Clients are therefore empowered with regulatory oversight and detailed know-how of their security personnel, whom they can inculcate with Western corporate values through a series of operating standards and training programmes.<sup>13</sup>

In addition, these corporations offer tenders for the contract, which now take into account the quality and reputation of the security provider. This generally requires an absence of lawsuits against the provider, a history of good conduct, adherence to the International Code of Conduct, and a good relationship with Iraqi officials. An interview-



ee from an oil company explained that his firm establishes additional operating procedures with security providers to ensure their conduct remains in line with corporate values and the image of the company. These procedures include determining the formation of mobile security teams, the speed at which they can travel, the equipment the security team is allowed to carry, and the amount of manpower the PMSO must provide.<sup>14</sup> Another interviewee mentioned how some clients had employed security teams to act as ‘mobile traffic police, replete with speed guns in order to reduce speed-related incidents’<sup>15</sup> involving local contractors and PMSOs. The objective of this measure is to reduce the prevalence of traffic accidents and keep contractors in line with traffic regulations. Although one contractor also voiced displeasure at being employed on this monotonous task,<sup>16</sup> these measures are part of the HSE programmes, which have become such a focus for the security industry within Iraq.

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Interviews with security contractors and oil and gas representatives further revealed an emerging trend showing that an emphasis on health and safety compliance has overhauled security operations in Iraq. Hiring companies such as BP have begun to enforce strict guidelines to ensure the safety of their security contractors. This has entailed some relatively dramatic re-education, particularly for some Iraqi guards who were used to arriving at work in ‘little more than flip flops’ and suddenly had to adapt to a new requirement of personal protective equipment.<sup>17</sup> These changes have come from a desire on the part of the major oil and gas companies to forge a working philosophy that incorporates a safe and secure environment for both their local and international staff. This has involved a reduction in security risks where possible, but more importantly a decrease in accidents resulting from health and safety-related issues. For example, contractors are required to take health and safety courses, including on safe driving policies to reduce road traffic collisions – a major cause for concern for both clients and security providers alike. PMSOs are also subject to a monitoring of standards of conduct, carried out through external audits and campaigns. These measures are recent, and even where they existed prior to 2009 they were rarely implemented.<sup>18</sup> Contractors interviewed for this project agreed that their conditions of employment had changed substantially, largely due to client requirements, which could vary according to the hiring company.

### *Iraqi Government's Regulations*

In addition to client demands, the Iraqi government built upon existing laws and enforced new regulations for private security and military companies operating in the country. As the handover of security from the US forces to the Iraqi government approached, it became apparent that the latter was going to utilise the lead capacity in which it found itself to reign in and fully regulate the industry. Since at least 2009, the Iraqi government has sought, and succeeded, to exercise control over the private security industry by developing a complex regulatory system that is implemented by the Iraqi security forces and related government departments. Security companies report that the bureaucratic organisation of the Iraqi government has critically changed the operating environment, increasing over the past five years both the costs of working in the country and the risks of contravening the law.<sup>19</sup>

According to private security contractors currently in Iraq, and as would be expected anywhere, the Iraqi government requires each personal security detail to carry around a number of documents. In particular, contractors must carry around a letter from the National Iraqi Intelligence Agency (NIIA), which gives them permission to operate in the country. The NIIA also requires private security teams to obtain and have ready for inspection the following documents: the registration of vehicles, weapons licenses (in tandem with Ministry of Interior weapons cards that match the weapons and NIIA letter serial numbers) and individual names and passport numbers with visas occasionally checked by the Iraqi security forces at checkpoints.<sup>20</sup> Prior to the handover, private security companies were also required to show registration, licenses, and relevant documentation proving they had the right to operate in the country. This paperwork, however, was issued by the Coalition Provisional Authority (CPA) and remained valid for approximately 90 days. Since the handover, the current portfolio of documentation can be valid from periods ranging between two weeks and 12 months, creating an unpredictable and unstable operating environment.

Contractors working in Iraq reported that private security companies now face severe bureaucratic challenges, with licensing bodies regularly issuing papers after their expiration date. Furthermore, different regions of Iraq have their own licensing authorities and private security details (PSD) travelling around the country have to obtain all

the relevant authorisations from the various ministries and regions. Finally, each document may have a different validity period, further complicating the process. Failure to present these papers upon inspection generally leads the Iraqi security forces to arrest and detain the contractors. As a result, entire teams have been grounded and unable to move as they await the required paperwork, leading to a loss of income for the security company.<sup>21</sup>

In addition to the relevant paperwork, foreign nationals are also required to undergo blood tests and renew their visas on a regular basis. One contractor reported on the bureaucratic difficulties and time consuming process of undergoing blood tests for each employee, with each trip to the relevant authorities taking up resources and impeding said employees from carrying out their duties<sup>22</sup>.

The Iraqi government also implemented wide-ranging restrictions on certain types of weapons and ammunition, in addition to registering and licensing weapons held by PMSCs. The weapons owned by PMSCs must generally be purchased from one of the Iraqi ministries, usually the Ministry of Interior,<sup>23</sup> enabling the authorities to maintain strict oversight on the type and amount of weapons that contractors hold. Iraqi authorities also regularly conduct snap inspections of weapons, vehicles and personnel. One contractor noted that the amount of ammunition, its type and the amount of weapons that could be carried with private security guards, was one of the first restrictions imposed on the industry.<sup>24</sup> Security personnel were suddenly limited to one magazine of ammunition per person, increasing their vulnerability in case of attack.

The operating environment in Iraq has understandably changed since the handover of power from the Americans to the Iraqis. Nonetheless, several leading private security providers have since interrupted their work in the country. Two executives from British security companies told us that the reputational and financial costs of operating in Iraq had risen too much to continue offering convoy and personal protection services in the country. In particular, they pointed to the high levels of corruption in the government which put them at odds with compliance requirements in the US and the UK, the difficulties of obtaining and maintaining an operating license, and the new and inconsistent legislation which limit the ability of companies to carry out security services in Iraq.<sup>25</sup> Indeed, Iraq places 171 out of 177 countries

on the Corruption Perception Index in 2013, with a majority of Iraqis claiming that the level of corruption has increased over the last ten years. This is anecdotally supported by claims from several contractors interviewed who reported that Iraqi security personnel have made payments to recruiters and third parties in order to guarantee their employment. Known as “fixers,” these men are susceptible to corruption as they are tasked with obtaining visas and occasionally paperwork from the ministries.<sup>26</sup>

Indeed, the suspicion of the Iraqi government vis-à-vis private security providers is evident in the rhetoric of leading politicians in the country. In February 2012, the Deputy Minister for Interior, Adnan al-Asadi, accused PMSCs of being the instrument for foreign governments to spy on Iraqis and said they were ‘using the mercenaries to cause instability and disorder in this country.’<sup>27</sup> In an interview with AFP shortly after the handover, Iraqi government officials clearly stated their intention ‘to limit their work (of PMSCs) here in Iraq.’<sup>28</sup> They stressed the country’s unhappy relationship with the private security industry, and warned that they ‘have to follow the instruction, they have to hold the permit, a valid permit, and they are not allowed to violate the Iraqi laws. They are not exempted as before, and they are not getting any sort of immunity.’<sup>29</sup>

In return, some contractors interviewed in Iraq voiced the opinion that the bureaucratic difficulties for obtaining licenses were in fact a deliberate strategy by the Iraqis to ‘squeeze the revenue of international PMSCs.’<sup>30</sup> Doug Brooks, the former president of the International Stability Operations Association (ISOA) agreed that the operating environment was becoming increasingly complicated and risky and pointed to the bureaucratic system of the Iraqi government: ‘if you need a permit, if you need a license, if you need a visa, all those sorts of things – big delays, big hassles. It’s very, very hard to get your licenses on time.’<sup>31</sup> A letter from ISOA to the US government in February 2012 warned that the lack of visas, confiscation of material and the arbitrary detention and expulsion of foreigners was preventing private security companies from deploying into Iraq.

In response to the forbiddingly regulated operating environment and to mitigate the risk of operational paralysis, some of the major oil and gas companies have chosen the option of employing more than one PMSC at any given time. This has led to multiple and overlapping

contracts with a number of PMSCs, resulting in the client being able to draw on another provider should one security company fail to get their paperwork issued on time. As mentioned above, these companies have also increasingly hired former security contractors into internal positions to ensure that their PMSCs are compliant with Iraqi regulations, thereby avoiding unnecessary delays and complications.<sup>32</sup>

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### *Market Forces*

The private security industry, like most industries in the private sector, responds to the laws of supply and demand. This means that the salaries of contractors and the value of contracts depend on the amount of servicemen looking for jobs in Iraq, the number of companies operating in the country, and the fees that clients are willing to pay to secure their assets in the country.

Although the global demand for private security contracting continues to increase with predictions of up to 7.4% annually until 2016, contracts in Iraq have dropped by over US\$6.3 million in the last two years.<sup>33</sup> These figures might return to previous heights however, in view of the ISIS insurgency currently taking hold of the country. According to the 2013 report by the *United Nations Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*, the United States Department of Defence continues to be an important client for the private security industry, spending an estimated US\$26.2 billion in 2009 and \$26 billion in 2012 in both Iraq and Afghanistan.<sup>34</sup> The drastic drop in contractors from a height of 48,000 to 5,500 security guards is most likely the result of the winding down of military operations in the country, leaving oil and gas companies as the primary employer of PMSCs.<sup>35</sup> While the market for private security companies in Iraq appears to be shrinking over the last five years, a rise in private military and security companies and the ready availability of contractors have changed the value of security contracts and contractor salaries.

In terms of the supply of labour, market forces have gone full circle since the private security industry made its commercial emergence in the 1980s and early 1990s.<sup>36</sup> Contractors working in Iraq observed that the change in the composition of PMSC personnel has been layered since 2009. The supply of contractors generally rises at the end

of a war, in what Chapleau and Misser call a 'wave phenomenon.' At the end of the Cold War, 'many former soldiers from the Eastern bloc flooded the market'<sup>37</sup> and, along with the South African "dinosaurs"<sup>38</sup> from the former SADF, made up the bulk of security contractors. However, the wars in Iraq and Afghanistan initially increased the demand for highly skilled Special Forces, attracting elite officers from the United States Army, the British Army and the French Foreign Legion, rather than the usual ex-servicemen from former warzones. These elite forces commanded high salaries, and at the height of the market could earn up to US\$240,000 a year.<sup>39</sup>

As the US and UK governments started pulling out of Iraq however, the availability of highly paid security contracts dwindled, forcing companies to downsize on their personnel or seek cheaper contractors. At the same time, an explosion of 'pop up' Iraqi private security companies – companies that emerge for the duration of a contract with no prior formal infrastructure – flooded the market, driving down prices and salaries. Contractors were increasingly pooled from developing nations with a tradition of military service and a large supply of former servicemen eager for any financial opportunity. By 2009, 30% of contractors in Iraq were third-country nationals, with American firms Triple Canopy, Inveco International Corp. and Blackwater hiring former soldiers from Chile, Colombia, Guatemala and Nicaragua.<sup>40</sup>

However, recent interviews with contractors and private security companies operating in Iraq suggest that security personnel are again largely from Eastern Europe, with a significant number of individuals from the former Yugoslavia and South Africa. These men can earn as little as US\$200 per day (which in a good year will not exceed US\$60,000 total – without pension or health care policies), depending on which security company hires them.

The ready availability of British contractors willing to work in Iraq has been driven by the downscaling of the British Army and resettlement programmes which have had mixed results. Many former servicemen have chosen to remain in security and, after gaining certificates<sup>41</sup> in professional protection and emergency medical care, go to Iraq with the illusion that they will find work and command high salaries. The abundant supply of skilled ex-servicemen looking for work in Iraq has contributed to the competitive environment, enabling PMSCs to offer lower salaries and dismiss unhappy workers.

A rise in Iraqi-owned private security companies has also increased the recruitment of local Iraqis, changing the culture of the previously Western-dominated companies. The beginnings of the Iraqi-owned security industry are unclear. Whereas the majority, if not all, of Western PMSCs have profiles and company information in the public domain, Iraqi-owned PMSCs tend to work in a different manner, where their public profile is not as visible as that of their international competitors. There are generally two types of Iraqi-owned PMSCs: The first is normally owned by prominent Iraqi businessmen with links to both local government and the international business community. Subsequently, British or “expatriate” middle management are recruited and staff the key operational management and business development positions due to the wealth of experience that they bring to the company and their appeal to Western clients. The manpower for the close protection work is drawn from staff with a British, European or South African background, often supported by local national personnel who take on tasks such as driving, communications operators, static guards and other related functions. The majority of these Iraqi-owned PMSCs tend to be signatories to the ICoC and are keen to promote this affiliation on their company website.

The second cluster of Iraqi PMSCs is much harder to define in detail and this stems from a lack of public and web-based activity that is easily accessible to English speaking audiences, resulting in a very small footprint in terms of recognition or transparency. These companies tend to gain contracts from the less prestigious end of the oil and gas contracting companies that need protective security, and are what we can coin “pop-up” companies, whose business strategy extends no further beyond the amount of money the company can make in the immediate to near future. Contractors who had worked for these companies have complained of mistreatment and a number of interviewees reported that a certain Iraqi-owned company was six months late in paying their salaries, forcing them to continue working for free in hope of eventually being paid.<sup>42</sup> This has led a number of foreign contractors to state that they would not be willing to work for an Iraqi-owned PMSC, even though the latter have been recruiting actively among British personnel to fill the middle management positions.

Local security companies are also cheaper than foreign-owned albeit more established competitors. They may be able to bypass certain

restrictions meant for foreign companies, and through personal relations they gain easy access to officials and licensing, a process that can otherwise be extremely cumbersome. On the other hand, contractors have reported the existence of “turf wars” between Iraqi-owned competitors that in some cases have included sabotaging the equipment of other companies. In one anecdote, an interviewee explained that IEDs were found under security vehicles owned by a Lebanese PMSC, only to discover later that a local company competing for a contract had planted them.<sup>43</sup>

Although there has been limited research on the emergence of Chinese PMSCs in Iraq, interviewees confirmed the presence of a growing number of Chinese contractors, generally working for Chinese exploration companies. These PMSCs also have fewer restrictions than Western corporations, largely due to the concerns – or lack of – of their clients vis-à-vis reputational damage and health and safety. This has enabled them to drive down operational costs and contractors’ salaries, thereby starting to affect the market for contractors in Iraq.

Both Iraqi and Chinese PMSCs have a reputation for being “in for a buck,” supplying employees with poor equipment, and compromising on human rights and personnel safety.<sup>44</sup> Although some local companies seek and manage to gain certification by the International Code of Conduct, interviewees expressed scepticism as to how much some of their employers actually cared about the Montreux Document. This view was reiterated by the United Nations Working Group on the use of mercenaries in their 2013 report to the General Assembly.<sup>45</sup> Finally, a lot of “popup” companies have reportedly failed in Iraq, suggesting that these companies are not reliable and offer neither continuity nor stability either to their clients or to their employees.

### Changing Corporate Values and Identities

The new regulatory infrastructure set by the Iraqi government and the hands-on approach of corporations have caused slight but undeniable changes in the corporate values of PMSCs and in the identities of contractors operating in Iraq. In addition, pressure from the international community and civil society has led to the establishment of an International Code of Conduct to which the security industry adheres, at least on paper. This has subsequently affected both the commercial



model of PMSCs, which have become more “PR savvy,” and the attitude of security personnel who are increasingly conscientious of their actions and their image – and wary of any intervention by Iraqi officials.

Some issues that have emerged after conducting our interviews have included the new service levels provided by the various PMSCs and particularly their awareness of Health and Safety (HSE) measures. Setting the gold standard for operational conduct, understandably, are the major international oil and gas companies, which have direct contracts with the Iraqi government. Subsequently, these companies have demanded the highest standards of behaviour and HSE from their private security providers, ensuring that each of the PMSCs it employs meets compliance requirements at all times and are as risk-free as feasibly possible. When carrying out security operations for its client, the PMSC must now comply with all the health and safety regulations laid down by the corporations that hire them. These Corporations further provide physical assistance for training of security personnel, and often issue personal protective equipment (PPE) to each employee.

We can view the equipment that contractors carry and the clothes that they wear as barometers to the transformation that has taken place in the last ten years. As described above, a plethora of weapons, ammunition and aggressive looking profiles, with allegations of steroid and alcohol abuse, have created an image that has been damaging to the industry as a whole. Whilst some of these descriptions have factual origins, many of the interviewees pointed to this as inaccurate profiles of the contemporary security contractor. Within the oil and gas sector for example, PPE consists of safety glasses, helmets and coveralls issued by health and safety departments from within the client’s organisation. The majority of the sites visited by security teams these days are worksites in which health and safety takes precedence—several security teams have been refused entry if they do not possess the required protective equipment. Gone are the days of drop down holsters, t-shirts and custom equipment; the clients now decide the “look” of contractors in Iraq, which must reflect this new hybrid philosophy combining security and health and safety.

On the other hand, where contractors do not meet HSE requirements, we found that they had been repeatedly denied access to certain sites, such as constructions sites of oil and gas installations. This can call into question the rationale and effectiveness of the HSE pro-

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protocols which overrule other safety concerns. Interviewees involved in HSE at the corporate level explained that these measures were aimed at reducing ‘daily’ accidents and protecting contractors from ‘medical and other incidents.’<sup>46</sup> One interviewee insisted that this did not compromise the security of clients, as there was always one contractor with PPE who would be tasked with protecting the client while his team members waited in the vehicles outside of the site.

In addition to the HSE guidelines, the Montreux document and the International Code of Conduct have to some extent reigned-in the behaviour of PMSCs. Prior to the handover, the legal status of contractors was opaque, as they were immune from prosecution under Iraqi law according to CPA Memorandum 17.<sup>47</sup> This did not mean that contractors operated within a legal vacuum. The Memorandum laid out regulations stipulating that PMSCs had to be registered, licensed and all of their personnel had to be vetted. In addition, during the initial onset of the Iraqi conflict, companies tended to rely upon their own forms of regulation and oversight, focusing on replicating a military structure of command and control.<sup>48</sup> Whilst this system was successful when the industry in Iraq was relatively small, it was not when the volume of security personnel increased significantly in the following years. Incidents surrounding the actions of Blackwater *et al* described above emphasised the need for a more comprehensive approach. After taking control of security governance in the country, the Iraqi government continued with roughly the same format to regulate PMSCs.<sup>49</sup>

In response to the apparent “wild east” environment in Iraq, the international community, along with members of civil society, drafted the Montreux Document in 2008. Although not a legal body, this document provides guidelines for good practice and implementation of existing humanitarian laws to which all states are bound. Although this initiative significantly contributed to the development of a regulatory environment in many states vis-à-vis PMSCs, it is unclear how influential it has been in Iraq. On the other hand, the International Code of Conduct to which private military and security companies adhere appears to have a larger influence on the behavior of contractors. According to the latest figures on the website of *International Code of Conduct for Private Security Service Providers*, there are 708 signatory companies to the Code of Conduct.<sup>50</sup> Contractors interviewed for this project reported that they were familiar with the ICOC and had

received training on Human Rights and Voluntary Principles as part of the contract between the client and the security firm. Companies that were working on the more lucrative oil and gas contracts also tended to agree that oversight and auditing by the client's security elements were extensive and in line with the security provider's commitments. Clients instigated monitoring and compliance oversight in addition to annual and snap audits. Failures to adhere to the 1CoC were deemed significant issues and were raised at all levels.

The type of work that armed security contractors carry out has changed since the handover of governance. Between 2004 and 2008, the majority of the work tended to be convoy security work alongside close protection. This was generally high intensity work that imposed a great deal of stress on individual contractors but reflected an emphasis on nation-building alongside a worsening security situation across the country. Contractors in Iraq revealed that convoy security was no longer a service on offer since the pull-out of the Americans for example. Most of the work today is protecting personnel in transit to and from main oil and gas sites, which are themselves defended by Iraqi security forces. The period between the handover and the emergence of ISIS also saw a decrease in threats specifically targeting oil and gas sites. Interviewees described their work as 'softer security with an armed element'.<sup>51</sup>

Recent military gains by ISIS (or IS) have not yet changed the operating environment for contractors: IS has encountered logistical obstacles that have hindered its progress into Southern Iraq; while the organisation enjoys support among the mainly Sunni Arab regions of Iraq, the Shia tribes of the South would not tolerate the jihadis' presence and would presumably fight back ferociously to this perceived foreign military presence. Nonetheless, some oil and gas companies have anticipated the ISIS threat and instigated a phased evacuation of non-essential staff. Contractors interviewed for this project reported that criminal elements, inter-tribal violence and other non-specific threats were the biggest security threats in the short term for PMSCs working for oil and gas companies in southern Iraq. This does not exclude a future shift in the operating environment if ISIS gains further territory in the South of the country.

Despite the apparent "safer" work environment, the risk-averse approach by clients has caused PMSCs to approach security threats with

a “reactive” rather than “proactive” attitude. One contractor described this as the “turtle effect” where, when faced with a security situation, PMSCs tend to remain in their camps and wait for the issues to blow over rather than go out and tackle the challenge, as they would have done previously.<sup>52</sup> Another reason for this strategic approach is the expectation that ‘the Iraqis are in charge,’ although interviewees raised doubts as to the ability of the Iraqi Security Forces to manage on-going and new threats.

### Concluding Remarks

The private security industry has come a long way since the beginning of the Iraq war in 2003. It has responded to the demands of its multinational clients, changed its modus operandi to correspond with the new legislation in Iraq, and adjusted to a constantly changing threat environment.

International oil companies (IOCs) have also become more knowledgeable about the operating environment in Iraq and the private security industry as a whole. Several companies have recruited former private security contractors into security and risk management and consultancy positions within their businesses. This has allowed companies to make more informed decisions when tending contracts to private security companies, thereby avoiding PMSCs with bad reputations or poor track records. IOCs have also imposed their operational culture and expectations on the private security industry by making HSE and other demands on the security companies they hire. Concern over reputational damage, in particular, has forced IOCs and private security firms to uphold the strictest codes of best practice and conform to international and Iraqi regulatory demands in addition to internal requirement for health and safety of employees and subcontractors.

Finally, extended exposure to investors and commercial enterprises has also made private security companies more commercially aware. This is evidenced in the Montreux document and other international regulatory frameworks, which PMSCs have voluntarily joined, often with the objective of improving their reputation and therefore employability in Iraq. It must be noted, however, that the regulatory environment in Iraq is much improved compared with other conflict zones. Security personnel with experience working on other contracts reported that in certain countries, such Afghanistan, Somalia and increasingly

Libya, the number of PMSCs has multiplied – Syria will probably be the next hot spot, if it isn't already. In most places however, contractors continue to operate in a near legal vacuum, suggesting that it is the oil and gas companies that are driving the change in corporate values and identities of PMSCs in Iraq. Over the past ten years, the security industry in Iraq has, in general, managed to build a more proactive and knowledge-driven stakeholder relationship with their clients, and has experienced a gradual transformation that should allow it to shed its nefarious reputation of the early days of the Iraq conflict.

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# Private Prisons and the Emerging Immigrant Market in the US

## Implications for Security Governance

*Karina Moreno Saldivar and Byron E. Price*

The purpose of this work is to examine the role and involvement of the two largest private prisons corporations in the US, Corrections Corporations of America (CCA) and The GEO Group, Inc., in the immigration policymaking arena. Recent news reported the role of private prison industry in sponsoring and drafting Arizona's immigration bill, Senate Bill 1070. Following Arizona's SB 1070, 36 state legislatures proposed copycat bills. This is alarming because immigrants and noncitizens continue to grow in detainment and are creating profit for the private prisons that house them as the US continues in and even expands its War on Terror. Parallels of the private prisons' role in sponsoring bills that encouraged harsher, longer sentences during the US's previous War on Drugs that generated them profits for are presented. We find that both CCA and The GEO Group, Inc. spent over 90% of their lobbying dollars between 2003 and 2012 in states that proposed Arizona copycat bills; campaign contributions by these two corporations in states that proposed copycat bills are also illustrated. Implications of heightened securitisation governance and compromises to American democracy are discussed.



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*Keywords private prisons; immigration; immigration policy; securitisation; privatisation; political lobbying; policy making; security studies*

### Introduction

The purpose of this work is to examine the role and involvement of the two largest private prisons corporations in the US, Corrections



Corporations of America (CCA) and The GEO Group, Inc., in the immigration policymaking arena. This work is organised as follows: first, it begins with data that shows despite declining prison populations, private prisons continue to make incredible amounts of profit. Second, federal data is presented to show the trend of increased detainment of immigrants and noncitizens in the US. This growing phenomenon is due to the securitisation context that has escalated since the attacks of September 11<sup>th</sup>. Third, an interdisciplinary review of the literature examines what is known about private prisons and their role in immigration detention centres. Finally, following the unveiling of how the private prison lobby drafted and sponsored Arizona's infamous Senate Bill (SB) 1070, this study asks if the involvement by the two largest private prison corporations in the US (CCA and The GEO Group, Inc.) through lobbying and campaign contributions was made across all of the 36 states who proposed copycat bills to their state legislatures (see Table 1 below). Data on lobbying and campaign contributions reveals that these two companies were involved in the majority of the states that proposed copycat bills. A new framework is used that combines the private prisons' role in policymaking (this was established during the US's previous War on Drugs) within a securitisation context based on Chebel d'Appollonia.<sup>1</sup> With the collision of restrictive immigration policy and counterterrorism, there is a perpetual "security/insecurity spiral," an endless circle of escalated security measures based on a sense of insecurity.<sup>2</sup> This securitised context facilitates the criminalisation of immigrants and presents a number of challenges to democratic principles in the US.

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The link between private prisons and immigration are numerous: 1) it was revealed that 30 of the 36 co-sponsors that wrote the Arizona immigration bill, SB 1070, received political contributions from the private prison industry and that the bill was drafted in their presence; 2) due to the expansion of the Department of Homeland Security (DHS) and increasing numbers of detained immigrants and/or noncitizens, the federal and state governments are contracting with private prisons to house detained immigrants. The role and responsibilities of DHS in the US have especially multiplied after September 11<sup>th</sup> concomitant with the War on Terror (WoT) and other important federal immigration legislation (i.e. mandatory sentencing); 3) the private prison industry monitors and lobbies federal legislation pertaining to immigration. Due to these fragmented facts, there are a number of items this work seeks to piece together. First, following Arizona's SB 1070, there was

a wave of copycat bills across the country. Thirty-six states proposed similar legislation, using Arizona's bill as a model. Since sponsorship came from the private prison lobby to pass SB 1070, this work asks whether *the private prison lobby contributes funds states that proposed copycat legislation?* The study explores the role of the private prison industry in the new emerging and profitable business of detaining immigrants in the US. Lobbying funds and political contributions from CCA and The GEO Group, Inc. are tallied and linked to the 36 states that proposed copycat bills. It is also unclear whether the private prison lobby is involved across political party lines in the US since the political ideology is more typical of conservatives, but the data is needed to confirm whether this is the case or not.

This work includes a review of the interdisciplinary research on what is referred to as the prison industrial complex, or the role of the private prison industry in expanding the scope of incarceration. Some scholars suggest private prisons have created a new market of detaining immigrants to compensate for declining or stalled federal and state prison populations since all immigration facilities are under federal jurisdiction. However, the unique contribution of this work is to present evidence of the direct connection between the private prison corporations' lobbying and campaign funds with states that proposed anti-immigrant legislation, which would promote higher numbers of detention and higher profits.

The framework used to answer this question is an updated model of Price's<sup>3</sup> cycle within the context of Chebel d'Appollonia's *Frontiers of Fear*.<sup>4</sup> The cycle by Price illustrated how private prisons made formidable profits from pushing "tough on crime" state legislation in the past; this heuristic provided by Price provides a snapshot with how the private prison industry is likely to pursue detention and measures that increase the demand for detention.<sup>5</sup> This causal cycle is included as Figure 1, suggests the private prison industry is capable of duplicating this strategy and pushing anti-immigrant, xenophobic legislation across state legislatures. From a strictly economic perspective, this would be rational behaviour. As a company selling its product, it would behave private prison corporations to not only sell its product, but increase the demand of their product if an opportunity exists. As Price made clear, in order for private prison corporations to make profits, there must be a demand for incarceration they can supply.<sup>6</sup> Along this line of thought, private prison corporations have a vested interest in encouraging state legislation that facilitates the detainment and incar-

ceration of immigrants and even a lack of federal immigration reform as it results in financial profit for them and their stakeholders.

Price's model on the privatisation of prisons and their influence on "tough on crime" policy is easily adapted for the privatisation of immigrant detention centres and their influence on restrictive, anti-immigrant policy mainly because they are run by the same key players.<sup>7</sup> Chelbel d'Appollonia's work is used because it describes how elites frame immigration as a security issue as a means to justify discriminatory practices against targeted groups.<sup>8</sup> d'Appollonia evaluates transatlantic security policies by comparing outcomes with stated policy objectives before and after 9/11. Ultimately, d'Appollonia suggests we are less safe from the dynamics of failing policies and from a process she calls the 'security, insecurity spiral.'<sup>9</sup> Implications for security governance include the erosion of civil liberties and due process, the perpetuation of the "other" in which immigrants and noncitizens are unable to assimilate and integrate in society; this maintains a sense (or culture) of insecurity and feeds those in the securitisation business who capitalise and make profit from this.

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### **General Prison Population in Decline – Noncitizens are the Exception**

There is a steady decline of prisoners that began in 2010; however, this has not deterred the private prison industry from making increasing amounts of revenue. According to the BOJ, the percentages of total prisoners (including both federal and state prison populations) held in private prison facilities (as opposed to state-run institutions) have steadily increased; in 2000, this percentage was 6.3%, and in 2012, this figure was 8.6%. This work focuses on the two largest private prison corporations in the US, CCA and The GEO Group, Inc. Annual reports for these companies for 2010 show these companies made over \$2.9 billion in 2010. The contracting process means private prison companies are contracted by the federal or state government to either take over the management of a state-run facility or house inmates in their privately owned and financed facilities; these companies are based on traditional market mechanisms, are for profit, and receive a daily rate from government agencies that contributes to their bottom line.

The Bureau of Justice's (BOJ) statistics show state correctional facilities experienced a decline in the state prison population in 2009, the first decline since 1977.<sup>10</sup> The year 2009 became the third consecutive

year of slower growth in the US prison population and the smallest increase between 2000 and 2010.<sup>11</sup> Twenty-four states reported declines in their prison population during 2009. Despite the federal prison population growing 3.4% this year, 2009 represented growth at its slowest rate in the overall prison population and marked the beginning of a three-year trend of declining state prison populations.<sup>12</sup> In 2010, BOJ statistics show the overall US prison population declined for the first time since 1972.<sup>13</sup> State prison populations continued to decline, and federal prison population grew by only 0.8%.<sup>14</sup> In 2010, 25 states reported declines in their prison populations.<sup>15</sup> This increased to 26 states during 2011. BOJ statistics show 2011 was the second consecutive year that state and federal prison populations both continued to decline; 2012 marked the third consecutive year of this decline. Statistics of violent crimes also show a steady decline.

However, on closer examination of the composition of the prison population, the *citizen population in federal or state corrections is steadily declining, while the detainment of noncitizens has been growing steadily for decades and at a faster pace than the citizen population.* The following section will present the data available on this.

### The Exponential Growth of Immigrant Detention

When examining data from federal entities in the US, there is a clear trend of increased imprisonment of noncitizens.<sup>16</sup> The BOJ noted substantial increases in the number of noncitizens in the federal criminal justice system as early as 1986 and 1989.<sup>17</sup>

In 1996, federal data of the BOJ showed noncitizens (defined by the BOJ as immigrants, refugees/asylees, and non-immigrants) serving federal sentences increased an average of 15% per year, as opposed to the overall federal prison population's average increase of 10%. This became the trend despite the fact that 55% of noncitizens were in the US legally, and despite the fact that noncitizens charged with violent crimes represented 1.4% of the federal court as opposed to 8.5% of citizens.<sup>18</sup> This means there were less violent crimes among noncitizens, yet this group was overrepresented. Most noncitizens were persons admitted to the US for a temporary period, including tourists, students, foreigners working in the US, and Mexican and Canadian citizens with border crossing cards.<sup>19</sup> It is well known in the US that the majority of the undocumented in the US cross the border legally and are

visa over-stayers.<sup>20</sup> This was documented by the federal agency that precedes the current DHS, the Immigration and Naturalisation Service (INS) as being the case and trend since 1984.

Nearly half of noncitizens convicted by 1996 were of Mexican nationality, with about 15% being from South American countries, and another 14% from Caribbean islands; Hispanics represented 75%.<sup>21</sup> Due to the Sentencing Reform Act of 1984, at least 85% of prison sentences must have been served before being released, and data clearly showed the number of noncitizens serving prison sentences was growing on average faster than the overall federal prison population. The implications of this on prisons are clear; an increasing number of noncitizens were being imprisoned and it seemed likely this would continue to grow at a faster rate for the foreseeable future, indicating a demand and need for facilities where these sentences would be served.

According to a subsequent report on noncitizens in the federal criminal justice system, the incarceration rate of convicted immigration offenders increased from 57% to 91% between 1985 and 2000.<sup>22</sup> Federal sentencing policy changes between 1980 and 1990 made it more likely for immigration offenders to be sentenced to prison and also increased the likely length of that sentence; this changed the average time served in prison rose from 3.6 months to 20.6 months between 1985 and 2000; or, 'between 1985 and 2000 the number of immigration offenders serving a sentence of imprisonment at yearend increased 9-fold—from 1,593 to 13,676.'<sup>23</sup> The demographic descriptions of the defendants charged with immigration offenses were largely Hispanic, which comprised 87%; whites represented 4% while Blacks represented 3%. Over 92% were male. About 78% were between the ages of 21 to 40. Nearly 90% of defendants were from Mexico. The average time served in prison for the original conviction of immigration offenders was 28 months.<sup>24</sup>

A research report created by the Urban Institute's Justice Policy Centre used federal data from the Federal Bureau of Prisons between 1998 and 2010 to examine the size and composition of the federal prison population over time.<sup>25</sup> This report showed immigration offenders represented larger numbers of new admissions in federal prisons throughout this time period. Their data stated that by 2010, immigration offenders tripled and represented 12% of the total prison population. This is attributed to heightened federal enforcement activity since federal enforcement of immigration offenses is responsible for 19% of

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the growth of the federal prison population between 1998 and 2010.<sup>26</sup> This runs parallel to an increase of prison inmates as a result of harsher sentencing, including the War on Drugs, which disproportionately affected African American and Latino men in the US. Between 1998 and 2010, increasing numbers of immigration offenders were arrested, convicted, and sentenced to prison; however, their sentences were not long enough to be counted as part of the standing population;<sup>27</sup> this presents challenges with data collection as well as when attempting to find the most accurate figures on immigration offenders and offenses. Federal prisoners increased by 77% between 1998 and 2010, with 2010 including an 'all-time high' record; immigration offenses accounted for the greatest increase, along with drug and weapon offenses.<sup>28</sup> This report also found that immigration offenses represented the leading source of growth, accounting for 56% of new federal prison admissions.<sup>29</sup> The increase in size of the prison population is linked to four trends: the longer expected time served, higher conviction rates, increased law enforcement, and higher prison sentencing rates.<sup>30</sup> Immigration offenders were modestly affected by the first two trends. However, in regards to the third trend, immigration offenders represented the largest group impacted and accounted for about 20% of the growth in the prison population. In fact, 'immigration was the only offense for which enforcement rates increased consistently over time across the 1998-2005 and the 2010 sub-periods.'<sup>31</sup> This is especially relevant to this research as we examine the increase in incarcerating immigrants, the key players involved, and the political context in which this shift is happening.

According to the BOJ, the percentages of prisoners sentenced under federal jurisdiction for an immigration offense were: 11.6% in 2009, 10.6% in 2010, 11.2% in 2011, and 12% in 2012. The BOJ statistics show that 97% of immigration offenses were referred for prosecution as of 2002.<sup>32</sup> According to data from the DHS on Immigration and Customs Enforcement (ICE), detention of "aliens" (about 60% of Mexican nationality) grew 22% in one single year between 2007 and 2008. A record number of detainees was noted in 2008, with a total of 378,582 detainees.<sup>33</sup>

Since 1996, according to the Detention Watch Network (DWN), the number of people in immigration detention centres has tripled; between 2005 and 2010, the annual number of immigrants detained and

the cost of detaining them have doubled.<sup>34</sup> This watchdog organisation reported ICE detained approximately 392,000 immigrants in 2010. At the average cost of \$122 per day, this detainment has cost taxpayers about \$1.77 billion. According to the National Immigration Forum, ICE detention increased from 204,459 detainees in 2001 to 429,247 detainees in 2011.<sup>35</sup> This has translated into substantial profits for private prisons facilities, of which CCA and The GEO Group, Inc. are the two largest for profit prison providers. Private prison corporations provide about half of the beds needed in immigrant detention.

According to the DWN, CCA operates a total of 14 ICE-contracted facilities with a total of 14,556 beds. In 2009, CCA averaged about 6,199 detained immigrants per day. The GEO Group, Inc. has seven facilities, with 7,183 beds and an average daily population of 4,948 during 2009.<sup>36</sup> These two corporate businesses actively lobby ICE, DHS, the Department of Justice, the Bureau of Prisons, the Office of Management and Budget, both houses of Congress, the Department of Labour, the Department of Interior, and the Administration for Families and Children.

The congressional budget for fiscal year 2014 showed that DHS and the White House requested \$1.84 billion for DHS operations. Congress's Intelligence Reform and Terrorism Prevention Act of 2004 mandated the number of detention beds be increased to 8,000 with annual appropriations beginning fiscal year 2006 through 2010. These annual appropriations continued after 2010. Usually, once security measures are in place, these tend to remain. Especially since September 11<sup>th</sup>, 'the prevailing wisdom is still that more [security] is better.'<sup>37</sup> For fiscal year 2014, the appropriations bill requires DHS to 'maintain a level of no less than 34,000 beds.'<sup>38</sup>

This has resulted in the creation of a profitable market for a number of interests, including private prisons and local governments. Local governments have also begun to partake in and petition for ICE contracts. According to the DWN, local governments have treated the increase of detention beds as an opportunity for economic development and consider it a source for both local revenue and jobs.

The private prison industry has made statements that emphasise it is a profit-seeking business, such as: 'It is clear that since September there's a heightened focus on detention... more people are gonna get caught... So I would say that's positive. The federal business is the

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best business for us and September 11 is increasing that business,' said Steve Logan of Cornell Corrections in 2001 (Cornell Companies has since then merged with The GEO Group, Inc), or 'The federal market is being driven for the most part as we've been discussing by the need for criminal alien detention beds. That's being consistently funded' by George Zoley of The GEO Group in 2008. There are also comments made by the private prison industry that show they pay careful attention to public policy, as changes to this or new regulations can harm their business:

The demand for our facilities and services could be adversely affected by the relaxation of enforcement efforts, leniency in conviction or parole standards and sentencing practices or through the decriminalisation of certain activities that are currently proscribed by our criminal laws.<sup>39</sup>

### Privatised Immigration Detention: What Do We Know?

The following section presents interdisciplinary research that has critically examined the private prison corporations' involvement in immigration detention in the US, which has been a booming business and "cash crop,"<sup>40</sup> especially for CCA and The GEO Group, Inc. The main themes from existing research show consensus on the vulnerability of the immigrant in the US, which makes for easy targeting in political discourse and punishment policy; additionally, the research also agrees that September 11<sup>th</sup> marked a substantial acceleration of the pace at which private prisons grew their immigrant detention business. This is attributed to the fear of the "other," which has continued to expand to include more and more foreigners, whether they are in the US legally or not. The research also agrees that ICE's demand for detention beds has been a "gold rush' as undocumented persons became the fastest growing population behind bars."<sup>41</sup>

The privatisation of immigration detention is part of the neo-liberal movement towards privatisation of state services.<sup>42</sup> The use of immigration detention began with the case of Mariel from Cuba. This story was extensively covered by the media and became politically divisive across the US. Cubans and Cuban immigrants were stigmatised and stereotyped.<sup>43</sup> This marked the beginning of the "prison-industrial complex," which is associated with the signing of the Rockefeller



Drug Laws in May 1973 and the first INS detention centre was opened in Houston, Texas in 1979 by a private prison. The prison-industrial complex refers to the rapid expansion of incarceration in the US. It is within this context that private prison growth expanded to include immigration detention. The immigration detention expansion has occurred 'within a broader boom' in American incarceration.<sup>44</sup> This is best illustrated by the fact that 'The United States has just 5% of the world's population but 25% of the world's prisoners. Thanks to the 'War on Drugs,' irrational harsh sentencing regimes, and a refusal to consider evidence-based alternatives, the US prison population grew by more than 700% between 1970 and 2009 – far outpacing both population growth and crime rates.'<sup>45</sup>

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The prison industrial complex is 'an enterprise whereby lawmakers and undocumented immigrants are commodified as raw materials for private profit;<sup>46</sup> it is a 'lucrative market economy with seemingly unlimited opportunities for an array of financial players: entrepreneurs, lenders, investors, contractors, vendors, and service providers.'<sup>47</sup> This includes private prisons, but also local governments, as well as feeder businesses, which point to possibilities for new lines of research. Feeder industries include food and health providers, airline carriers, and technology companies.

The shift that began the prison industrial complex in the US was the early Reagan administration; detention as a practice of the INS grew during the 1980s.<sup>48</sup> An increasing number of private entities became responsible for carrying out the work of the federal government regarding immigration, including "Motel Kafkas" and private air or shipping companies required to act as jailors for the federal government. The prison-industrial complex operates with the supply-demand principle in reverse: 'more supply brings increased demand.'<sup>49</sup> With this inverse relationship, anti-immigration campaigns were able to reinforce the social portrayal of noncitizens as the raw materials that will bring large profits to those who detain them.

The perception of a threat presented by the immigrant has already been extensively documented, whether it be a symbolic threat illustrated by the work of Huntington<sup>50</sup> in which he argued the immigrant, specifically the Hispanic immigrant, is responsible for the erosion of the American identity, or whether it be the perception of a real threat, referring to economic factors such as employment, jobs, and the dis-

tribution of scarce public resources. Based on this perception, ‘undocumented immigrants serve as convenient scapegoats—viewed as threats to scarce employment opportunities and blamed for draining public resources and social services.’<sup>51</sup> In the name of national security, however, the net of “who is a threat” was made wider to include native-born US citizens. Legislation has facilitated the expansion of this wider net to allow for increased targeting and detention. The Immigration Act of 1990 enabled the INS to detain aliens, and this immigration law was expanded under Presidents Bill Clinton and George W. Bush to include mandatory detention.<sup>52</sup> The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, the Antiterrorism and Effective Death Penalty Act of 1996, and the Patriot Act that was re-authorised in 2006 have all also expanded both the use of immigration detention and the individuals it could detain. Spending on detention and deportation increased by 64% following IIRIRA in 1996.<sup>53</sup> There is also legislation that linked “cimmigration” to social benefits, such as the AEDPA and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA),<sup>54</sup> which denied benefits to most legal and illegal immigrants and their children. This act caused ‘immigration, poverty, and criminality [to be] equally feared and regulated.’<sup>55</sup> The ‘hallmark of this increasing criminalisation was the blurring of the distinction between the crime of crossing the border without authorisation and serious offenses such as burglary, drug trafficking, and homicide.’ As a result noncitizens accounted for two-thirds of the growth in the federal prisons’ population from 1985 to 2000.<sup>56</sup> The undocumented are not the only target of the criminalisation of immigration; the targeted include refugees, asylum seekers, legal residents with green cards, and US citizens.<sup>57</sup> On-going constitutional violations exist in the form of failing to provide due process, habeas corpus, and the right to legal counsel.

Bosworth and Kaufman point out noncitizens are specific targets for immigration and imprisonment in the US and the ways in which ‘border control has become imbricated with prison.’<sup>58</sup> One of the main challenges is the “foreignness,” which leads to marginalisation and mistreatment of noncitizens; this is similar to the experience of African American and Latino men during the US’s previous War on Drugs. The noncitizen has become the next and newest enemy,<sup>59</sup> which raises concerns about due process, the conditions of incarceration, and the purpose of penal institution in penal policy.

The noncitizen includes an array of people, ‘Mexicans constitute one of the largest groups of foreign nationals in both us immigration facilities and prisons.’<sup>60</sup> However, the noncitizen also includes ‘new arrivals and long-term residents to economic migrants and terror suspects.’<sup>61</sup> Fear of terrorists became another reason the “other” expanded. Now, those of Middle Eastern descent are also part of this foreign “other” and represent a threat of insecurity to the American people. Currently, a heightened concern of the American people is the Islamic State; national survey research shows fear is high.<sup>62</sup>

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By expanding and widening the net to include undocumented immigrants and other non-residents, the prison industrial complex continues the ‘phenomenon of over-incarceration.’<sup>63</sup> Hyper incarceration is not a new phenomenon in the us, and the use of Black and Brown men as scapegoats has been a longstanding part of the American narrative; those in power have frequently used this political discourse as a political opportunity. The us has disproportionately punished Black and Latino men, and by-products of this punishment are severe deficiencies in education, employment, and socioeconomic status across Black and ethnic families. Another deleterious impact of mass incarceration is felony disenfranchisement, which shuts felons out of the electoral participation process.

The criminalisation of immigration, or “cimmigration”<sup>64</sup> results in border control, expansion of state power, and challenges of constitutional freedoms, due to the war on terror, globalisation, and a continued pursuit of social control.<sup>65</sup> There has been a noticeable shift from the War on Drugs with young Black men to the current and on-going WoT, with the foreigner left to the public’s imagination.<sup>66</sup> The “illegal persona” is socially constructed, created, and reinforced, then targeted by restrictive immigration policies. Immigration policies have always targeted certain groups.<sup>67</sup> Numerous scholars describe the criminalisation of immigration as especially accelerating after 9/11. September 11<sup>th</sup> increased the vulnerability of immigration detainees because ‘there is neither automatic judicial oversight of immigration detention centres, nor independent review of ICE decisions to detain arriving asylum seekers.’<sup>68</sup>

Subsequent to September 11<sup>th</sup>, DHS began with a budget of \$9 billion in 2002; this grew to \$59 billion in the 2013 fiscal year. The budget for border control given to the US Customs and Border Protection (CBP) is meant to keep terrorists and their weapons outside the us; yet, the

‘CBP has not identified a single terrorist.’<sup>69</sup> However, these budgets will continue to grow because, despite its fervent chase of national security, America will continue to feel vulnerable and unsafe. This justifies the number of tax dollars spent in an attempt to remedy this. In his national address on immigration reform on 20 November 2014, President Obama spoke about three pieces included in his executive order; the first item referred to continuing to make ‘progress at the border with additional resources for our law enforcement personnel so that they can stem the flow of illegal crossings, and speed the return of those who do cross over.’ This shows additional resources for border security will continue to flow to the us-Mexican border.

However, it is important to note this phenomenon of insecurity as the basis for increased state spending and outsourcing with private businesses (which in and of itself causes a host of problems) is not exclusive to the us, but exists on both sides of the Atlantic due to a globalised economy. Crimmigration has contributed to a very profitable “immigration industrial complex.” Scholars have pointed out the expansion of immigration enforcement is situated within the context of global economic changes, the political economy of punishment, and immigration policies subsequent to 9/11 pay increased attention to risk and insecurity.<sup>70</sup> Now, the new meaning of “illegality” includes transnational, global capital. The growing immigration industrial complex ‘feeds on the fears and xenophobia of people in the United States while it builds the bases for long term in-miseration of our neighbours to the south.’<sup>71</sup> Therefore, existing research shows crimmigration and privatised processes of immigration and security are transnational, present both in the us and the uk, initiated by Reagan and Thatcher, and then continued by George W. Bush and Tony Blair.

Bacon provided a study looking at the evolution of immigration detention in the uk and the role of the private prison industry.<sup>72</sup> This work is especially relevant because in the uk, just as in the us, ‘the companies with a large stake in private prisons are the very same as those who have a large stake in privately run immigration detention centres.’<sup>73</sup> Bacon identified four items that are very relevant to this particular study; the immigration detention centres and their growth, the increase of detainment despite principles and rules meant to limit its use, the secrecy and lack of accountability inherent to immigration detention, and the move towards increasingly harsh detention policy

and practice.<sup>74</sup> This study illustrated that the market for private correctional services is a growing international one, with global providers competing for contracts on a global scale.<sup>75</sup> As is the case in the us, the political environment is a component used to explain the growth of the detention estate in Britain. Bacon found the political principles of free enterprise and limited government are main determinants of public-private partnerships; in the us, Reagan's presidency and policy to privatise services that had been provided by the federal government is evidence of this.<sup>76</sup>

The increase of detainment despite principles and rules meant to limit its use is also present in America. In spite of the priority to detain only criminals who pose a threat to public safety, in practice, implementation deviates from this principle. For example, 'in 2007, 51% of those arrested had a deportation order but no criminal record, and 40% were termed "ordinary status violators" who did not fit any of the programme's priority categories.'<sup>77</sup> This may be interpreted as a pacification strategy of political actors to appease the American public by showing quantitative indicators of performance. What the numerical indicators fail to capture, however, is whether crimes are serious, violent crimes. The result of securitised immigration policies that indicate "criminal records" are a determinant of detainment and/or deportation is that these have targeted window washers instead of criminals, smugglers, and terrorists.<sup>78</sup>

In the us and the uk, 'commercial interests have come to play a role in the development and delivery of penal policy that would have been unthinkable twenty years ago.'<sup>79</sup> Both in the us and the uk there is also profit motive for local governments to seek immigration detention contracts because these are "recession proof."<sup>80</sup> However, because of traditional market mechanisms, a number of dysfunctional behaviours emerge as ways to save and increase profit.<sup>81</sup> This includes longer shifts and lower pay, minimising the number of personnel by relying on more electronic and technological resources, reducing costs of food provided to detainees, reducing costs by foregoing supplies detainees need, reducing healthcare costs by altering dosages, and maintaining high secrecy to keep adverse reactions of the market from interfering if problems are reported to the public.<sup>82</sup> Sthanki also discussed how the structure of a privatised immigration detention system is systematically designed to allow and facilitate abuse.<sup>83</sup>

Additional concerns are that private contractors are exempt from complying with Freedom of Information Act (FOIA) requests. Five separate iterations of the Private Prison Information Act have been introduced in Congress since 2005, and each bill has been defeated by vigorous lobbying efforts on behalf of the private corrections industry. This bill would allow for more data, transparency, and oversight of the private prisons' managerial operations, but is unlikely such a bill will make it through Congress. In addition, private prisons are not accountable to the public; they are responsible to their shareholders. Profit motive may lead to cutting corners. According to the Bureau of Labour Statistics, private correctional officer makes \$28,790 as opposed to its \$38,380 government counterpart. There is higher turnover in private prisons than in state-run facilities.

Bacon also described the role of the iron triangle and how private prisons usually become involved in the corrections policy-making arena.<sup>84</sup> This is possible through subcommittees of the legislature, the bureaus of the executive branch, and the industries of the private sector. Additionally, Stolz noted that private prisons are able to make major changes through the collaboration of these three entities.<sup>85</sup> The iron triangle operates 'well below public awareness; [its] key participants include private corporations eager to profit from incarceration, government agencies anxious to secure their existence, and professional organisations.'<sup>86</sup>

Bacon concluded that '(a)lthough the increased growth of private interest in immigration detention is dependent on detention policies, it is also apparent that detention policies have become increasingly dependent on private interest.'<sup>87</sup> As a 'complementary explanation' for the detention regime and the increase of harsher practices and policies, Bacon suggests this can be attributed to the involvement of private contractors, whose main concerns are maintaining contracts and keeping facilities full.<sup>88</sup>

The public-private dynamic becomes more convoluted when inter-governmental relations are factored in; in Arizona, for example, the federal judicial intervention that followed this bill was not on civil rights or racial profiling, but on federalism. Challenges to the bill were strictly on disagreement on states' rights to enact policy that impacts immigration, a domain that pertains to the federal government. In addition, the support for decentralisation and greater administrative

control at the state and local level (which promote the political ideology of a national government with minimal interventions) has also manifested in a number of ways. And, ‘(d)espite – or perhaps because of – the absence of federal immigration legislation, some states have sought to enact their own laws and policies on what has traditionally been a federal matter.’<sup>89</sup> National policy has permeated local practice, enlarging the reach of the federal government while shifting powers and responsibilities to the states and local government units. This is possible because ‘those in detention have few public supporters.’<sup>90</sup> There is evidence to confirm this in the US with a record number of immigration bills passed by state legislatures in 2011.<sup>91</sup> State lawmakers filed more than 600 immigration bills in January 2011 alone; the majority of bills were restrictive and aimed to limit the rights of immigrants.<sup>92</sup> Even if not passed, enacted, and implemented, ‘the bills that do not become law are not harmless—they infect the political climate, and encourage anti-immigrant and anti-Latino sentiment that can often have dangerous consequences.’<sup>93</sup>

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An additional area of research relevant to this work includes the “New Penology.” Scholars have used the new penology as a means to explain why the prison industrial complex has expanded to include undocumented immigrants and other non-residents.<sup>94</sup> According to this theory, the prison industrial complex has expanded in an attempt to strictly create a higher demand and more “consumers.”<sup>95</sup> Within the new penology, the public-private partnerships between ICE and the private prison industry establish that immigrants are a dangerous and risky societal group. The new penology consists of a political climate that allows for the increased detention of more people.<sup>96</sup>

Scholars argue that the ‘privatisation of detention leads to for-profit companies seeking to maximise their profit and grow the system of incarceration.’<sup>97</sup> As evidence, some cite the recent drop in the state prison population; since private prisons profit the most from state contracts, if state populations decrease, then so do profits. A new source of revenue can be gained by private prisons through the criminalising of immigration and the detention of immigrants.

However, Ackerman, Sacks, and Furman explain how the criminalisation of immigration is mainly to keep the ‘political status quo through scapegoating undocumented immigrants for social upheaval, insecurity, terrorism, economic downturns, and ultimately crime.’<sup>98</sup>

The new penology is not responsible for the criminalisation of immigration; crimmigration, they explain, is mainly used a pacification strategy to placate citizens. Nevins reinforced this when he explained political discourse positions the “problem” and then justifies its solution.<sup>99</sup> This discourse “others” the undocumented immigrant and reinforces the undocumented immigrant as the problem and the danger when in reality, the undocumented immigrant may be the ‘least powerful’ person in society.<sup>100</sup>

Interdisciplinary lines of research on the merging of immigration and incarceration reinforce that, in the name of national security, a number of measures have passed in attempts of controlling security threats; the problem is that this perpetuates a sense of insecurity and vulnerability. Accordingly, the ‘partnership between government entities and the private prisons industry has set the stage for a prison industrial complex of great complexity and enormity.’<sup>101</sup> In the name of national security, law enforcement tactics are the “necessary evil.” Now, the main victim of the us’s flawed immigration system is the American public. The public needs protection from immigrants, from those who only come to drain social welfare programmes and refuse to assimilate into the white middle class, to those who are religiously and ethnically constituted group of Muslim and Arab men.<sup>102</sup>

### Theoretical Framework

It has been established that private prison corporations have been involved in policymaking that impacts the rates of incarceration. Price illustrated a causal and perpetual cycle (see Figure 1) that begins with the private prisons’ monetary contributions to the American Legislative Exchange Council (ALEC). These donations allow the companies to vote-in members of a task force with state legislators. For example, CCA was previously part of the Criminal Justice Task Force that wrote ‘model legislation,’ like ‘truth-in-sentencing.’ This model legislation allowed state lawmakers to take these laws to their respective states and work on getting them passed into law. Once these laws were passed, inmates were required to serve longer sentences, the prison population expanded, and the “solution” was to contract with privately run prisons, like CCA who was an integral part of writing the harsher legislation in the first place. The private prison corporations stepped in to supply the market’s demand, the same private prisons that initially provided



financial contributions to the state legislatures and inspired the model legislation. Ultimately, Price's *Merchandising Prisoners* demonstrates that the lobbying by private prisons translated into substantial profits for them since this money inspired harsher prison sentences and exponentially grew the prison population in the US, leading to a number of social, cultural, and economic problems brought by a culture of mass incarceration.<sup>103</sup>

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This process is very similar to the current situation of immigrant detention. Private prison corporations are voting members of ALEC and are now on the "Public Safety and Elections Task Force" that writes model legislation, like Arizona's SB 1070. In the case of Arizona, it was Russell Pearce who then took the bill drafted by the ALEC task force to Arizona and worked on getting it passed and signed by Governor Jan Brewer. This bill increases the number of immigrants detained and increases the duration of their detainment, which means DHS must turn to contracting with private prisons or to outsourcing with state or local government to be able to keep up with the number of beds needed.

The framework, however, exists within the context depicted by d'Appollonia's *Frontiers of Fear*.<sup>104</sup> The reason *why* the causal cycle is able to function is because it is situated within a larger context of securitisation of immigration. Figure 2 includes an updated model in which the causal cycle moves within a context of securitisation and a political climate of fear. Now, the task force is able to write "model legislation" because of a perceived threat to national identity, social cohesion, and internal security. As d'Appollonia explains, this insecurity has led to the securitisation of immigration policies, which is illustrated by Arizona's SB 1070 and the wave of subsequent copycat bills. The 'security/insecurity spiral' she describes consists of the perception of or an existential security threat, the 'highest threat to homeland security [being] immigrants, Muslim foreigners, and Muslim nationals.'<sup>105</sup> The link between immigration and terrorism has led to immigration policies that are counterterrorist policies and vice versa. However, fear is the impetus for more security policies, which in turn generates more fear, and again leads to more security policies. The increasing number of security measures has a negative impact on the public's trust in the state's capacity to effectively deal with these security threats. Despite the political distrust in the efficacy of these security measures, a demand for harsher and tougher measures is the result, and so the cycle is repeated.

The wave of copycat bills across states is evidence of security escalation and a demand for harsher and tougher security measures. The burden of security measures is disproportionately allocated on immigrants and nationals of foreign origin. Ultimately, as a result of the dynamics of policy failures, escalated policies fail to meet their stated objectives while simultaneously consuming a substantial amount of the state's scarce resources. Not to mention, the security/insecurity spiral has also resulted in substantial bureaucratic restructuring and courts overwhelmed by cases challenging immigration administrative decisions.<sup>106</sup> The end result is less democracy, more distrust and insecurity, and an erosion of civil liberties and human rights. Within this securitisation context, it is evidently not difficult for private prison corporations to work with state policymakers to pass policies that lead to the increased detainment of anyone perceived to be a security threat, actual or symbolic.

### Deployed Data

Data was compiled from two non-profit organisations that collect and report data on private corporations' political contributions, including lobbying and campaign contributions. These organisations serve to bring transparency by collecting and making these records public. These organisations are called Follow the Money ([followthemoney.org](http://followthemoney.org)) and Open Secrets ([opensecrets.org](http://opensecrets.org)). Their websites allow for data extraction, so this study used lobbying by state as well as political campaign contributions for CCA and The GEO Group, Inc. Lobbying dollars are provided for years 2003 to 2012, and campaign contributions are provided from years 2007 to 2012; please see Tables 1 through 4.

From this, a small dataset was compiled including the 36 states that included a number of relevant variables that would possibly be able to explain states proposing copycat bills. For example, included in the study are the total size of the population, the racial and ethnic composition of the population, the population with a college education, the median household income, the state's unemployment rate, the number of Republicans and Democrats within the two chambers of the state legislature, as well as the political party of the governor. Ultimately, what the findings show is these socio-demographic variables alone do not provide a 'common denominator' or a possible explanation of the impetus of the wave of copycat bills.

## Findings

### *Political Lobbying by CCA and The Geo Group, Inc.*

The data shows the lobbying dollars for CCA and The GEO Group Inc. were primarily sent to states with proposed copycat bills. For CCA, of the \$2,234,754 total spent on lobbying, 90.5% of this was sent to states with copycat bills (see Table 1), and shows that only \$210,760 went to the 14 states without copycat bills. The findings are similar for The GEO Group, Inc. Of the \$3,243,561 total lobbying dollars, 93% went to states with copycat bills. This leaves only \$241,300 spent on states without copycat bills. Lobbying by CCA was present in 28 of the 36 states with copycat bills and was present in 8 states that did not propose copycat bills in their state legislatures. The GEO Group Inc. lobbied in 21 of the 36 states that proposed copycat bills. The data also shows both CCA and The GEO Group, Inc. lobbied three states that did not propose copycat bills, and further exploration into this is needed; this includes the states of Alaska, Idaho, and New Mexico. On a cursory glance, there has been a fervent push in Alaska and active lobbying by private prisons to help form partnerships that allow for more privatisation, with the largest number of lobbying money received by state lawmakers (as opposed to governor or political party).

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	Lobbying \$ Total \$2,234,754
States with SB 1070 copycat bills	\$2,023,994 90.5%
States without SB 1070 copycat bills	\$210,760 .09%

*Table 2.  
CCA Lobbying  
2003-2012*

	Lobbying \$ Total \$3,243,561
States with SB 1070 copycat bills	\$3,002,261 93%
States without SB 1070 copycat bills	\$241,300 .07%

*Table 3.  
The GEO  
Group, Inc.  
Lobbying  
2003-2012*

*Source: Follow  
the Money,  
followthemon-  
ey.org*

Table 4. CCA Campaign Contributions 2007-2012

*Campaign Contributions for CCA and The GEO Group, Inc.*

Table 5. The GEO Group, Inc. Campaign Contributions 2007-2012

The campaign contributions from CCA and The GEO Group, Inc. show a number of interesting findings. For example, contributions are made across party lines to both Republican and Democrat candidates. What campaign contributions show is that both CCA and The GEO Group, Inc. contribute across party lines to campaigns that ultimately win; this suggests the companies are attentive to the political campaigns at different levels, across different states, and are especially aware of the political environments of each campaign.

Source: Follow The Money, [followthemoney.org](http://followthemoney.org)

	2007	2008	2009	2010	2011	2012
Total \$ spent \$646,590	\$19,450	\$103,200	\$158,070	\$148,350	\$101,750	\$115,520
Total number of contributions	31	95	145	167	95	98
Number of contributions to Republicans	14	46	101	118	63	55
Number of contributions to Democrats	17	47	44	49	32	43
Campaigns won	22	66	89	128	70	69
Campaigns lost	2	8	39	23	7	17

	2007	2008	2009	2010	2011	2012
Total spent \$793161.45	\$8,150	\$42,150	\$132,682	\$183,090	\$26,810	\$243,521
Total number of contributions	9	36	63	48	37	98
Number of contributions to Republicans	3	24	42	32	28	73
Number of contributions to Democrats	6	9	20	16	9	24
Campaigns won	6	18	42	34	31	82
Campaigns lost	2	0	9	6	2	8

Further research is needed to examine other legislation that disproportionately affects immigrants and noncitizens across the US, such as voter ID laws that also spread across the country and was repeatedly used in political rhetoric as a means of protecting and providing security from threats of the “other” to determine if this is a lurking variable within the existing data.

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## Conclusion

In summation, this work serves to further the dialogue on the role of for-profit prison corporations in immigration detention and security measures. While the privatisation of prisons has been exhaustively studied from a variety of fields and disciplines, little work has been done on how the same private prisons are now operating as immigration detention centres, housing convicted criminals in the same facilities as immigrants and noncitizens. A number of laws and legislation play a role in this by criminalising immigration, requiring mandatory detention, and expanding the reach and control of government entities, such as DHS, CBP (etc). This research emphasises that not just the undocumented are at risk of detainment and deportation; heightened securitisation has widened the net of who is an “other” and who is perceived as a risk, whether it be symbolic or real. This has especially shifted and expanded following the attacks of September 11<sup>th</sup>. This work shows a direct link between CCA and The GEO Group, Inc., on their involvement through lobbying and campaign contributions to states that proposed immigration copycat bills after Arizona passed its controversial SB 1070. The work presents evidence that a majority of lobbying dollars and efforts were sent to states that proposed copycat bills in their state legislatures. This research also identifies potential new lines of research that merit further, critical examination.

To conclude, the implications of heightened securitisation provided by d’Appollonia are worth discussing. d’Appollonia’s work on securitisation on both sides of the Atlantic illustrated it has resulted in policy failures yet continue to be escalated and consume limited public resources. However, because of fear, steps that undermine civil liberties and human rights have been made that compromise democracy. Profit is coming in from the new, booming market of immigrant detention, but this is at a high social cost, and in the end, we are not safer, simply more exposed.

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# "Security, Inc."

## Privatising Internal Security in Post-Communist Poland

*Lukasz Wordliczek*

The question of the loss of typical areas of state authority has been present in the literature for several decades. This issue is sometimes described as 'governance without a government.' At the same time, minimal research has been devoted to a more systematic analysis. Such work would include the linking up of theory-driven and empirically-rooted research programmes. This study attempts – at least partially – to fill this void. This project is threefold: first, some basic definitional problems are identified; the public-private distinction and privatising of various sectors in post-Communist countries are just two of the most critical. Second, a short description of the legal framework is provided. Here, relevant legislative activities and overseeing procedures are the focus. Third, an empirical review reveals several reasons for the private security sector's success: 1. a massive expansion of private ownership and the impotence of state authorities to secure it effectively, 2. technological advances and 3. the availability of critical resources in the form of people and information. This study concludes that the post-Communist environment is especially favourable and conducive to the private security industry. The main reasons for this include (but are not limited to) the knowledge, experience and contacts of former secret police officers.



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*Keywords: Poland, post-Communist environment, internal security, private sector*

### Introduction

The loss of the ability of nation states to act is not a new phenomenon. Even in a post-Westphalian world characterised by a state-centrist per-

spective, one may easily find some state-free “empty” spaces. But it is only recently that policy scholars have concluded that we may be in a situation of ‘governance without a government.’<sup>1</sup> Thus, a space for privatisation research has opened up, and the group of former Communist countries seems to be one possible area of investigation. This study has the following structure: first, key definitions are provided; non-state actors, the public-private distinction and privatisation are three of the most crucial areas on this point. Second, the legal framework is described briefly with a focus on legislative activities and supervisory procedures. Third, some reasons for the success of the private security sector are revealed based on an empirical investigation of how the private security market functions in contemporary Poland.

*Security, Inc.*

### Context: Definitions and Theory

The issue at hand – privatising security policy – is closely related to the issue of private and non-state actors (NSAs). Broadly speaking, an NSA is any actor that does not have the characteristics of a state.<sup>2</sup> Thus, we may assume that an NSA is an actor that concurrently meets the following criteria: 1. it is located outside of a governmental structure and 2. it does not insist on its exclusive and legitimate right to use force. This argument is heavily based on Max Weber’s definition of a state, which sees the right to use force legitimately as one of the most important features of a state. At the same time, we should recall that some NSAs also occasionally use force; terrorist networks and organised crime groups are just two of the most critical and infamous players here.<sup>3</sup> Consequently, we may assume that NSAs – or more simply, private actors – occasionally use force legitimately just as nation-states have always done.

The description of a private entity is, however, only complete if we juxtapose it with its alter ego—the public entity. The public/private distinction may be looked at from different angles. We can, for example, apply a “functionalist” framework. Here, public may be to private as the ‘whole [is] to the part,’<sup>4</sup> and examples include phrases like “public opinion,” “public interest” and “public health.” Thus, a public entity is often functionally understood as a “state” entity. Furthermore, public actors are usually treated as relatively open and accessible to the majority of members of a given community.<sup>5</sup> In contrast, the normative approach is probably one of the most widely used; its legal focus allows for an analysis of the issue from the perspective of rights and powers.<sup>6</sup>

The public/private distinction is then based on the assumption that public (i.e. state) entities, embodied in their officers, represent the interests of the larger group, up to the level of the inclusive “national interest.” On the other hand, private activities serve non-governmental bodies and typically aim to achieve the interests of minor actors. The point is illustrated, for example, in the US where a piece of 2003 legislation defines an ‘inherently governmental’ activity as

an activity that is so intimately related to the public interest as to mandate performance by government personnel. These activities require the exercise of substantial discretion in applying government authority and/or in making decisions for the government. Inherently governmental activities normally fall into two categories: the exercise of sovereign government authority or the establishment of procedures and processes related to the oversight of monetary transactions or entitlements.<sup>7</sup>

The issue is rather complicated in Poland where there is no single piece of legislation on “inherently governmental” activities. However, a 1981 statute on government-based enterprises declares in its Article 7 that public administrative institutions may constitute government enterprises.<sup>8</sup> Another crucial provision relates to the scope of such enterprises: Article 5, thus, stipulates that government enterprises may operate activities of two kinds; general ones and those which are public services. Whereas the former seem self-evident, the latter call for more careful consideration. According to Article 6 of the legislation, public services include activities aimed at ‘meeting on-going and unremitting public needs’ particularly in the areas of ‘sanitation services, urban public transport, energy supplies, state-owned property management, state-owned forest management, cemetery management and culture-related services.’ Security services are not included in the list, and thus, they may be treated as activities not reserved for government enterprises.

There are occasions when the interests of minor actors (i.e. those from a particular social group such as workers in a specific industry) are represented by state authority bodies. However, because of this state-led component, the agenda here is not treated here as “private” but as “public.” Thus, by definition, any state-run activity would be seen as a public activity. If this argument seems self-evident, then we should also acknowledge that it is far from being comprehensive.

It is worth mentioning that the public/private distinction has been questioned on the basis that it is neither accurate enough nor absolutely complete.<sup>9</sup> Since the two kinds of activities are interrelated, it is useful to look at them more critically. Can social processes be reduced to just the two mentioned dimensions? And, is any activity here exclusively public or private? How, for example, do we situate the Catholic Church? By its very name and status as a common and ubiquitous entity, it should be placed in the public realm.<sup>10</sup> Furthermore, in practice, based on the signing of a concordat with a given country, priests and nuns may have certain duties analogous to those of civil service officers.<sup>11</sup> At the same time, however, the Catholic Church is formally part of the structure of only one state—the Vatican. Bearing in mind the suggestion to define “private” as separate from state activities, we should logically acknowledge that the Catholic Church could be treated as a private entity since it is institutionally separate from other (non-Vatican) states.

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Given these ambiguities, we may conclude that an institutional separation does not necessarily reflect a normative or functional perspective. This makes it even more difficult to maintain the public/private distinction rigidly, and the security sector is one example of this tension. The issue calls out for an additional category, and the business environment may be helpful here with its well-known example of public-private partnerships (PPP).<sup>12</sup> Thus, the public/private definition leaves us with nothing more than a sense that we should acknowledge the existence of a certain continuum, a hybrid public-private sphere.<sup>13</sup> By doing so, we will be less prone to reduce policy to just the bureaucratic ‘*pulling and hauling*’ apparent in top-level offices.<sup>14</sup>

Notwithstanding the above, the role of private entities also draws attention to the phenomenon of “privatisation.” Generally, this is associated with economics and understood to involve the transfer of some goods and services from the state to private entities.<sup>15</sup> This economic focus is also explicit in the Polish legal framework under 1996 legislation on the commercialisation and privatisation of government enterprises.<sup>16</sup>

In Central and Eastern Europe, the process of privatisation is widely perceived in the context of the transformations of the late 1980s, but privatisation is also widely known in many Western socio-economic models. Here, privatisation has a twofold sense: it is a synonym for

the loss a certain amount of state authority and consequently for the “filling of the void” by private entities.<sup>17</sup>

In considering the reasons for the privatisation process, we may include:

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1. The economic argument: the performing by private actors of certain formerly state-held duties allows for the reduction of some budget outlays<sup>18</sup>
2. Public opinion:
  - a. growing distrust of state authorities
  - b. declining concern about public affairs, which tend to be seen as too abstract, too distant and unrelated to the given individual
  - c. pressure to introduce privately run services which are perceived to be more effective and flexible and better managed
3. Ideology: the need to build an active, participatory civil society
4. The “twilight zone” or “let-someone-else-do-the-dirty-work” argument: this is the view that transferring some state activities into private hands will avoid scrutiny and accountability or, in the official parlance, have “risk-sharing” benefits.<sup>19</sup>

Privatisation may have various characteristics: first, the supply of some former state goods and/or services may be “outsourced” to private actors. Private military/security companies (PMSCs) and intelligence activities are just two of the best known examples of this phenomenon. Second, privatisation may be intended to implement rules already settled by states.<sup>20</sup> Lastly, some private actors may be responsible for institutionalising rule-making activities.<sup>21</sup> The subsequent section is devoted to outsourcing.

## The Legal Framework

Normative regulations in Poland apply to a range of security-related entities/activities including security companies, detective agencies, information and intelligence gathering, lobbying and public relation services.<sup>22</sup> Given the focus of this study, only the first of these is discussed below.

Basic regulations on security agencies in Poland are contained in 1. the Act on the Protection of People and Property which was adopted by parliament in 1997 (and has been in force since 27 March 1998)<sup>23</sup> and 2. dozens of executive regulations issued by the Ministry of the Interior and Administration, the Ministry of Defence and the Ministry

of Finance. While the 1997 legislation does not explicitly use any form of the term “private security company,” it is clear that its provisions apply to all entities, including private ones. Specifically, the legislation regulates the following:

1. places, buildings and facilities subject to mandatory protection
2. establishment and operation of security firms
3. business activities within security areas
4. market entrance and specific requirements for security companies
5. establishment of a national authority in charge of controls and inspections
6. transport of firearms, munitions, explosives and other military equipment.

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Since a detailed description of all these targets is beyond the scope of this study, we will focus instead on the most important items:

The Ministry of the Interior and Administration issues licences to private security firms after obtaining the opinion of the regional (local, provincial level) police chief bureau. To be granted a permit, applicants must be free of any criminal record, court conviction or ascertained threat to national security or the personal rights of citizens; they must not have had a relevant licence revoked in the last three years or been removed from the official company register because of fraudulent declarations or bankruptcy. Furthermore, individual applicants must be at least 21 years of age and have completed secondary-level education.

As well as regulating security firm owners, the 1997 statute sets requirements for company staff, who are divided into two broad categories: managers and operational officers. The former must:

1. be citizens of Poland, the EU, Switzerland or an EFTA country
2. be at least 21 years old
3. have completed education to at least secondary level
4. be eligible to enter into legal contracts
5. have no criminal record
6. present an endorsement issued by the regional police chief bureau
7. present a medical examination report confirming their ability to perform their duties
8. be trained in the security area (including certain elements of the law).

Operational officers must also meet the above criteria, but they may be as young as 18 years old and they do not need to have security training.

Two critical issues arise here and are probably the most vigorously debated: what rights do private security officers have to perform their tasks? And what entitles them to carry firearms? It is worth focusing on each question in turn.

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According to Article 36, Section 1 of the 1997 statute, security guards have the right to verify if an individual is allowed to be present in a guarded area, to check IDs, to order unauthorised individuals to leave an area they have entered and to apprehend and deliver to the state police any unauthorised individual who is considered to be ‘presenting an outright serious danger to life, health or property.’ In terms of the “negative” side of their vocation (i.e. what security companies may not do), such staff are forbidden from carrying out a search and/or seizing property.

Regarding the second of the debated topics – the right to carry and use firearms – another provision declares that security officers are generally allowed to use firearms and physical force (‘coercive measures’), but further regulations apply to this activity. According to such executive regulations, private security companies require a special licence to be issued by the regional police chief. Very detailed legal provisions cover the storing of weapons after hours and the keeping of an in-depth weapons register.<sup>24</sup> The array of weapons available to private security companies includes pistols, revolvers, rifles, machine pistols, shotguns, electric stun guns (tasers) and police batons. According to the relevant provisions, security companies may also use dogs but may not use horses.

Article 42 of the 1997 statute stipulates that ‘all security officers, when on duty, are treated as public officers and, thus, are protected by relevant regulations in the Criminal Code.’ This provision clearly relates to the public/private distinction. Here, even private security officers are covered by the privileges that public officers normally enjoy, thus making the distinction even more difficult to maintain in practice.

As mentioned, the 1997 legislation also establishes the relevant national authorities which are in charge of the control and inspection of security firms. The two key institutions here are 1. the Ministry of the Interior and Administration and 2. the regional (local, provincial-level) police chief bureau. Both are responsible for imposing administrative sanctions while the courts obviously handle any criminal activities. Administrative sanctions are basically restricted to the withdrawal of



company licences and/or the permits of individual guards; the Minister of the Interior and Administration may decide on these penalties in the following cases:

1. Causing a threat to:
  - a. the national economic interest
  - b. state defence or security
  - c. the safety or personal property of citizens
2. Non-compliance with the 1997 statute
3. Failure to notify the licensing authority about an engagement in business operations
4. Failure to keep and/or store records of business operations or documentation concerning security employees and agreements signed under the executive regulation of the Ministry of the Interior and Administration.

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Criminal sanctions are covered under part 8 of the 1997 legislation. Fines or imprisonment up to two years are envisaged for those who perform security duties without a proper licence or who neglect their duties. On the other hand, a security officer who acts outside the scope of their duties is subject to imprisonment for up to five years. Interestingly enough, following a 2013 amendment, those who hinder supervision of security firms' activities are also subject to imprisonment for up to two years.

More specific requirements relate to security personnel's uniforms, badges and IDs, which should be 'markedly different from those used by public officers.' In sum, the Polish legal framework does not differentiate between public and private security firms; the relevant 1997 statute applies to both categories of agencies. What appears particularly interesting, however, is that the legislation on security companies provides officers with protection equal to that of 'uniformed public officers.' A complete list of relevant institutions is included in the annex to this study.

### **The Private Security Business in Practice**

There are several possible avenues for research on the empirical evidence for privatisation.<sup>25</sup> Here, the aforementioned "functionalist" and "normative" perspectives might both be deployed. The former looks at the transfer of some former state activities into private hands

*Table 1.  
Ratios of  
police and private security  
forces to the  
population  
in former  
post-Communist countries*

(“pure” or “strict” privatisation), while the latter would focus on legal regulations and specifically the background and qualifications of personnel. Because the two dimensions – relevant company operations and the staff employed – are palpably interconnected in practice, this discussion considers them concurrently.

There are more than 3000 private security companies in Poland employing around 200,000 officers.<sup>26</sup> When compared to other post-Communist countries, the ratio of security staff to the population is as follows:

Country	Police force to population ratio	Private security force to population ratio	Difference between police force ratio and private security force ratio
Bosnia and Herzegovina	1:217	1:2,295	-2078
Slovenia	1:256	1:326	-70
Slovakia	1:251	1:314	-63
Croatia	1:216	1:276	-60
Lithuania	1:290	1:294	-4
Bulgaria	1:155	1:132	23
Czech Republic	1:238	1:203	35
Serbia	1:218	1:146	72
Estonia	1:412	1:289	123
Latvia	1:300	1:105	195
Poland	1:388	1:190	198
Hungary	1:380	1:125	255
Romania	1:1,050	1:229	821

*Source: Confederation of European Security Services (2011).*

As shown, the greater the value in the first column is then o, the weaker the public sector is in terms of the ratio of public officers to the population. And conversely, the smaller that number is, the stronger public sector security forces are. Notwithstanding the huge variations in these data, we may surmise that three factors are crucial for the relative success of private security companies: 1. the huge expansion

of private ownership and impotence of state authorities to secure it effectively, 2. the availability of critical resources (people and information) and 3. technological advances.<sup>27</sup> The first two of these factors seem especially important in a post-Communist environment. It is worth shedding some light on the Polish case.

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The connection between private security staff and former Communist secret service officers is an open secret. Indeed, many of those who were not accepted into the state police or any other law enforcement institution after the 1989 checks found a safe haven in one of the security agencies. As has been described, the first relevant statutory regulation (the Act on the Protection of People and Property) was adopted by parliament in 1997 and came into effect in March 1998 – a full nine years after the first Solidarity-based government was created. Interestingly enough, the Act does not apply to detective agencies – another sanctuary for many former Communist secret service officers who are involved, for example, in debt recovery and information collection activities.<sup>28</sup> Furthermore, as we have seen, any supervising duties are conferred on regional police chiefs based on their discretionary powers. The power granted to security officers understandably raises questions: they are empowered with almost the same rights (and weapons) as police units, but enjoy much greater leeway. Another controversy surrounds the former officers of almost any state agency (see appendix). According to the present regulation, they are free to join any private enterprise with no “quarantine” period.<sup>29</sup>

Generally, taking certain activities out of government hands and transferring them to private entities raises a number of issues. Of these, one seems to be of special importance for security privatisation: accountability.<sup>30</sup> Since security companies are authorised to use coercive measures and even lethal force, the issue of scrutiny is by no means a minor one. The above-described structure in Poland makes it especially favourable for those who have been on the scene for many years. The existence of established social networks enables former officers to find a place when they are no longer performing their duties. This makes the issue even more fascinating: it turns out that the fundamental rationale for privatisation, economics, does not apply here. Typically, the logic would follow the well-known profit-oriented pattern for any commercial activity: if you pay, you’ll get the service. However, the post-Communist environment privileges its human resources, making

non-economic factors also an important part of private security companies' activities. The role of the above-mentioned networks of former law enforcement officers and their contacts proves this point.

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## Conclusion

Privatisation, like probably any social process, has its limitations and may result in unwelcome effects. Costs such as the accumulating of power by former state officials and corruption allegations are at the top of this list.<sup>31</sup> The Polish case is no exception.

The above analysis shows that the Polish experience has been marked by circumstances that assisted many former (mainly Communist) law enforcement officers to find a safe place when leaving office. It is not unimportant here that the 1997 statute was drafted and passed by a post-Communist left-wing majoritarian parliament. It should be recalled, however, the pre-1997 period was filled with media coverage of the security industry and its mafia connections: money laundering, bribes, racketeering, blackmailing, prostitution, drug trafficking and illegal debt collection were not unusual in this context. Since the 1997 legislation, the private security business has been less scandal-prone (i.e. it is more civilised). At the same time, however, former security officers remain an important component of the sector. The transformed environment has been especially favourable and conducive to the private security industry. The main reasons for this include but are not confined to the knowledge, experience and contacts of former police officers.

The security industry in Poland has been treated just like any other business sector: given the free market orientation since 1989, it has been subject to privatisation activities. This stands in direct opposition to Western experiences, which are based on the view that private policing is more than just the "outsourcing" of a given state domain. As some commentators have noted, this means that the private interests at play may sometimes be 'inconsistent with, or even in conflict with, the public order proclaimed by the state.'<sup>32</sup> Furthermore, the free market paradigm may indeed be an 'effective form of regulation, but operate best where there is competition, an expectation of repeat encounters, and a free flow of information.'<sup>33</sup> It is striking that in the security environment hardly any of these requirements are met.

## Annex

Law enforcement institutions whose officers have the right to use coercive measures and firearms:

1. Homeland security agency (Agencja Bezpieczeństwa Wewnętrznego) *Lukasz*
  2. Intelligence agency (Agencja Wywiadu) *Wordliczek*
  3. Government protection bureau (Biuro Ochrony Rządu)
  4. Customs service (Służba Celna)
  5. Central anti-corruption bureau (Centralne Biuro Antykorupcyjne)
  6. Revenue control (Kontrola Skarbowa)
  7. State anti-poaching hunting office (Państwowa Straż Łowiecka)
  8. State anti-poaching fishing office (Państwowa Straż Rybacka)
  9. State police
  10. Army counterintelligence service (Służba Kontrwywiad Wojskowego)
  11. Prison service (Służba Więzienna)
  12. Army intelligence service (Służba Wywiadu Wojskowego)
  13. Municipal police
  14. Border guard patrol (Straż Graniczna)
  15. State forest ranger service (Straż Leśna)
  16. Parliamentary police guard service (Straż Marszałkowska)
  17. Railroad protection guards service (Służba Ochrony Kolei)
  18. National park ranger service (Straż Parku)
  19. Military gendarmerie (Żandarmeria Wojskowa)
  20. **Security officers under the statute dated 22 August 1997**
  21. Road patrol service (Inspekcja Transportu Drogowego)
- Source: Article 2.1 of the statute dated 24 May 2013: Use of coercive instruments and firearms (Ustawa z dnia 24 maja 2013 r. o środkach przymusu bezpośredniego i broni palnej; Dz. U. z 2013 r. poz. 628, 1165, z 2014 r. poz. 24, 1199).



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## Notes

- 1 James N. Rosenau and Ernst-Otto Czempiel (eds) (1992), *Governance without Government : Order and Change in World Politics*, Cambridge UP.
- 2 According to Hall and Biersteker, private authorities are 'neither states, state-based, nor state-created.' See Rodney Hall and Thomas J. Biersteker (2002), 'The Emergence of Private Authority in the International System,' in Rodney Hall and Thomas J. Biersteker (eds), *The Emergence of Private Authority in Global Governance*, New York: Cambridge University Press, p.5.
- 3 One commentator has expressed this as follows: the state 'claims a monopoly of force which it does not, and cannot, possess.' See John Hoffman (2003), 'Reconstructing Diplomacy,' *The British Journal of Politics and International Relations* 5 (4), p.527, doi:10.1111/1467-856X.00118, available at: <<http://doi.wiley.com/10.1111/1467-856X.00118>>.
- 4 Paul Starr (2007), *Freedom's Power: The History and Promise of Liberalism*, New York: Basic Books, p.55.
- 5 Ibid.
- 6 Ibid, p.57.
- 7 White House Office of Management and Budget (2003), OMB Circular No. A-76 (Revised): Performance of Commercial Activities, Attachment A: Inventory Process Washington, DC, para. B (1)(a), available at: <[http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a076/a76\\_incl\\_tech\\_correction.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a076/a76_incl_tech_correction.pdf)>.
- 8 Ustawa z dnia 25 września 1981 r. o przedsiębiorstwach państwowych (as amended in 2013; Dz.U. 2013, poz. 1384.
- 9 See, for example, Maria Łoś (2005), 'Reshaping of Elites and the Privatisation of Security: The Case of Poland,' *The Journal of Power Institutions in Post-Soviet Societies*, no. 2, para 57, available at: <<http://pipss.revues.org/351>>, along with the literature cited in that analysis. Interestingly enough, some state authorities have gone so far as to acknowledge their impotence to determine clear definitions of "public" and "private" actions. For a case in point, see Select Comm. on Intelligence, Intelligence Authorization Act for Fiscal Year 2008, H.R. Rep No. 110-131, (2002) Washington, available at <<https://www.congress.gov/110/crpt/hrpt131/CRPT-110hrpt131.pdf>>.
- 10 The Greek word *katholikismos* literally means "universal."
- 11 Consequently, church "officers" may be paid from the state budget.
- 12 Cf. Tim Büthe (2010), 'Global Private Politics: A Research Agenda,' *Business and Politics* 12 (3). doi:10.2202/1469-3569.1345, available at <<http://www.degruyter.com/view/j/bap.2010.12.3/bap.2010.12.3.1345/bap.2010.12.3.1345>>. The PPP formula is included, for example, in the following passage from the EU cyber-security strategy: 'Legal obligations should neither substitute, nor prevent, developing informal and voluntary cooperation, including between public and private sectors, to boost security levels and exchange information and best practices. In particular, the European Public-Private Partnership for Resilience (EP3R) is a sound and valid platform at EU level and should be further developed...The European Public-Private

- Partnership for Resilience was launched via COM (2009) 149. This platform initiated work and fostered the cooperation between the public and the private sector on the identification of key assets, resources, functions and baseline requirements for resilience as well as cooperation needs and mechanisms to respond to large-scale disruptions affecting electronic communications,' European Commission, *Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace*, Brussels, 07 February 2013, p. 6, available at <[http://eeas.europa.eu/policies/eu-cyber-security/cybsec\\_comm\\_en.pdf](http://eeas.europa.eu/policies/eu-cyber-security/cybsec_comm_en.pdf)> (accessed 10 December 2014).
- 13 Interestingly enough, even classical liberal ideology envisaged the operation of certain state-owned enterprises such as the army and law enforcement agencies. See Starr (2007), p. 55.
  - 14 Donald E. Abelson (2006), *A Capitol Idea*, Montreal: McGill-Queen's University Press, p.127.
  - 15 Cf. Maria Łoś and Andrzej Zybortowicz (2000), *Privatizing the Police-State: The Case of Poland*, New York: St. Martin's Press, p.154.
  - 16 Ustawa z dnia 30 sierpnia 1996 r. o komercjalizacji i prywatyzacji ( Dz.U. 1996 Nr 118 poz. 561).
  - 17 Łoś (2005).
  - 18 The austerity argument is by no means universal. One writer has noted that in the US, the cost of a contractor is 'about double that of a governmental employee.' See Simon Chesterman (2008), "We Can't Spy ... If We Can't Buy!": The Privatization of Intelligence and the Limits of Outsourcing "Inherently Governmental Functions,' *European Journal of International Law* 19 (5), pp. 1056, 1059, doi:10.1093/ejil/chn055. <http://ejil.oxfordjournals.org/cgi/doi/10.1093/ejil/chn055>.
  - 19 Select Comm. Intelligence, Intelligence Authorization Act for Fiscal Year 2014, S. Rep No. 113-120, (2013) Washington, DC, available at: <<https://www.congress.gov/113/crpt/srpt120/CRPT-113srpt120.pdf>>.
  - 20 See, for example, the following rationale: 'The private sector needs incentives to ensure a high level of cyber-security; for example, labels indicating adequate cyber-security performance will enable companies with a good cyber-security performance and track record to make it a selling point and get a competitive edge.' European Commission (2013), p.12.
  - 21 Philipp Pattberg (2004), 'The Institutionalisation of Private Governance: Conceptualising an Emerging Trend in Global Environmental Politics,' Global Governance Working Paper No. 9, p.10, available at: <<http://www.glogov.org>>.The point is developed theoretically—and empirically—in the literature on private governance. See Bütthe (2010).
  - 22 Łoś (2005), para. 27.
  - 23 Ustawa z dnia 22 sierpnia 1997 r. o ochronie osób i mienia; <<http://isap.sejm.gov.pl/DetailsServlet?id=WDU19971140740>>.
  - 24 Specifically, '[w]eapons should be stored securely on site. Storage containers should be covered with a steel sheet with a thickness of more than 2 mm and have at least two deadbolt locks. Windows should be covered with steel mesh, permanently fixed in the wall bars, made from steel rods with a diameter of at least 12 mm or flat steel of at least 8 mm x 30 mm; spac-

ing between the bars of the grid should not exceed 120 mm x 120 mm, 80 mm horizontally and 240 mm vertically. The site must be equipped with a controlled burglar alarm. Arms and ammunition, which are not used for the tasks of protection, should be stored in steel cabinets in a warehouse; Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 21 października 2011 r. w sprawie zasad uzbrojenia specjalistycznych uzbrojonych formacji ochronnych i warunków przechowywania oraz ewidencjonowania broni i amunicji (Dz.U. 2011 nr 245 poz. 1462). See Ministry of the Interior and Administration Executive Regulation on the Storage and Registration of Firearms used by Security Companies, 21 October 2011, available via <<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20051451221>>.

- 25 Łoś and Zybertowicz (2000), p.20.
- 26 Confederation of European Security Services (2011), *Private Security Services in Europe*, Wommel, Belgium: CoESS General Secretariat, p.90.
- 27 Łoś (2005), paras. 53, 58–59
- 28 The relevant statute was not adopted until 2001. Here, again the pattern of supervision by regional police chiefs and the Minister of the Interior and Administrations was duplicated.
- 29 Łoś (2005), para 33. The practice is also known as “bidding back”; see Chesterman (2008), p.1064.
- 30 Chesterman (2008), p. 1057.
- 31 *Ibid*, p.1056.
- 32 Clifford D. Shearing and Philip C. Stenning (eds.) (1987), *Private Policing. Newbury Park, Calif.: Sage Publications*, pp. 13-14.
- 33 Chesterman (2008), p.1068.



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# From Peacekeeping to Peace Enforcement and Back to Peacebuilding Dilemmas

## Is International Security Becoming More Insecure?

*Francis M. Kabosha*

Since its creation in 1945, the UN has steadily increased the ambition and the scale of its peace and security agenda in conflict-affected countries. The development of peacekeeping is seen as a global means to achieve its aspirations of international peace and security. Yet, there are problems with the transition from peacekeeping to peacebuilding as local populations' perceptions of conflicts become an integral part of these interventions. Concerns about the control and protection of processes used to collect local views of peace "spoilers" complicate UN operations. The questions of who gathers local input, from whom it is sourced and how to secure the process against subjective opinions, highlight key obstacles to sustainable post-conflict peacebuilding. This study argues that while it is unlikely United Nations interventions will be effective without turning "local," more work is needed to counter the elasticity of this concept.

*Keywords: United Nations, peacekeeping, peacebuilding, local perceptions*



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### Introduction: The Origins of Peacekeeping

The UN was founded in 1945 with the purpose of maintaining international peace and security, and its Charter authorises the UN Security Council (UNSC) to deploy armed forces to accomplish this mission.

However, UN peacekeeping itself is neither an enforcement action, as outlined in Chapter VII of the Charter, nor the negotiated settlement of a conflict under Chapter VI. Rather, it has been described as ‘an unwritten Chapter six-and-a-half’ that emerged out of ‘political improvisation and legal flexibility.’<sup>1</sup> According to Doyle, peacekeeping refers to military and civilian deployments for the sake of establishing a ‘United Nations presence in the field, [...] with the consent of all parties concerned.’<sup>2</sup> Simply, peacekeeping describes the use of both military and civilian agencies to respond to countries affected by wars and crises. It is, thus, a significant tool at the disposal of the international community at times of human rights violations.

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UN peacekeeping activities developed rapidly through the work of former UN Secretary General Dag Hammarskjöld and former UN General Assembly president Lester Pearson.<sup>3</sup> The genesis lay in the assumption that there was always a need to restore peace on the ground.<sup>4</sup> In general terms, peacekeeping aimed first to contain violence and prevent its escalation into war; second, it was meant to limit the intensity and geographical spread of war once it broke out; and third, it attempted to consolidate ceasefires and create space for reconstruction after the end of a war.<sup>5</sup> Raven-Roberts, for instance, traces a path of progress from the UN’s formation to 1989 when fifteen peacekeeping operations were established.<sup>6</sup> This suggests that all these operations except for the Congo mission of 1960-1964, were based on the consent of the parties to the conflict, the non-use of force except in self-defence and the values of political neutrality and impartiality.<sup>7</sup> As such, they constituted what has been referred to as ‘first-generation peacekeeping’<sup>8</sup> In other words, they were part of a “buffer” model of peacekeeping, with forces standing between belligerents with the goal of deterring active conflict. Here, the focus was on presenting peacekeeping in terms of conflict management or peace enforcement operations. Since then, different forms of peacekeeping have evolved. Early narrow operations which simply patrolled ceasefires have, thus, made way for far more complex and multi-dimensional missions. The latter seek to impose a specific – normally liberal – order in the territory where they are located.<sup>9</sup>

### The Legal Framework for Peacekeeping

There are two legal approaches to understanding peacekeeping: as traditional peacekeeping (Chapter VI missions) and as peace enforcement operations (Chapter VII missions). Bellamy defines traditional peace-

keeping operations as attempts to create a space for the political settlement of disputes between states.<sup>10</sup> These missions were authorised under Chapter VI of the UN Charter and involved the monitoring of ceasefires on a consensual basis where monitors were either unarmed or, if armed, restricted to working within the terms of a specific mandate with the use of force only permitted in self-defence. The action was sanctioned based on the neutral position of interveners and the consent of the parties to the dispute. Traditional peacekeeping was, thus, usually characterised by the high level of consent among conflicting parties and by interveners who adhered to impartiality; its purpose was to enable the discussion of peaceful resolutions to disputes. An impartial “third party” was deployed only after the conflict had become violent and protracted. Notably, this framework did not give peacekeeping operations any functional role in terms of conflict resolution, improving communicative dialogue, building trust or encouraging social, political and economic regeneration in affected communities. Rather, it was a relatively narrow undertaking that sought to contain conflict rather than eradicate it.

As the world moved towards the end of bipolar military rivalries, an alternative to traditional peacekeeping was developed to respond to new security threats emanating from the changing international political system. Brutal civil wars that engulfed Balkan and African nations in violence created opportunities for the expansion of peacekeeping engagements in scope and coverage. This alternative, referred to as “peace enforcement,” was trialled in the 1990s in Somalia after an earlier attempt by the UN mission in the Congo in the 1960s.<sup>11</sup> The new approach was meant to strengthen UN peacekeeping operations in order to guarantee international order and justice.<sup>12</sup> In contrast to traditional peacekeeping, peace enforcement was an operation that aimed to impose the will of the UNSC through direct military action.<sup>13</sup> It was done with only a low level of consent and questionable impartiality.

We can see, thus, that a multitude of security threats compelled policymakers and UN officials to redefine the doctrine of peacekeeping as peace enforcement under Chapter VII of the UN Charter.<sup>14</sup> Emerging civil wars, in particular, created the momentum to rethink and restructure peacekeeping operations.<sup>15</sup> The term “peacekeeping” itself gained greater prominence in the 1990s as the world realised that matters once cordoned off from UN intervention such as civil wars and human-

itarian crises within sovereign states, had become legitimate concerns for the UN and the international community at large.

The 1992 'agenda for peace' put forward by then UN secretary-general Boutros-Boutros-Ghali, was a turning point in the history of peacekeeping. This unprecedented level of UN involvement in conflict situations brought about exponential growth in peacekeeping operations. This growth was accompanied by fundamental changes in the character, role and constituencies of these missions. As a result, the single-mandate operations associated with traditional (first-generation) peacekeeping evolved into a multitude of tasks and actors, taking on a multilateral, multidimensional and multicultural character. Additional troops came largely from nations in Asia and Africa.

Seen from this perspective, the 1990s marked the commencement of second-generation peacekeeping, conducted with a broader mission in mind. The number of peacekeeping missions surged to thirty-five between 1989 and 2001, with a total of 47,575 people deployed in peacekeeping operations.<sup>16</sup> This new world order altered the traditional legal and political landscape as international human rights mechanisms started to override domestic sovereignty. Here, the perception of human rights as a Western concept was outweighed by respect for people's rights as a global principle of good governance. At the same time, the outcomes of these missions were mixed. While operations in Cambodia, Namibia, Mozambique, Guatemala and El Salvador were success stories, those in Angola, Somalia, Bosnia and Rwanda exposed the pitfalls of responding to these conflicts. Sanctioned to ensure respect for peace agreements, these interventions saw the intervening force become a party to the conflict as it enforced a military outcome.<sup>17</sup> Peace enforcement represented a drastic departure from traditional peacekeeping; it was an approach operating in wholly different circumstances and with radically different aims.

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### The Reform of Peacekeeping

Periods of UN reform were linked to the transforming of traditional peacekeeping and peace enforcement operations into multi-dimensional operations. Such reforms aimed to ensure stable conditions by way of diplomacy, mediation and negotiations in place of quasi-military force.<sup>18</sup> These measures followed the UN reform agenda (the 1997

'Programme for Reform') that would become an institutional blueprint three years later with the release of the *Report of the Panel on United Nations Peace Operations* (the Brahimi report).<sup>19</sup> Based on the latter's recommendations, the United Nations secretary-general (UNSG) tasked its special representative (SRSG) with providing political guidance to the UN resident/humanitarian coordinators. This initiative aimed to develop more coordinated and cohesive UN field operations.<sup>20</sup> Though it encouraged institutional diversity and overlapping functions, it also complicated the coordination of UN agencies.<sup>21</sup>

At mission level, integration reforms included increasing the authority and responsibilities of the SRSG (as head of multi-dimensional UN peacekeeping operations) and "multi-hatting" the deputy SRSG/resident coordinator/humanitarian coordinator so that he or she also took on the role of nominal head of the UN country team (UNCT).<sup>22</sup> The changes focused additionally on re-organisation, intra-agency lines of authority and relations with other actors.<sup>23</sup> Under the new organisational structure, the SRSG was responsible for the mission as a whole, including its political, military and humanitarian responses. While the SRSG led the UN mission, coordination of the UNCT and the Department of Peacekeeping Operations (DPKO) was primarily managed by the deputy SRSG in charge of humanitarian affairs.<sup>24</sup> The structure of each mission was to be drawn up based on local requirements:

An Integrated Mission is one in which structure is derived from an in-depth understanding of the specific country-setting [ . . . ] form (mission structure) should follow function and be tailored to the specific characteristics of each country setting.

A 2005 report on the performance of reform programmes also strongly indicated that the key points in the debate were integration, coordination and coherence. This meant taking a holistic approach to understanding and dealing with the coordination of activities, with no single agency or set of agencies being seen to have the full answer or capacity within its means.<sup>25</sup> The military was, thus, to remain in a support capacity; its role was to guarantee and maintain a secure environment in which civilian components could conduct their work.<sup>26</sup> Emerging out of the post-Cold War environment, these "multidimensional" operations sought not just to halt conflicts temporarily but actually to end them, moving from simple peacekeeping to peacebuilding.<sup>27</sup> This view is supported by Fetherston, who argues that the practice of peacekeep-

ing was to be based on a theoretical framework that highlighted both the means available to peacekeepers and the desired ends.<sup>28</sup> This could serve, she notes, to train peacekeepers better in the art of conflict resolution. This was a cosmopolitan approach in a landscape of global governance, and it might be called the third-generation of peacekeeping. On the other hand, Rubinstein cautions against viewing these new forms as entirely superseding earlier ones, suggesting that they might better be conceived as different styles of operation.<sup>29</sup> The migration from a buffer-type to an all-encompassing peacekeeping would, then, reflect the view that peace-keeping was important, but only one early step in an overall effort. Thus, as the UN has continued to reform its global mandate, the engagement for peace has come to include the achievement of democracy, post-conflict rehabilitation, justice and civilian protection.<sup>30</sup>

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When put in a single basket, all three generations of peacekeeping may be better understood as “peace support operations.” Borrowing from Bellamy’s definition, peace support operations are processes that support the establishment of liberal democracy in formerly war-torn societies. They are multifaceted, with significant numbers of both military and civilian components being built around broad and flexible understandings of consent, impartiality and the minimal use of force.<sup>31</sup> Peace support operations are carried out with the aim of reaching a resolution through the reconciliation and transformation of the issues among competing parties rather than forced termination of the conflict. These operations are designed primarily to create or sustain conditions where political and diplomatic efforts may prevail. Concepts of military strength or defeat are less central to peace support operations since military components should in many instances complement diplomatic, economic, development and humanitarian efforts, all revolving around the overarching political objectives. These efforts enhance the whole state-building package with the goal of developing and exporting frameworks of good governance.<sup>32</sup> As a 2010 secretary-general’s report to the Special Committee on Peacekeeping Operations put it, an integrated approach to early peacebuilding can be successful if every actor is clear about their contribution, capable of delivering it and works in cooperation with partners.<sup>33</sup> These approaches have increasingly been accepted as the central measures through which the problems of weak or failing states can be addressed.<sup>34</sup> These moves are considerably more ambitious since they actually seek to resolve violent

conflicts by putting tools in place to prevent their recurrence. This is done through a deeper engagement with the social, cultural, economic and political dictates of affected populations. Peace support operations should then be viewed as a form of conflict resolution mechanism; it is, thus, held that the timing and techniques employed by peacekeepers could be made more effective if tied to a general post-conflict reconstruction strategy.

### The Peacekeeping and Peacebuilding Context

Concepts such as peacekeeping and peacebuilding have become part of the global vocabulary with which “failed states” are socially re-engineered. At the same time, these terms continue to stand behind mission mandates.<sup>35</sup> They are rolled out in a context of “new” wars whose characteristics again seem to be changing, producing a common narrative about the new contours of global peace and security; armed violence is the direct product of these new patterns. Banfield notes that ‘an observer of conflict trends attempting to capture “20th century conflict” in 1914 would surely have missed a number of unpredictable developments.’<sup>36</sup> Simply, our understanding of peacekeeping and the value it adds to peacebuilding is unequal to the problems against which that understanding is framed. One notable limitation of the goals of peacekeeping missions is their weak link to the factors that underpin contemporary conflicts. This gloomy picture of peacekeeping means its success must be measured in terms of the amount of “negative peace” maintained by operations. To date, multi-dimensional operations have wrestled with strategies to engage with the real constraints of conflict situations. The world audience is still grappling with how to understand the nature of the peace constructed through UN peace operations. Richmond observes that a liberal concept of peace is the main product of such operations; this is constructed within the framework of the liberal international order, consisting, he claims, of an international community made up of democratic states.<sup>37</sup> In a related vein, Pugh contends that the peacekeeping concept is based on a problem-solving model that seeks initially to stabilise the existing order and then tries to enhance it within the liberal international community.<sup>38</sup>

The UN has undertaken tremendous reforms with the aim of smoothing the ground for operations, distinguishing the use of mil-



itary force and traditional peacekeeping by reference to coordination mechanisms, rules of engagement and mandates. All these efforts highlight the UN's push to resolve as opposed to just managing conflicts. "Positive peace" should be attained through modern multi-dimensional peace operations; this contrasts with the negative peace supported by more traditional peacekeeping. Since the word "peace" has meaning according to how it is used by an affected population, it may be refined with external support, but a deeper engagement with local dictates remains essential. This is also a sure way to transfer capacity to the local institutions that will ultimately contribute immensely to remaking the international order. In this regard, the civil wars which the world community experienced in the early 1990s could not be healed through peacekeeping measures alone.<sup>39</sup> Instead, the international armed forces involved in these interventions had to change how they conducted missions in conflict situations to encompass the wide range of tasks that fell under the rubric of peace operations.<sup>40</sup> Shifting the focus of efforts, training and resources to local contexts is, then, vital if we are to improve the prospects of peacekeeping becoming transformative peacebuilding. This shift makes the complex relationships among the "international," "national" and "local" levels more meaningful and workable. In its absence, the global body struggles to build lasting peace in a world of uncertainty and conflict. The liberal peace model has, thus, come under sustained pressure and criticism due to its perceived failure in practice.<sup>41</sup>

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Understanding local realities as the tools for programme design is very crucial for the success of UN missions. Local perceptions dismantle what Galtung has explained as peacekeeping's tendency to focus on direct rather than structural sources of violence.<sup>42</sup> While it is appreciated that peacebuilding is not the core task of either military or civilian actors alone, there is general agreement that both these entities affect the dynamics of any conflict where they are deployed. Lederach's peacebuilding framework offers us a space in which to analyse these crucial issues and a way to develop best practices that could have a transformative impact.<sup>43</sup> According to this framework, peacekeeping should be divided into the peacebuilding issues of local submission, local co-option and establishing a platform to unlock the multiple and often hidden forms of resistance. This is the way to expose the acceptance, domination and resistance that create tension between international and local peacebuilding interlocutors. In this regard,

peacekeepers' goal of establishing safety and stability in war zones remains as vital as it was many decades ago. However, it is an approach that is insensitive to local cultures; in other words, it is not rooted in the cultures, traditions and prevailing customs of the societies where interventions happen.<sup>44</sup>

In contrast, peacebuilding seeks to create the conditions for positive peace in the community at large by addressing and transforming the underlying circumstances that led to (or may again trigger) conflict. It is a process in which the players drive through a bottom-up intervention based on conflict prevention, multi-track diplomacy and the creation of "local capacities for peace." This complements top-down state-building that seeks to stabilise the situation by attaining reasonable levels of security and institutionalisation before proceeding with liberalisation.<sup>45</sup> The liberal approach is, then, a broad picture that can accommodate a wide range of political and economic structures as well as diverse methods for engaging with the inhabitants of societies at war. This also explains the lack of any realistic alternative to the liberal peacebuilding strategy. Barnett, for instance, proposes the use of approaches that enhance individual freedom and government liability as a way of achieving sustainable peace in post-conflict societies.<sup>46</sup> However, such moves can only be sustained through engaged relations with local people. Arguably, without local participation in reconstruction projects, external efforts tend to misdirect the process. Mission success therefore depends on three main variables – *consent, impartiality and force* – which are constantly under tension in a conflict atmosphere. They are not constant and may singularly or collectively shift during the course of an operation in line with the ever-changing conflict dynamics on the ground.

In this regard, peace is understood to germinate in the reconstruction and transformative processes which lead to democratic states.<sup>47</sup> At the same time, from a conflict resolution point of view, the goal remains to end violent conflict and prevent its recurrence. In the past, the legitimate use of international force on humanitarian grounds, has occasionally paved the way for other reconstruction activities to take hold. But these practices have preceded any clear understanding of how international engagement can be maintained and coordinated most effectively.<sup>48</sup> The underlying assumption behind such interventions is that they provide the ultimate resolution to a conflict and will

inevitably trigger a sustainable peace process. Human rights protection, humanitarian assistance and development projects have, thus, all been viewed as grounds for peace zones. They are placed under a single banner as matters that provide “solid avenues” for legitimate intervention. Alongside these policy and operational shifts, peacebuilding tasks have been sub-contracted to a spectrum of other actors and, thus, are no longer the sole domain of the UN. As Richmond observes, there has been unprecedented acceleration in the privatisation of peace as well as the sub-contracting of peace activities to private actors.<sup>49</sup>

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Supported by the UN Charter, several initiatives including the secretary-general's 1992 report *Agenda for Peace*, have sought to improve the process of exporting peace to war-torn societies. These steps have either ambitiously introduced or attempted to strengthen early warning systems along with peace-making, preventive diplomacy, peacekeeping and peace enforcement programmes, all as a means to get at the causes of social injustice. Operationally, this has entailed carrying out the disarmament, demobilisation and reintegration (DDR) of ex-combatants, facilitating the return of refugees and internally displaced persons (IDPs), monitoring elections, reviving the economic sphere for job creation, establishing functioning governments and the rule of law, facilitating reconciliation for social reintegration and promoting inclusive political participation. According to Chandler, the key lies in ensuring a level of ‘domestic sovereignty’ that would allow states to adequately tackle the factors that brew violence.<sup>50</sup> This is because certain democratic principles are considered integral for the creation of long-term sustainable conditions for peace.<sup>51</sup> Paris endorses proxy governance as one way to assist conflict zones.<sup>52</sup> Nevertheless, the recipients’ experience, culture, identity and geopolitical locations remain vital ingredients in post-conflict peacebuilding. This demands that UN interventions be plotted and rolled out from inside conflict situations despite the challenges of fusing local perspectives with the global agenda. Peacebuilding is a responsibility that demands multiple actions from an array of actors across a society.<sup>53</sup> A lack of human security means there are inadequate conditions to foster peaceful relations especially when violence does not cease with the end of general hostilities, but continues during peace time as well.<sup>54</sup>

At the same time, the world community still requires clarification about who constitute “locals.” This is particularly relevant in eth-

nic and transnational civil wars that produce many IDP and refugee camps, which are sometimes secretly used as sites for revolutionary acts. These scenarios make it more difficult for the United Nations to arrange for the cooperation of local actors, thereby leaving governance functions in the hands of external players. Groups such as rebel factions, secessionists and guerrillas, thus, become opportunists in these wars where violence and crime interact. In the contemporary world, conflict is explained as deriving from the violence inherent in political, economic, cultural and geopolitical structures.<sup>55</sup> In this regard, peace may be understood to halt human rights violations by ending violent conflicts.<sup>56</sup> Conflict resolution initiatives need then to be seen within what Demmers calls their ‘ontological boxes.’<sup>57</sup> According to Durkheim, these interventions in societies should focus on what holds them together—the structures of social rules that function to bring order and social equilibrium (back) to society.<sup>58</sup> This classic Durkheimian idea views societies as entities that exist in a continuous struggle between forces of integration and those of disintegration.<sup>59</sup> Any intervention should be based on a clear understanding that societies control individuals through their participation in shared perceptions. The totality of beliefs and sentiments common among average citizens in a society forms a system with a life of its own; we may call this the collective or common conscience.<sup>60</sup> In this respect, conflicts weaken the controls and attachments (perceptions) which sustain these shared ways of life and which remains a unifying factor among people in common spaces. Local perceptions of restorative action can return stability to a society while a new or renewed commitment to a shared future is developing. Lederach’s framework for reconciliation and his “elicitive” approach achieve an important advance in thinking about interventions. He argues that peacebuilding techniques should be developed from—and thereby embedded in—the localities where they are employed. This brings a needed perspective to analyses of the interconnected structures of a particular society, the nature of violent conflicts and liberal interventionist approaches. Lederach carefully distinguishes this framework from that of conflict management by calling for a shift away from the focus on issues to one on rebuilding relationships. Manifest signs of violent conflicts may to some extent be easier to deal with than latent ones. This is largely because such visible conflicts cause physical hurt which ultimately overshadows other underlying

factors in the conflict. Nevertheless, Demmers has argued that underlying these 'acts of physical hurt' are other forms of violence which he divides into structural/systemic and cultural/symbolic conflicts.<sup>61</sup> The long-term goal of this work is the sustainable transformation of societies. Here, Lederach proposes that the response to a violent and protracted conflict requires action beyond the traditional international relations methodology of conflict management. He suggests analysing the conflict as a social system which is 'peopled'; this means focusing on the relationships within that system. From this perspective, reconciliation is understood as work on relationships that may be trapped within deep-seated hatred, prejudice, racism and xenophobia. Given these primary factors and motivators of conflict, relational transformation must be rooted in the psycho-social and spiritual dimensions of society that traditionally have been seen as either irrelevant or outside the competency of international diplomacy.<sup>62</sup>

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However, such processes call for adequate time and the existence of relatively free hands, two resources which unfortunately are not available.<sup>63</sup> In many instances, inequalities are embedded in the social structure. Modern conflicts are multi-causal in nature; the outcome of the interplay between the actors and structures that incubate these waves of violence, mobilised through ethnic, religious or other group identities. The human needs theory put forward by Azar and Gurr can perhaps summarise for us what detonates collective violence. Azar argues that new wars are protracted social conflicts that revolve around communal identities. Communities pursue protracted violent struggles for basic needs such as security, recognition and acceptance, fair access to political institutions and economic participation.<sup>64</sup> While this theory emphasises *needs deprivation*, it does not support the compartmentalising of conflict causes. In fact, Azar cautions against labelling conflicts as internal, international, religious, ethnic etc, because numerous cases do not fit into these categories. The compartmentalisation of a conflict, he notes, robs peacebuilding actors of the opportunity to adequately understand its causes. This allows social, economic and political ills to be reproduced through this form of intervention. An organic analysis of a conflict is also dangerous, he argues, since it imposes our understanding of the conflict on the blank slate of its genesis, maturity, reduction and termination.<sup>65</sup> As such, the termination of the conflict is equated unreflectively with a state of peace. This may either overstate

the power of conflict resolution techniques or somewhat underestimate the serious factors behind collective acts of civil disobedience. In his project 'Minorities at Risk,' Gurr highlights four interrelated input variables that drive groups to engage in violent acts: ethno-cultural identities, collective incentives for political action, group capacities for collective action and opportunities for group political actions.<sup>66</sup> This is the case because group members usually represent their disadvantages and seek redress not just with self-interest in mind, but expressing passion, self-righteousness and solidarity with their kin. By implication, *human needs theory* overrides state security and calls for conceptual and methodological frameworks for non-state actors including civil society organisations. This is a reminder of needs theory's finding that the repression and deprivation of needs coupled with structural factors, are root causes of protracted conflicts.

In his 2001 report to the UN Security Council on exit strategies for peacekeeping operations, the then secretary-general Kofi Annan wrote that

domestic peace ... becomes sustainable, not when all conflicts are removed from society, but when the natural conflicts of society can be resolved peacefully through the exercise of State sovereignty and, generally, participatory governance. In many cases, an effective strategy for realising that objective is to help warring parties to move their political and economic struggles from the battlefield and into an institutional framework where a peaceful settlement process can be engaged and future disputes can be addressed in a similar fashion. To facilitate such a transition, a mission's mandate should include peace-building and incorporate such elements as institution-building and the promotion of good governance and the rule of law, by assisting the parties to develop legitimate and broad-based institutions.

At the same time, Annan's *No Exit without Strategy* report identified three key objectives whose fulfilment 'often' results in successful peacebuilding: the consolidating of internal and external security; the strengthening of political institutions and good governance; and the promotion of economic and social rehabilitation and transformation.<sup>67</sup>

From the report's wording, it is clear that the UN secretary-general recognised the difficulties of reconstructing a society from the drawing board as it emerges from a past of human rights violations. UN mis-

sions have sometimes notched up successes, achieving clear political milestones such as peace agreements, elections or functioning governments as they seek to jump-start countries into sustainable peace and full recovery. However, caution should be taken when trying to measure world successes in a more objective manner. For instance, the UN supported the 1992 elections in Angola, but this did not end that country's crisis. In fact, it only set off serious waves of violence after Jonas Savimbi rejected the outcome of the elections. This is to argue that the signing of a peace agreement may merely set the stage for the unlocking of peacebuilding innovations that could add value to the overall post-conflict reconstruction effort. The success of those innovations may be traced in the enhanced security of ordinary people and the statistical reduction of deaths from violence, hunger and disease. These results are also shown in the robust and inclusive buy-in of affected populations in peacekeeping or peacebuilding operations.

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### **Peacebuilding Dilemmas and a Terminological Standoff**

While peacebuilding emerged to address the shortcomings of peacekeeping work, the same dilemmas adhere persistently at the current crossroads between peacekeeping and peacebuilding practices. In some cases, the United Nations is challenged by its inadequate understanding of contexts that themselves breed misunderstandings about UN operations; this, in turn, reduces the levels of legitimacy and consent given to the global body. Pragmatic “peacebuilding from below” is a needed tool for cultivating cultures of peace in areas of armed conflict. There are also new appeals to “local ownership” in the peace discourse that signal a constructive engagement with the grassroots. These existing intervention frameworks have the potential to assist states, but there is less understanding of how they can be developed and implemented.<sup>68</sup> Here it may be worth recalling Boulding's insight that cultures of peace can survive in small pockets and spaces even in the most violent of conflicts.<sup>69</sup> Their existence is related to the ways that local people regard situations, events and dynamics relevant to the conflict, the peace process and the peacekeeping mission's mandate. This includes local opinions, concerns, aspirations and priorities.<sup>70</sup>

For all the terminological innovations, there has not been simultaneous clarity about how these terms converge and circulate in the

conflict resolution field. The identity of “locals” is especially unclear since other (non-“local”) actors in the security environment of a warring country are usually non-existent in the reconstruction agenda. Examples include people living in the diaspora, immigrants, guerrilla fighters and other actors who shape the security environment based on hidden vested or illicit interests. Critically, peace actors also fail to appreciate how “internationalised” (local, non-state) actors shift dynamically across social, cultural, economic and political structures. Ricigliano argues that changing terminology is not helpful unless it reflects a deeper change in how we think, how we act and the results we achieve on the ground.<sup>71</sup> Smith also points out that dilemmas have arisen elsewhere from over-descriptive mandates and the roles accorded to UN peace support operations.<sup>72</sup> Some of these goals, he notes, are ironically contradictory, which may lead to the implementation of incoherent strategies in the field. In the Democratic Republic of the Congo (DRC), for example, the UN’s mandate to protect civilians was contradicted by an additional mandate to work closely with and support the DRC government and its armed forces— often the perpetrators of violence against civilians.

Peacebuilding is not just about identifying and supporting social and civic structures that may prevent a relapse into violence. It goes beyond that simple definition by understanding the importance of identification and support when gathering local people’s perceptions. The UN confirms that current practices rely heavily on its staff and standard mission interlocutors such as civil society representatives to capture local perceptions.<sup>73</sup> Potential “spoilers” such as economic actors, armed groups and youth are rarely engaged in these efforts. As such, the fluid factors that drive societies into violence continue to evade current practices, having not been properly applied or understood.<sup>74</sup> The question remains how operational activities can effectively build local capacity to deal with internal disputes amicably. Re-establishing state institutions that cannot handle problems related to the accurate perceptions of particular conflicts and their resolution, is a sign of a flawed process. In fact, it points to a negative relationship between ordinary citizens and government institutions. Harnessing and strengthening formal and informal mechanisms to mediate and negotiate grievances are essential if we are to ensure resilient state-society and relations and prevent future conflict.<sup>75</sup>



It is local perceptions that are the interface between international support and other realities on the ground. A process of change is healthy if the means of change do not cause harm; ideally, they should also improve groups' ability to effect more change in the fact.<sup>76</sup> Here, the emancipatory approach is generally seen as an avenue for achieving sustainable peacebuilding: Duffield refers to this approach as one that enhances solidarity among the governed<sup>77</sup> while Pugh sees it as a process involving greater participation by local actors.<sup>78</sup> Such an approach is crucial for the championing of the bottom-up policies that are needed to empower individuals in affected populations and free them from the prescriptions of external actors.<sup>79</sup> These policies can respond to the fluid nature of contemporary wars that are characterised by such highly complex causes and resolutions. As Sir Emyr Jones Parry, (former UK permanent representative to the UN observes), 'there is no regular sequence in how conflicts end, peace is re-established and stability ensues.'<sup>80</sup> Fostering a sense of ownership is a practical way to tie a partnership in agenda-setting to a broader and deeper understanding of the conflict. "Perceptionist" thinking allows for a more refined understanding of how new wars emerge from multiple embedded conflicts, which are at once undergoing various stages of escalation and de-escalation.

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In parallel with the state-centred approach, the emancipatory agenda calls for the furthering of a human security standpoint which stresses the value of individuals, groups and communities for sustainable security.<sup>81</sup> In this regard, the UN has learnt from its experiences in Somalia that peace cannot be forced on a society; it has to be won over time. Any gaps between international expectations and local perceptions, expectations and capacities must be recognised and addressed. This is important because these local positions not only create a historical understanding of the conflict, but highlight the present context and realign societal hope and vision before any peacebuilding strategies are implemented. Local partnerships, participation, ownership and wisdom are all to be emphasised. As Muggah (and others) have noted, localised customary structures are often perceived as more effective and legitimate than state institutions.<sup>82</sup>

In this respect, internationally supported peacebuilding has undergone a local turn, with the buy-in of local people being regarded as an essential ingredient for sustainable and effective peace. Identifying

how a conflict is regulated, organised and executed gives us distinct pathways to understand how, when and to what end support for these informal nodes of authority may contribute to peacebuilding at a conflict's end.<sup>83</sup> Positive change can be achieved by supporting locally led approaches to peacebuilding in specific conflict situations as a global goal while also ensuring that these interventions remain true to core principles.<sup>84</sup> Persuading stakeholders to work collaboratively requires signalling a real break with the past and developing mechanisms to lock in these changes and show that they will not be reversed.<sup>85</sup>

In the peacebuilding context, the local is equated with authenticity, acceptance and the conferring of legitimacy on a process. Indeed, the term "local" could be seen as a signifier of many of the encompassing positive norms of the UN such as honesty, impartiality, community solidarity and sustainability. It is a word that allows the UN to highlight its neutrality in a conflict in the face of large-scale operations. It follows that the UN has the opportunity to define, characterise, sustain and neutralise its operations vis-à-vis local tensions. Since "local" is used instrumentally and has meaning attached to it, the United Nations' dilemma is how to implement its operations in line with localism; this refers not to any rigid or geographical fact but to the elasticity of what defines the "local" population. Once the elasticity in the definition and its application are contextualised properly, the prospects of using the term accurately in relation to peacebuilding and conflict resolution are promising.

Unfortunately, international peacebuilding imposes a series of imaginaries on war-torn societies as a means of interpreting them. By its nature, peacebuilding is an elastic concept which can be defined broadly or narrowly, and there is no universal agreement about its precise parameters. Nevertheless, Boutros-Ghali has defined peacebuilding as 'action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict.'<sup>86</sup> This means that the UN cannot create the conditions for its own success but must foster those already existing in the areas of its intervention. Simplistic narratives about the "local," however, reveal the tendency of international peace builders to objectify people and spaces as a method of reducing target populations. People are neatly categorised as "victims," "perpetrators," "refugees," "IDPs" etc. while their spaces are also reduced to the predetermined categories of "safe,"

“war-torn,” “green zone,” “red zone,” “refugee/IDP camps,” “rebel-held territory,” etc. Approaching people and places as “local,” thus, runs the risk of turning communities into immobile objects in a globalised context, so that they lack the agency for an inclusive recovery process. This approach may also exaggerate the purity of local realities, thereby blurring entry points for external leverage in sustainable post-conflict reconstruction.

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Despite these conceptual ambiguities, peacebuilding is unlikely to be sustainable in research or practice without a turn to local terminology. The local may be the antidote to the perceived shortcomings of the elite-coined, top-down model used to design and implement UN intervention programmes. It may be inferred that UN success depends in part on peace builders’ abilities to read the local politics of a particular conflict and recognise where and when the necessary conditions for peacebuilding obtain or can be fostered and where and when they do not exist.<sup>87</sup> The concept of local ownership has, thus, established itself as one of the key principles of UN operations. The localisation of an intervention – or to put it more simply, the creating of the “local” – should ostensibly be democratic and in line with human rights protection, the rule of law, justice and economic development.<sup>88</sup>

## Conclusion

As shown, the development of peacekeeping remains one of the United Nations’ major tools in war zones. It is as stage-setter for other peacebuilding activities that now face numerous methodological challenges as well as a standoff over terminology. The UN’s efforts to engage sustainably with populations at sites of intervention are weakened by highly subjective assumptions that distort both the meaning and effectiveness of the local/non-local distinction. These societies are considered to be dormant, ill-resourced, incapable or inexperienced while outsiders are capable, resourceful and experienced. These are the views that shape the perspectives attached to conflicts and the opportunities for their resolution. It is only through a clear understanding of local perceptions about conflicts that interveners’ imaginary narratives about locals will be checked and protected against.

By using a bottom-up approach to engage with conflict-affected populations, the United Nations reinforces its interventionist regime

in conflict zones. The perceptionist model can therefore be deployed as a framework to counter asymmetrical relationships and develop a more balanced partnership between “insiders” and “outsiders” in international peacebuilding activities. Currently, the local ownership concept calls for a complete reorientation towards approaches that put high value on both home-grown solutions and locally driven partnerships.<sup>89</sup> At the same time, the concept legitimises the entire UN interventionist system. In this sense, rather than being remote and peripheral, the local should be seen as central to modern UN multi-dimensional peace reconstruction systems in destroyed states. The relations that produce sustainable reconstructions of peace are embedded in the binary symmetrical attachments of local and non-local actors. This holds true because conflicts emanate from the “indigenised” social structures that fragment societies. As such, the “indigenisation” of peacebuilding measures so that they are rooted within these societies is the right way forward. The success of peacekeeping depends on the existence of clear systems for checking and protecting the processes of collecting local observations, as well as systems for probing information sources. This implies not only broadening local participation, but also legitimising the local ownership of the peace process.



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Please note that the views, omissions and any factual errors contained in this study should be attributed to the author and in no way reflect the positions of his current or former employers.

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# Libya, Resolution 1973 and the Responsibility to Protect

*Erfaun Norooz*

This article sheds light on the intervention in Libya through the lens of the Responsibility to Protect (R2P). This, together with the deployment of Just War theory, will help explain some of the nuances surrounding the legitimacy of the Libyan intervention in 2011. The work is based on providing a suitable context for the rise of an effective opposition in Libya and the brutality of the Gaddafi regime in its bid to quell the unrest. After this is complete, an evaluation of the R2P is undertaken – together with elements of Just War Theory (JWT).

*Keywords Arab Spring, Libya, Gaddafi, Responsibility to Protect, United Nations Security Council, Resolution 1973, Just War Theory*

## Introduction: The Context behind UNSC Resolution 1973

The Arab Spring protests which commenced in Tunisia (2010), spread to Egypt (2010/1) and ultimately erupted in Libya (15 February 2011) have produced wide-scale impacts on the North African sub-region of the Middle East. Whether referring to the coup and counter-coup in Egypt, the recent spate of terrorist activities in Tunisia or Libya's propulsion into *Daesh's* clutches, it is clear that strong socio-political forces are converging to reshape those Arab Spring states. This work focuses on Libya since it is the only of the North African states to have experienced a direct foreign military intervention (re: NATO) in reaction to mounting street violence. The main point of this work is to demonstrate that the manner in which UNSC Resolution 1973 was implemented and what it sought to achieve have done more to challenge both the very principle of the R2P approach and the essence of Libya's political and social harmony.



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### *Backgrounder*

Libya's uprising began peacefully – as a reform movement – and only later turned violent in response to the Gaddafi regime, which began a campaign of violence against members of Libya's civil society.<sup>1</sup> As a result of the harsh crackdown, alienation and disillusionment rippled through Libya's armed forces and prodded many officers – senior and junior – to defect to the (now) pseudo-militia opposition and support the establishment of the country's *Interim Transitional National Council*. The initial uprising rapidly escalated into a full-fledged civil war which brought disparate tribal units together for the singular objective of ousting Gaddafi. But Gaddafi was unfazed and promptly declared war on the opposition and ordered the general call up and deployment of his special forces to the areas around Benghazi. By March (2011), Gaddafi's counter-offensive had gathered steam and regime loyalists were back in control of much of Libya. It seemed likely that the opposition would be overwhelmed, and subdued, in Benghazi.<sup>2</sup> Belamy and Williams (2011) indicate the threats to human rights made by Gaddafi against the opposition when noting that

In words that bore direct echoes of the 1994 Rwanda genocide, Qadhafi told the world that 'officers have been deployed in all tribes and regions so that they can purify all decision from these cockroaches and Libyan who takes arm against Libya will be executed.'<sup>3</sup>

The unfolding drama in Libya attracted an assortment of regional and sub-regional organisations – together with the UN – to unanimously condemn the regime's violations of human rights and established the grounds for a future intervention.<sup>4</sup> For instance, on 22 February 2011, the UN High Commission for Human Rights called on the authorities to stop using violence against demonstrators, which may amount to crimes against humanity.<sup>5</sup> On 22 February, UN officials announced that the situation in Libya is a concrete case of R2P. Ban Ki-Moon's Special Adviser on the Prevention of Genocide said that the 'regime's behaviour could amount to crimes against humanity and insisted that it comply with its 2005 commitment to R2P.'<sup>6</sup> The EU also condemned the violations of human rights in Libya via Catherine Ashton.<sup>7</sup> Moreover, the League of Arab States (LAS),<sup>8</sup> the Organisation of Islamic Countries (OIC),<sup>9</sup> and the Peace and Security Council of the African Union (AU),<sup>10</sup> vehemently condemned the brutal crackdown

on the opposition. There was truly an international consensus on 1. recognising the Gaddafi regime's brutal suppression of the demonstrations-cum-insurgency, 2. the urgency of acting to prevent further bloodshed, and 3. the applicability of the UN's R2P. This consensus was bolstered by the tidal-waves of evidence of gross human rights violations being circulated by media outlets.

In response to the spiralling cases of documented atrocities, the global community charged the Gaddafi regime with crimes against humanity. The UNSC adopted Resolution S-15/1 and asked (25 February 2011) the Libyan regime 'to meet its responsibility to protect its population and immediately put an end to all human right violations.'<sup>11</sup> The Human Rights Council opened a Special Session on 'the situation of human rights in the Libyan Arab Jamahiriya' and passed a resolution that asked the Libyan officials to halt the further bloodshed.<sup>12</sup> As the violence escalated, the UNSC unanimously passed Resolution 1970 and expressed deep concern about the situation in Libya and considers that 'the widespread and systematic attacks...against civilian population may amount to crimes against humanity.'<sup>13</sup>

The resolution affirmed Libya's responsibility to protect its population and imposed an arms embargo and targeted sanctions on the Libyan administration and the Gaddafi family.<sup>14</sup> The UNSC also referred the situation in Libya to the International Criminal Court (ICC) to convey a strong message to Gaddafi with the hope of deterring further aggression against Libya's civilian population.<sup>15</sup> Consequently, the ICC established a *prima-facie* case that the Gaddafi regime was guilty of criminal atrocities.

Unfortunately, the aforementioned responses and diplomatic efforts by the global community did not manage to alter Gaddafi's behaviour. Instead, Gaddafi-loyal forces continued bombarding rebels and the humanitarian situation continued to deteriorate.<sup>16</sup> On 12 March 2011, in an unprecedented move, the Gulf Cooperation Council called for the UNSC to 'take all necessary measures to protect civilians, including enforcing a no-fly zone over Libya.'<sup>17</sup>

Eventually, attempts at a more robust response to Gaddafi were successful and the UNSC followed-up with Resolution 1973.<sup>18</sup> On 17 March 2011 Gaddafi declared that he would stage an attack on Benghazi and threatened the rebels that 'his troops would show no mercy and pity.'<sup>19</sup> The time was ripe for international action.

### UNSC Resolution 1973

Gaddafi's speech acted as a stimulus for the decision of the UK, Lebanon, France and the US to put the (then) floating draft resolution to a vote. The result? Resolution 1973 was adopted with 10 votes in favour and five abstentions by China, Brazil, Germany, Russia and India.<sup>20</sup> The UNSC declared that the situation in Libya 'continues to constitute a threat to international peace and security.'<sup>21</sup> Pursuant to Chapter VII of the UN Charter, the UNSC passed several measures including the authorisation of the members of the UN to explicitly use military force.<sup>22</sup>

Resolution 1973 also contains issues related to the protection of civilians, the creation of a no-fly zone, an asset freeze, the enforcement of the arms embargo and a ban on flights.<sup>23</sup> The most important part of the resolution is that it allowed the UN member States 'to take all necessary measures...to protect civilians and civilian populated areas'<sup>24</sup> of Libya. Initially, the airstrike campaign began on 19 March 2011 and was conducted by a coalition of Western states and supported by Qatar, the UAE and the Arab League more generally. On 24 March, *Operation Unified Protector* (OUP) was launched under the umbrella of NATO.<sup>25</sup> NATO declared that OUP would be limited to the enforcement of Resolution 1973 and would be ended as soon as the Libyan government satisfied the following three demands:

1. End attacks against civilian populated areas,
2. Withdraw, to bases, all military forces
3. Permit unlimited humanitarian access.<sup>26</sup>

Despite these demands and the promise by Gaddafi to fulfil them, it was soon clear that NATO had developed a more comprehensive set of goals regarding Libya. These may have begun as imposing the UN-mandated no-fly zone, but the quickly transformed into a programme of degrading Libya's military capabilities, undermining Gaddafi's ability to govern the country and, ultimately, regime change.<sup>27</sup> In a remarkable joint statement, Barak Obama, David Cameron and Nicolas Sarkozy reaffirmed their commitments to UNSC Resolution 1973 – with its militarily intervention mechanism – while pressing on with the narrative that 'it is possible to imagine a future for Libya with Gaddafi in power.'<sup>28</sup> In other words, NATO was being explicitly tacit.

#### *Resolution 1973 and the Responsibility to Protect*

The authorisation to deploy military force in defence of Libya's citizenry was openly embraced by many in the UN since it provided the

chance to implement the R2P doctrine and give teeth to it as both a concept and a policy; a fact endorsed by a number of scholars that saw in UNSC Resolution 1973 a great success for the R2P principle. At the same time, UN Secretary-General Ban Ki-Moon noted that

Resolution 1973 affirms, clearly and unequivocally, the international community's determination to fulfil its responsibility to protect civilians from violence perpetrated upon them by their own government.<sup>29</sup>

*Libya,  
Resolution  
1973*

There was clearly an air of excitement in both UN and scholarly circles to produce the much envisioned R2P world order in which states would act in a responsible manner towards their citizens or else worry about the material consequences to their regimes. Consider that example of former R2P commissioner and one of the key authors of the R2P concept, Thakur, who was under the impression that UNSC Resolution 1973 was a concrete example of the military implementation of R2P and the intervention in Libya has guaranteed the future of the R2P doctrine. He went so far as to suggest that 'Resolution 1973 marks the first military implementation of the doctrine of Responsibility to Protect....R2P is coming closer to being solidified as an actionable norm.'<sup>30</sup> The UN's 2005 World Summit – where R2P was articulated – was finally being realised, a point underscored by former Australian Foreign Minister (and Co-Chair of the ICISS) Evans who remarked that

The international military intervention (SMH) in Libya is not about bombing for democracy or Muammar Gadhafi's head. Legally, morally, politically, and militarily it has only one justification: protecting the country's people.<sup>31</sup>

However, the case of Libya as a successful example of R2P and the implementation of Resolution 1973 has been – ever since its debut – under fire by many member states. For instance, Brazil (at the time) did not see the UNSC's move as particularly helpful but thought (rightly, in hindsight) that the 'use of force in Libya has made a political solution more difficult to achieve.'<sup>32</sup> And, of course, while Resolution 1973 refers to R2P it does so only in a very pointed manner—on the responsibility of the state to protect its citizens.<sup>33</sup> There were no moral grounds to extend Resolution 1973 to prioritise regime change as an adequate strategy of civilian protection. So, the argument that Resolution 1973 reflects an international awareness of R2P, and feelings of moral justification in applying it, is not without its fair criticism. Indeed, many have voiced rejection of the equation that for civilians to be adequately protected the forced (external) removal of dictators is legitimate. The

regime change that followed the invocation of UNSC Resolution 1973 may, after all, have produced irreparable damage to the R2P doctrine.

CEJISS *And... Reflecting on Just War Theory*

1/2015 The ICISS, based on *Just War Theory* (JWT), issued a 6-criterion programme which must be met before an intervention could legitimately be undertaken. These must be understood if an adequate picture of the UNSC's Resolution 1973, which authorised armed force deployments in Libya, is to be painted. The following points are meant to illustrate these points and, in keeping with the main theme of this work, link them to the case of the 2011 intervention in Libya.

The first point is in relation to a pre-existing *just cause* produced by a 'large scale loss of life...which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation.'<sup>34</sup> This was the situation in Arab Spring Libya, the state (under Gaddafi) was engaged in a brutal suppression of the country's civilian population while combating insurgents in the east of the country. This suppression was generating a heavy casualty rate of dead and injured people.<sup>35</sup> As one report by the International Commission of Inquiry of the UN Human Rights Council pointed out, 'international crimes, specifically crimes against humanity and war crimes, were committed by Gaddafi forces.'<sup>36</sup> It, of course, does not stop there; many reports, testimonials and an assortment of reliable evidence has been produced that shows the wanton use of force against civilians by Gaddafi's forces—in addition to the tit-for-tat violence deployed in combatting Benghazi-based insurgents.

Second there must be the 'right intention and the major intention of the intervention should be to halt or avert human suffering.'<sup>37</sup> As noted, a number of member states claim that NATO sought regime change under the pretext of protecting civilians. Thakur (2012) pointed out that '(i)f stopping the killing has been the real aim, NATO states would have backed a ceasefire and a negotiated settlement rather than repeatedly vetoing both.'<sup>38</sup> There are three distinguishing benchmarks of the Libyan intervention which illustrate that the *right intention* criterion was fulfilled. Firstly, it is essential that an intervention is conducted multilaterally and the intervention in Libya was certainly multilateral, consisting of several NATO members and endorsed by the Arab

League (etc.). Secondly, for an intervention to be considered legitimate, domestic support (among the population of the target state) must be clearly expressed. In this case, the population of Libya – through various rebel groups and the so-called National Transitional Council (a collection of citizens groups) – had formally requested international support (including intervention) in order to restrict Gaddafi's force's freedom of action and reduce gross human rights violations by the regime. Thirdly, an intervention must also be supported by other states in the region – those that may have to deal with the fallout of such an intervention. In this, the GCC and Arab League called on the international community to impose a no-fly zone in Libya and pledged much post-war support with the demise of the regime. All three benchmarks capturing the *right intention* for intervening in Libya were fulfilled.<sup>39</sup>

The third criteria is in regards to conflict escalation in that any intervention must come after the exhaustion of other, non-violent, means of conflict resolution. This again corresponds to the realities of the Libyan situation—it was conducted as a *last resort*. Prior to the intervention, a string of diplomatic engagements were attempted in order to defuse the spiralling conflict. On failure, escalation occurred via an arms embargo, targeted sanctions followed by threats to use force and, finally, the actual deployment of force. Critics claim that the case of Libya cannot be described as a *last resort* because peaceful measures were not fully exhausted coupled with somewhat feeble attempts to apply peaceful methods to protect civilians and the speed of the intervention by NATO has been denounced as suspect.<sup>40</sup> Simmon (2011), for instance, noted that it 'seems as though the UNSC was unwilling to pursue other options, and thus appears to have failed to take into account one of the primary precautionary principles enshrined by R2P.'<sup>41</sup> The criticism is fair – but off-the-mark.

R2P's fourth requirement is in regards to *proportionality*: the international response must be enough to overcome the source of the problem, but not so overwhelming so as to decimate the opponents—moderation and restraint are required. The Libya coalition mainly focused on imposing the UN-authorized no-fly zone; and it was effective. Although there were several sorties that targeted forces on the ground, these were generally considered to be in support of the no-fly zone. In keeping – for the most part – within the contours of UNSC Resolution 1973, the force the coalition applied was proportional and in support of

the wider mission of degrading Gaddafi's force capability to effectively wage war against Libya's civilians. This has been confirmed by many international legal analysts and scholars, notably Meyer (2011) who confirmed that 'there are no indications that the scale, duration or intensity were out of proportion to the Libyan military intervention.'<sup>42</sup> On this point, the only serious concern is over NATO's arming of some rebel groups since doing so violates the R2P doctrine.<sup>43</sup>

The fifth criterion of the R2P doctrine asks whether there is a *reasonable prospect* (of victory) for the intervening states or coalition. To gauge this issue, Evans asks whether 'those at risk be overall better or worse off' as a result of the intervention?<sup>44</sup> The legitimacy of the intervention rests, in part, on the informed view that indeed they will be better off. On this point, the Libya drama gets sticky. While many believe that NATO's leadership and its operations protected many tens of thousands of Libyans<sup>45</sup> others – including abstaining (from Resolution 1973) UNSC members – believed that NATO overstepped and abused the UNSC's mandate, and have warned against prematurely suggesting that the operation was legitimate given the dire situation faced by the average Libyan in the wake of the regime change against Gaddafi.<sup>46</sup> Also, a considerable number of unarmed civilians were killed in the midst of NATO's air operations.<sup>47</sup> As highlighted above, critics condemn NATO for supporting Libya's rebels in pursuit of regime change and not observing the neutrality of civilian protection.<sup>48</sup> Findlay (2011), in this way, reminds us that 'R2P stands for the prevention of the massacre of innocent civilians and not for the support of Libyan rebels.'<sup>49</sup>

In terms of the final criterion, that of seeking legitimacy through the *right authority*, the Libya case is clear since the R2P doctrine states that 'there is no better appropriate body than the United Nations Security Council to authorise military intervention for human protection purposes.'<sup>50</sup> Since the bulk of this work sought to examine UNSC Resolution 1973, it stands to reason that the UN was the key actor in authorising the deployment of armed force in support of Libya's civilians. The Libya intervention conforms with the right authority requirement, which is further enhanced by the multilateral dimensions of the subsequent operations since R2P suggests that '(r)ight intention is better assured with multilateral operations, clearly supported by regional opinion [...].'<sup>51</sup>

Given the scope of Resolution 1973 and placing it in the wider concepts of R2P and JWT, it is clear that many of the key ingredients need-



ed for legitimate action were fulfilled. This is not to dismiss any of the core criticisms that hold NATO to account, but rather to illustrate that the intervention itself does correspond to the general principles of the R2P.

## Conclusion

Despite criticism, the case of Libya has been hailed as a successful first test of the R2P in action. However, another pillar of the R2P doctrine – the international responsibility to rebuild – which ‘requires intervening actors to establish a clear and effective post-intervention strategy,’<sup>52</sup> remains a critical issue—and has failed to materialise as the country slips from post-war crisis to crisis. The responsibility to react, to prevent and to rebuild are of great importance to the ICISS since it is about a

a continuum of intervention, which begins with preventive efforts and ends with the responsibility to rebuild, so that respect for human life and the rule of law will be restored.<sup>53</sup>

In Libya, the self-declared success of the R2P has been significantly undermined by the failure of the international community to implement the responsibility to rebuild.<sup>54</sup> Libya remains a shell of what it once was and the death toll continues to rise day-on-day. The situation is so unstable that many Libyans have begun to ask whether it was not a mistake to support Gaddafi’s overthrow at all, while NATO absorbs heavy criticism and ISIS consolidates its foothold in the country.<sup>55</sup> NATO has failed to assume international leadership over the responsibility to rebuild to deal with disarmament, national reconciliation and recovery built from the ruins of Libya’s political infrastructure as well as sustainable development and economic growth in Libya. Ultimately, the current situation in Libya is primarily a result of that failure. What the future holds in store for Libya, for the post-Arab Spring states, for the R2P and JWT remains a mystery. However, it is really not enough to take a back seat; an international public discussion must be undertaken to answer important questions of what went right and...what went wrong in Libya.

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# Madism, Shi'a Ideology and Ahmadinejad's Doctrines

*Přemysl Rosůlek*

This article argues that the rise of Mahdism within Shi'a political Islam during Ahmadinejad's presidency did not lead to a significant break with previous persuasions. The relevance of Mahdism within the politicised and ideologised Shi'a Islam in Iran has been on the rise since the second half of 20<sup>th</sup> century. The issue occurred in Shi'a political philosophy and theory prior to the Islamic Revolution in Iran and in the post-revolutionary period, Mahdism became an inherent part of the Islamic political system. The emphasis placed on Mahdism during Ahmadinejad's political career could be also explained by the complex relationships among key political, cultural, economic and religious actors. This article conceptualises Mahdism as a doctrinal catch within the Shi'a political Islam in Iran, focusing on the rise of Mahdism and on the roles key religious leaders played since 1978. In this regard, the role of political philosopher Ali Shariati and theoretician Ayatollah Khomeini are investigated. Revolutionary and post-revolutionary Iran is also evaluated in the text though more attention is paid to the issue of Mahdism. Specifically, the article looks at the "timing" of Mahdism during Ahmadinejad's period in office.

*Keywords Iran, Shi'ism, The Twelve Imams, Islamism, Mahdism, Ahmadinejad*



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## Introduction

In the 20<sup>th</sup> century, modern political ideologies penetrated and significantly transformed the political and social life of Iran. Running in parallel to imported ideologies such as Marxism and Western-styled nationalism, Shi'a Islam went through its own process of politicisation and ideologisation rapidly, on the cusp of the 1979 Islamic revolution. This has produced significant consequences for Shi'a Islam and the dy-

namism surrounding the revolution led to the rise of major influential political figures such as Ali Shariati – a main ideologue of the Islamic revolution – and Ayatollah Khomeini, with the concept of *velayat-e faqih*, or Guardianship of the Jurisprudent; the first real theocratic structure in any Islamic sect.

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Furthermore, both Shariati and Khomeini strongly contributed to Mahdism's merge with Shi'a Islam, helping it become the core of the rise of Mahdism in post-revolutionary Iran. The issue of Mahdi's return became – both implicitly and to a lesser extent explicitly – a constitutive part of the post-revolutionary constitution and political system in Iran. Further, Shariati and Khomeini also paved the way for Ahmadinejad's presidency (2005-2013) and its emphasis on Mahdihood within *Shi'ism*. In short, Ahmadinejad's presidential identity based on Mahdism does not represent a significant break with the past but can be explained by the complexity of factors which have taken place within Shi'a Islamism mainly from the 19<sup>th</sup> through the 20<sup>th</sup> century already in the pre-revolutionary period.

### Ideologisation of Shi'a Islam in Iran

The term "Islamism" was analogical to *Christianisme* (Christianism) until the 19<sup>th</sup> century but did not have political connotations.<sup>1</sup> In fact, the notions "Islamic fundamentalism," "Political Islam" or "Radical Islamism" started to be quoted more frequently in previous decades in relation to the "Islamic revolution"<sup>2</sup> in Iran.<sup>3</sup> According to Paul, after the 1979 Iranian Revolution the word *Islam* stands 'not only for a belief system, but also for a highly dynamic political ideology based on the presumed fundamentals of this belief system.'<sup>4</sup>

Islamism derives its precepts from Islam and is transformed into political ideology. The difference between pure Islam and Islamism lies in the fact that religion is basically apolitical. On the other hand, Islamism includes religion but also the non-Islamic suffix "-ism," which shifts it from its narrow consideration as 'theological belief, private prayer and ritual worship.'<sup>5</sup> Pipes distinguishes between Islam, which he considers as 'a religion which today has close to a billion adherents,'<sup>6</sup> and Islamism, which could be defined as an ideology:

that demands man's complete adherence to the sacred law of Islam and rejects as much as possible outside influence, with some exceptions (such as access to military and medi-

cal technology). It is imbued with a deep antagonism towards non-Muslims and has a particular hostility towards the West. It amounts to an effort to turn Islam, a religion and civilization, into an ideology.<sup>7</sup>

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Islamism could also be defined on the basis of interrelated phenomena as 'a religious ideology with a holistic interpretation of Islam, whose final aim is the conquest of the world by all means'<sup>8</sup> or as 'a progressive model, independent of Western ideologies,'<sup>9</sup> which comprehends all social aspects of human beings. Further, it pursues an effective system in order to manage society, it is a system 'capable of resolving all social, economic and political problems of the modern world.'<sup>10</sup>

Islamism gains legitimacy via ideology and religion which requires a double loyalty—to an acknowledged leader and, mainly, to Allah.<sup>11</sup> The core concepts of Islamist ideology are the oneness of God (*tawhid*) the inseparability of religion and politics, sovereignty of God and the (*umma*), Islamic community which replaces nation and some other attributes such as equality and justice (etc).<sup>12</sup>

There are several major versions of Islamism in contemporary Islamic discourses. In the case of the Sunni community the golden age represented a caliphate, while the 'ideal reference point'<sup>13</sup> for the Shi'a community has been the just, right and legitimate *Imamat*.<sup>14</sup> The theory of *Imamat* belongs to the crucial aspect of the Shi'a Islamists. They found inspiration by the traditionalists: Imam is 'the most virtuous and perfect of men' and the only one responsible to guide the Muslims.<sup>15</sup>

The main pillars of Shi'a Islamism are identified here as:

1. Islam as a total way of life regardless of Occultation of the Imam,<sup>16</sup>
2. Islamic political and social philosophy on jurisprudence,
3. Religious government during the absence of the Imam,
4. Unity of state and religion in the Occultation age.<sup>17</sup>

Muslims are responsible for actively preparing for the emergence of a global just governance which is expected after the return of Imam Mahdi.

Islamic ideology in Iran, as formulated by Ayatollah Khomeini, has been also described by Lafraie as 'the most comprehensive revolutionary ideology,'<sup>18</sup> because it encompasses political consciousness, criticism of existing social arrangements, a new set of values, an outline of the desired society, program of action, commitment to action, self-sac-



rifice and revolutionary patience, simplification and claim to truth.<sup>19</sup> Khomeini introduced the most comprehensive critique of the Shah's regime and Lafraie summarises Khomeini's criticism into seven major issues:

(1) imperialism, foreign domination and relations with the Zionist state; (2) the unjust economic order and domestic and foreign exploitation; (3) misery, hunger and deprivation of the masses; (4) oppression and tyranny; (5) the ruling clique's luxury, wastefulness, incompetence, and burgeoning bureaucracy; (6) the prevalence of corruption, immorality, and materialism; and (7) the illegitimacy of the government with its un-Islamic politics and laws.<sup>20</sup>

*Ahmadinejad's  
Doctrine*

Major contributors of the Shi'a Islamic ideology shared a common belief in the ideal future concept of society independent politically, economically, culturally and ideologically. Moreover, that ideal society should be moral and just based upon Islamic principles, co-operation of its members and decision-making based on mutual consultations.<sup>21</sup>

Though apostolic Mahdism potentially contains the scheme for an ideal society, the issue of Mahdihood did not belong to the major questions discussed by theoreticians in the pre-revolutionary period. Nevertheless, the issue of Mahdism was also not absolutely suppressed in the Shi'a Islamic ideology before the revolution. On the contrary, Mahdism became an integral part of Shi'a Islamic ideology in pre-revolutionary Iran. So, numerous scholars reflecting on Ahmadinejad's focus on the return of Mahdi emphasised that to the core values of the Shi'a Islam discourse belonged the Twelver Shi'ism, Occultation and the belief in the Hidden Imam.<sup>22</sup>

### Mahdism in Shi'a Islam

The idea of the Mahdi reaches beyond the Islamic context in Persia and has historical precedent in ancient Zoroastrian beliefs. Abol-Ghasem Ferdowsi (935–1020), strongly inspired by the mythological history of pre-Islamic Iran, refers in the *Book of Kings (Shahnameh)* to a "noble man," who would appear in Iran, from 'whom will spread the religion of God to the four corners of the world.'<sup>23</sup> Messianic tradition and apocalyptic literature was brought into the Shi'a belief system by the Shi'i theologians as early as the 9<sup>th</sup> and 10<sup>th</sup> centuries. Twelver Shi'ism

is the official branch of Shi'a religion in Iran, the Imam Mahdi came as number twelve and he is last of the imams and left to the state of Occultation – Minor Occultation in the year of 873 and Great Occultation in the year of 941.<sup>24</sup>

To be sure, the Twelfth Imam, or Mahdi, has often been described by many superlatives as “guided Saviour”, “the ultimate Saviour of humankind” on the “Day of Judgment,”<sup>25</sup> “Lord of Age” or “Lord of the Martyrs” of which the latter refers to the two main pillars of Shi'a religion: injustice and martyrdom.<sup>26</sup>

Shi'ism has always been a religion complaining about greater injustice. This identity adhered to Shi'ism after the first leader Imam Ali, who ‘did not succeed the Prophet as the legitimate leader of all Muslims.’<sup>27</sup> That event became the initial part of Islam’s unjust history.<sup>28</sup> The uprising against tyranny was headed by the Third Imam, al-Husayn, and ended up by his tragic fall during the battle of Karbala as Amanat noted: ‘Mahdi’s revenge of Husayn’s blood will initiate an apocalyptic battle of cosmic proportion which precedes the day of resurrection at the end of time.’<sup>29</sup>

Shi'ism has been very much defined by the Karbala narrative. Eschatological speculations are also related to the Day of Judgement, salvation and damnation<sup>30</sup> and to a sense of failure.<sup>31</sup> In this, Iranian society has been more sensitive to “holy songs” around the tyranny of the Pahlavi rule, the Iran-Iraq war (1980-1988) and the threat posed by the “Great Satan” (US). Expectations for Mahdi’s return are linked to his role as a protector of Islam who comes to beat and smash Islam’s enemies.<sup>32</sup> After that Mahdi would restore justice, equity and peace in a world which suffers wrongs and oppressions.<sup>33</sup> He would lead the righteous against the forces of evil before the Day of Judgment.<sup>34</sup>

### Mahdism and Politics in Modern Iran

Throughout history, Shi'ism was never fully detached from messianic speculations. Until recently, however, Shi'a authorities managed to neutralise messianism,<sup>35</sup> and episodic movements favourable to Mahdism had either neutral or even passive political dimensions within Shi'ism.<sup>36</sup> In general, Shi'ites believe that all earthly governments have been corrupted. This situation will only cease on the return of the Hidden Imam.<sup>37</sup> The main current of Shi'a political ideology focuses against the supremacy of religion over the political realm, arguing that

any earthly government can be neither legitimate nor just in the time of Great Occultation. All other rulers or governing parties are, *a priori*, usurpers of the power or could be at most only temporary substitutes of the Hidden Imam.<sup>38</sup> According to the tradition of the Shi'a sect, the Hidden Imam would introduce just Islamic government after his return.<sup>39</sup>

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Be that as it may, the Shi'a sect remained rather anti-messianistic throughout its history.<sup>40</sup> Nevertheless, the occasional debate on conditions and consequences of the Mahdi's return routinely surfaced, the latest of which is found in Iranian Shi'ism.<sup>41</sup> So, while it is important to emphasise that the idea of Mahdism was emphasised in popular imagination by the *ulama* in *madrassa* circles from the 17<sup>th</sup> to the 19<sup>th</sup> century,<sup>42</sup> this section fast-forwards to the 20<sup>th</sup> century (C. E.) strand.

Religious circles did not hold a unified approach to the issue of Mahdism during the constitutional revolution in Persia (1905–1911). Reformists – re: pro-European oriented circles – supported the idea of constitutional rule as a right and protection against tyranny while the Hidden Imam would be fully excluded from political life. A second major religious current, represented by moderates, advocated that reference to Imam Mahdi be entered into the constitution, which should also be a guarantee against tyranny. However, some moderates were opposed to revolution based on the European model.<sup>43</sup> Finally, the third and also most conservative element turned down the idea of rationalised parliamentarianism and promoted religious constitutional revolution and a constitution based closely on the holy Quran and Twelver Shi'ism.<sup>44</sup>

The issue of Mahdi's return was more strongly included in political thought in Iran during the second half of the 20<sup>th</sup> century<sup>45</sup> when Mahdism became an indivisible part of Islamist ideology and this course was also partly provoked by polemical responses to Marxists, secularists and Baha'i critics.<sup>46</sup> It is important to note that, unlike the conservative and reformist political-religious circles,<sup>47</sup> traditionalists further rejected the implementation of all thoughts of Shi'ism into political and social reality during the time of occultation. Equality was a matter of greater political concern. Contrary to the traditionalists and commonly shared opinion in the Shi'a community, both reformist and conservative circles – at the same time – reformulated some of the Shi'a teachings more towards ideological characteristics. In particular, the concepts of waiting for the Hidden Imam (*intizar*) and related mar-

tyrdom (*shahadat*) enabled mobilisation along the socio-political lines. Particularly conservatives, sometimes also called fundamentalists, relied on the state in their intentions to enforce Islamic teachings.<sup>48</sup>

There could hardly be any doubt that after World War II Ali Shariati and Ayatollah Khomeini belonged to the most important thinkers in the pre-revolutionary period in Iran.<sup>49</sup> Both paved the way for the success of the Islamic revolution (1979) despite that revolution in Iran ‘was not predominantly Islamic at its beginning and in its early stages.’<sup>50</sup> Implicitly though, Shariati and Khomeini advocated a political system in which the concept of Mahdism was a notable component of Islamist ideology. In short, a revolutionary doctrine was formulated to encompass the idea of the Hidden Imam in a rather de-eschatologised way: the Shi’a sect and its charismatic leaders are necessary but not sufficient historical agents in the absence of the Hidden Imam.<sup>51</sup>

#### *Ali Shariati and Revolutionary Messianism*

In contrast to quietist faith<sup>52</sup> of traditional *ulama*, Shariati pursued revolutionary messianism and popularised the idea of Islam and the vision of establishing Islamic government from the masses, the youth and intelligentsia,<sup>53</sup> with significant impact on Iranian political discourse in 1970s.<sup>54</sup> Shariati’s thinking about Islam could be summed up into four points: Firstly, Islam was ‘the best and most complete religion for man.’<sup>55</sup> Secondly, authentic Islam could be preserved in Shi’ism. Thirdly, true Shi’ism is best represented in Twelver-Imam Shi’ism. And fourthly, ‘Alid Shi’ism, which are followers of ‘Ali,’ not the Safavid version, ‘is the true and most perfect form of the Twelver Shi’ism.’<sup>56</sup>

Shariati’s intellectual persuasion lies in the fact that the core values of Twelve-Imam Shi’ism are social justice and revolution.<sup>57</sup> Twelve Imam Shi’ism could be newly understood under the terms “ultimate revolution” or “Mahdi’s revolution” as Shariati re-contextualised the theological term Mahdi by turning it into ideological and revolutionary doctrine. Shariati assumed that after the advent of the Mahdi, authentic values such as social responsibility and just order would be implemented in society. Shariati was convinced that the Mahdi would reject political oppression and cultural degradation. The Mahdi’s return could be expected if the life of humanity reached total bottom. Most importantly however, Shariati drew attention to earthly and po-

litical dimensions of Mahdism. He stated that the Mahdi could return only if Muslims would acquire new understanding of the expectations (*intizar*) of Imam.<sup>58</sup> The right way to do so would be to establish a political system with leadership of democratically elected *faqih* as “general deputy” of the Hidden Imam.<sup>59</sup> Shariati believes that at the beginning of the Mahdi’s rule he would strongly support values as justice and equality against exploitation, imperialism and tyranny.<sup>60</sup> The Leader should possess some special qualification for his position as *faqih* and his position of general deputy is not to be reduced into the political or social realm. In fact, the general deputy has ‘a mission of guiding the *ummah* towards perfection, he is to be a learned person.’<sup>61</sup> The Imam, in his absence, has ‘bestowed this role upon the pious and learned *ul-ama*.’<sup>62</sup>

Shariati’s political system of guided democracy and committed religious leadership in the period of Occultation perhaps paved the way, although inadvertently and unintentionally, for a wider acceptance of his theory *Velāyat-e faqih* in the tense pre-revolutionary political environment in Iran and helped to consolidate the leading position of Ayatollah Khomeini.<sup>63</sup>

#### *Ayatollah Khomeini and Velāyat-e faqih in the Absence of Mahdi*

Ayatollah Khomeini’s contribution to the Islamic revolution and Shi’a Islamic ideology ‘is much more significant than that of any other Iranian leader or activist.’<sup>64</sup> Khomeini entered politics in the early 1940’s with his work *Exposing the Secrets*, but his most important theoretical move was reformulation of Shi’a political theory in 1970/71 by introducing the concept of *Velāyat-e faqih* (Guardianship of the Jurists), which was successfully applied to political practice in post-revolutionary Iran.<sup>65</sup> Originally, he presented the theory in series of lectures during his exile in Shi’a holy city of Najaf situated in Iraq. According to *Velāyat-e faqih*, there is a government of a specific Islamic political order. He applied it to his Islamic government:

Not to have an Islamic government means leaving our boundaries unguarded. Can we afford to sit nonchalantly on our hands while our enemies do whatever they want? Even if we do put our signatures to what they do as an endorsement, we are still failing to make an effective response. Is that the way

it should be? Or is it rather that government is necessary, and that the function of government that existed from the beginning of Islam down to the time of the Twelfth Imam (‘a) is still enjoined upon us by God after the Occultation even though He has appointed no particular individuals to the function?<sup>66</sup>

The political system should be founded upon “institutionalised and hierarchical” Shi’a clergy in which the jurists enjoy authority and replace Imam during the time of his Occultation.<sup>67</sup>

Khomeini stated that

the two qualities of knowledge of law and justice are present in countless fuqaha of the present age. If they come together, they could establish a government of universal justice in the world.<sup>68</sup>

The concept of *Velāyat-e faqīh* is based on

1. Subordination of political institutions to Islamic law,
2. Governance of the *faqīh* (an expert in Islamic Law) over the legislative, executive and judicial branch of government,
3. The duty of every Muslim is to establish Islamic government.<sup>69</sup>

Religious and judicial authority of senior *ulama* extends over political and social issues and refers its legitimacy directly to the Hidden Imam until his advent.

In the contemporary period, in the absence of the Mahdi, as Kamrava accurately noted, Leadership is

the most perfect, and thus the most deserving member of the community (...) in the absence of divinely ordained Imams, the right of leadership belongs to the person who comes closest to the purity of the Imams’ hearts and their ethics, the depth of their knowledge, and their devotion to Islam.<sup>70</sup>

Such a person is *Vali-ye Faqīh* (Guardian Jurist) and the system of *Velāyat-e faqīh* and *Imamate* could be used interchangeably.<sup>71</sup> The ultimate source of legitimacy in the system *Velāyat-e faqīh* is not derived from the social contract, cultural norms, elections or constitution but directly from God. Therefore, during the absence of the Mahdi, the only legitimate holder of power would be the *Velāyat-e faqīh*, justified by God, the Prophet Muhammad and the Twelve Imams.<sup>72</sup> The person *Vali-ye Faqīh* does not have absolute power as he cannot change the basic principles of Islam and must protect them. On the other hand, he can intervene in all spheres of political life.<sup>73</sup>

The best alternative is the rule of Muslim scholars with knowledge of the God's will<sup>74</sup> and one final authority should be chosen as supreme leader with knowledge of *sharia*.<sup>75</sup> Sufficient knowledge of Islam means nothing but 'the ability to engage in *ijtihad*,' while *foqaha* is a term that applies to scholars with most 'in-depth knowledge of religion and the laws of *shari'a*.'<sup>76</sup> The righteous person must perfectly accomplish dual position – the political *Velāyat* and the religious *Marja'īyyat*. The legitimacy of the post-revolutionary Iran after Khomeini's death was weakened because Khomeini's successor, Ali Khamenei, was not considered as an *Ayatollah* in the 1980s. This religious deficit within the political system may also have contributed to the rise of Mahdism in Iran since the 1990s.<sup>77</sup>

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Similar to Ali Shariati's conception of revolutionary messianism, Khomeini's political theory *Velāyat-e faqih* was unprecedented in Shi'a political thought because political authority was not left in abeyance until the reappearance of the Hidden Imam—the only legitimate ruler. Unlike Shariati, Khomeini was reluctant to direct election of a political leader and suggested more restricted opinion having argued that in Islamic order political ruler is subordinated to *fuqaha* who are experts on Islamic law.<sup>78</sup>

#### *Mahdism after Islamic Revolution in Iran*

The Islamic revolution in Iran was described by Lewis as one of the most important events of modern history comparable only to the Bolshevik's (1917) and to the French revolution (1789).<sup>79</sup> Moreover, Filiu noted that the 1979 Islamic revolution has often been reflected as a 'break with traditional Shi'ite quietism.'<sup>80</sup> Similarly, Tazmini considers the Islamic revolution as representing an outstanding change in politics and across Iran's entire social-spectrum which also contains a strong eschatological dimension. The Islamic revolution was, for him, 'a critique of the present and a break from the past to a future-oriented utopia.'<sup>81</sup> The Islamic Republic of Iran, by its structure, laws, practices and institutions was a step forward in preparation for the return of the Imam Mahdi.<sup>82</sup> Also the post-revolutionary constitution of Iran was closely linked to Shi'ism and Mahdism:<sup>83</sup>

Indeed, the Islamic Republic maintains a system based on the belief in

1. A single God (as stated in the phrase ‘There is no God except Allah’), His exclusive sovereignty and the right to legislate, and the necessity of submission to His commands,
2. Divine revelation and its fundamental role in setting forth the laws.

Abrahamin points out that the Mahdi’s narrative remained strongly immanent in both constitutional provisions and other aspects of the political and social system. The Islamic political system is considered fully legitimate and should exist until the return of the Mahdi.<sup>84</sup> Shi’ism became Iran’s official religion and only Shi’a Muslims could enter the cabinet. In the judicatory branch, courts are religious and all legislative acts in the country have to coincide with *sharia* which is implemented by the clerical oligarchy. The Guardian council has a right to veto any legislation and is meant to work until the return of the Mahdi.<sup>85</sup> In fact, the system itself became a substitute for eschatological expectations.<sup>86</sup>

Another symptomatic aspect of Mahdism in the post-revolutionary political system in Iran became the figure of Ayatollah Khomeini himself, a charismatic personality and leader of the Islamic revolution. Over the span of Shi’a Islam’s history, the title “Imam” was ‘exclusively reserved for Shi’i imams and not assumed by any Shi’i figure since the occultation of the Twelfth Imam in the 9th century.’<sup>87</sup> Khomeini was considered as a ‘Mahdi-like leader’ or as ‘the deputy of the Imam of the Age.’<sup>88</sup> During and after the Islamic revolution Khomeini did not reject the title Imam. Therefore, he was considered only short of the Mahdi.<sup>89</sup> Accordingly, Ayatollah Khomeini did not suppress the spread of messianistic messages, which happened in November 1978 when thousands of his followers – in a collective hallucination – claimed they saw his face on the moon.<sup>90</sup> To sum up, Khomeini became the ‘Guardian of Muslims’ and representative of Mahdi in the ‘First government of God’ on Earth after the Islamic revolution.<sup>91</sup>

However, after establishing the Islamic republic in Iran, the question of the Mahdi’s return was not explicitly emphasised in real politics and the discussion on the return of Mahdi was partially put aside.<sup>92</sup> In fact, Khomeini opposed political Mahdism and messianistic excesses and it was not permitted to speak about signs of Mahdi’s return apart from within the clerical oligarchy.<sup>93</sup> Also, in the post-Khomeini era, during



the mandate of the supreme leader exercised by Ayatollah Khamenei (1989–), there has been clear tendencies to repudiate political Mahdism from both clerical oligarchy and political leaders.<sup>94</sup> Khamenei's successors at the presidential posts, Ali Akbar Hashemi Rafsanjani (1989–2007) and Mohammad Khatami (1997–2005), were even more hostile to political Mahdism<sup>95</sup> than Khamenei during his presidency (1981–1989).

Nevertheless, there were apparently rising tendencies of messianism in Iran from the middle of the 1990s. The reformist and anticlerical approaches of Khatami triggered messianic feelings among the clergy in order to promote Mahdi 'as an absolute sacred source of authority' and ultimately weaken the political relevance of the President and Parliament.<sup>96</sup> From the second half of the 1990s, the conservative clerics launched anti-Khatami campaign and helped to promote the advent of Mahdism within the Shi'a Islamic discourse. A pre-millennial feeling could also partly contribute to rising apocalyptic expectations.

In Khatami's second presidential term (2001–2005), the major attributes of his doctrine – civil society, rule of law and dialogue of civilizations – had weakened the clergy's position within the system and society and an existing ideological vacuum started to be replete with messianistic expectations. The rise of messianistic tendencies was partly – though paradoxically – fuelled by unfulfilled promises of the Islamic revolution and general dissatisfaction with revolutionary slogans. The cult of the Hidden Imam was attractive to new members of Basij and the Revolutionary Guards, and also for some senior clerical circles in Qom and Tehran who sought to promote the vision of Mahdi's return in the public imagination to attract wide public support in order to regain loyalty and popularity.<sup>97</sup> Consequently, the rising popular messianism was epitomised by the mosque of Jamarkan near Qom, which was recognised as the stomping grounds of the Mahdi.<sup>98</sup>

Additionally, some external events contributed to the rising popularity of Mahdihood such as the us-led invasion of Iraq in 2003<sup>99</sup> and the negative consequences or the fall of Saddam Hussein's tyrannical regime in Iraq.<sup>100</sup> After 2005, for Ahmadinejad, messianistic signs were made rather visible in the 'divine victory' proclaimed during the war between Israel and Hezbollah in 2006.<sup>101</sup>

## Mahdihood and Mahmoud Ahmadinejad's Presidency (2005–2013)

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Throughout the history of Twelver Shi'i, messianism hardly enjoyed such a high degree of institutional support as during Mahmoud Ahmadinejad's presidency in cooperation with part of the clergy.<sup>102</sup> Ahmadinejad found supporters for the issue of Mahdism among some conservative circles in Qom, particularly gathered around the Bright Future Institute and around the previously mentioned mosque of Jamarkan.<sup>103</sup> He was also backed by some influential ayatollahs – Ayatollah Mohammad-Taqi Mesbah Yazdi, Ayatollah Mohammad Yazdi and Ayatollah Ahmad Jannati Massah were among his main supporters together with Hojjatiyeh society, who founded a theological school in Qom called Haqqaniya.<sup>104</sup>

After being elected president, Ahmadinejad announced the Third revolution in Iran. The shift into an Islamic republic by the end of monarchy in 1979 was considered as the First revolution. The anti-Western turn and occupation of the US embassy in Tehran were described as the Second revolution. By declaring the Third revolution, Ahmadinejad drew attention to poverty, corruption and discrimination all of which still remain in society.<sup>105</sup>

Ahmadinejad's vision of Islamic government was, according to Ah-diyyih, focused on the

acquisition of nuclear weapons, elimination of Israel, the destruction of liberal democratic states and Western capitalism, and an end of the US as a superpower, which is perceived as the greatest threat to the Islamic Republic's survival and the main obstacle to accomplishment of its objectives.<sup>106</sup>

But Ahmadinejad's intention was also aimed at challenging the legacy of his predecessors in the presidential office, both pragmatic Akbar Hashemi Rafsanjani (1989-2007) and philosophising reformist Mohammad Khatami (1997-2005). Consider his idea that

Today we have managers in the country who do not believe in the ability of Islam to administer society, managers who approve of liberal ideas, managers who believe in progress only in the framework of individualistic, material and secular initiatives, managers who lack confidence in their own Islamic culture when confronting the cultural onslaught of the West. These managers are weak in front of the enemies and look down on their own people.<sup>107</sup>

But what motivated the new President to break so clearly with the past?

Firstly, during the electoral campaign, Ahmadinejad criticised prevailing corruption and existing poverty. Secondly, he received votes of (a) marginalised conservatives, for his criticism of the socio-cultural liberalisation process as, for example, a loose dress code for women, and (b) the Iranian poor, for his promises to narrow the existing wide gap between the rich and the poor. Thirdly, being backed by political elite with a military background, Ahmadinejad sought new legitimacy not tied to *Velāyat-e faqih*, but rather directly oriented to the Twelfth Imam. This circle did not rely as much on ideology developed by Ayatollah Khomeini as on a kind of utopia.<sup>108</sup> Ahmadinejad highlighted the model of Islamic government as the ‘wish of martyrs, the Prophets, imams and all Muslims,’<sup>109</sup> which could serve the World as an example. To sum up, Ahmadinejad

came to represent a populist face of piety and commitment to revolutionary ideals among war veterans and radicals frustrated with post-revolutionary developments and with Khatami’s relatively liberal message of civil society.<sup>110</sup>

The outcome of the 2005 presidential elections and the success of Ahmadinejad represented a turning point in Iran’s political Mahdism.<sup>111</sup> Ahmadinejad’s victory was accompanied by Mahdistic propaganda orchestrated and directed from Qom.<sup>112</sup> As early as his swearing-in ceremony, Ahmadinejad announced – in front of Ayatollah Khamenei – that his rule is only temporary and that he would soon hand his power to the Mahdi. He claimed that the Hidden Imam would return in two years.<sup>113</sup> Ahmadinejad selected several of his ministers mainly for their conviction in Mahdism. During one sitting of the government he told his ministers that

We have to turn Iran into a modern and divine country to be the model for all nations, and which will also serve as the basis for the return of the Twelfth Imam.<sup>114</sup>

Ahadinejad’s presidency was known for its public speeches about Mahdi which were already narrowly analysed by many scholars. Therefore I would introduce this issue only briefly in the following lines.

On the occasion of his first speech at the UN General Assembly (UNGA) in 2005, Ahmadinejad warned political representatives of the world that there is going to be ‘the emergence of a perfect human being who is heir to all prophets and pious men,’<sup>115</sup> and finished his speech

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publicly praying for a quick return of the Hidden Imam. Similarly, he repeated this on other occasions such as in 2007 during the meeting of Arab political leaders at the Gulf Cooperation Council in Doha.<sup>116</sup> In his 2009 speech at UNGA, he asked Allah to 'hasten the arrival of al-Mahdi.'<sup>117</sup> In his last speech before the UNGA in 2012, Ahmadinejad called for arrival of an 'Ultimate Saviour' who is 'a man who loves people and loves absolute justice, a man who is a perfect human being and is named Imam al-Mahdi, a man who will come in the company of Jesus Christ and the righteous.'<sup>118</sup>

However, it is important to note that Mahdism during Ahmadinejad's presidency never fully possessed wider political discourse in Iran. For example, Friday Prayers (Sermons) in Tehran being held by the Supreme Leader has been an important part. Tensions between Ahmadinejad and Ayatollah Khamenei over the issue of Mahdism are also well-known.<sup>119</sup> Not all Iranian religious and political elites were favourable to Ahmadinejad's Mahdihood. Some clerics and reformist intellectuals either stayed calm or openly criticised Ahmadinejad's messianic orientation.<sup>120</sup>

## Conclusion

The rise of Mahdism during two terms of Ahmadinejad's presidency does not imply a radical break with Iran's revolutionary past. Various political, religious, economic and socio-cultural reasons paved the way for the popularisation of a strongly politicised and ideologised Shi'a Islam before the Islamic revolution in Iran. The political factors which indirectly contributed to the rise of Mahdism can be put as follows. Firstly, creating the concept of a good and earthly society during the time of occultation by Shariati, Khomeini (among others) in the pre-revolutionary period. Secondly, Mahdism became an inherent part of the political system in Iran. Thirdly, during the revolution, Ayatollah Khomeini catalysed the apocalyptic atmosphere when he allowed himself to be titled "an Imam," which happened for the first time in Shi'a history. Fourthly, the Mahdihood was explicitly orchestrated by the clerical oligarchy in the second half of the 1990s as a shocking response to the rather liberal atmosphere and the rise of the role of civic society during Khatami's presidency. Fifthly, millennial expectations also contributed to the rising popularity of the issue of Mahdi's return. Sixthly, Ahmadinejad's desire for general popularity, original legitima-

cy and differentiation from his predecessor should be also considered as a relevant factor for the rise of Mahdism.

Religious reasons are also part of the heritage of the Shi'a Islam which is markedly based on martyrdom and occultation. These transcendental factors could be, under certain circumstances, utilised into political reality. Actual religious causes can be summed up in an ebbing period of revolutionary fever during the 1990s when Ayatollah Khomeini was appointed the successor of Ayatollah Khomeini without being considered as a religious *Marja'*, and that was due to the weakening position of clerical oligarchy in general in the 1990s. In other words, the rise of Mahdism reflected, albeit partly, the conflict within the clerical oligarchy in Iran. Although not explored at large in the text, economic reasons could not be underestimated either. High unemployment, particularly of the young population who were seeking to enter the labour market, indicated that at least one-fifth of the population was living below the poverty line in 2002,<sup>121</sup> economic stagnation after 2000 and again from 2008 onward, encouraged Ahmadinejad to opt for manipulative tendencies.

There are also significant sociocultural factors that may have contributed to the rise of Mahdism in Iran. There has been a growing gap between revolutionary slogans and unfulfilled expectations in Iran, which are in stark contrast with the actual miserable reality in the country. Furthermore, there is an outstanding generation gap between the dynamism of anti-revolutionary and educated youth on one hand and conservative clerics on the other. The latter group has attempted to overcome the decreasing legitimacy of the concept of *velayat-e faqih* in post-Khomeini Iran by adding the concept of Mahdihood into Shi'a political Islam.

To summarise, the doctrine of Mahdism represented a significant part of Ahmadinejad's presidency, contrary to his predecessors. However, this factor must not be interpreted as a radical break with Shi'a Islamism either in the framework of the Islamic revolution and post-Revolutionary Iran or in the context of its development in the 19<sup>th</sup> and 20<sup>th</sup> century. By utilising this doctrine, Ahmadinejad was able to differentiate himself from his predecessors and legitimise his power among members of the clergy and rural society.

*Ahmadinejad's  
Doctrine*

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## Notes

- 1 Mehdi Mozaffari (2007), 'What is Islamism? History and Definition of the Concept,' *Totalitarian Movements and Political Religions*, 8: 1, p. 19.
- 2 Despite the commonly shared notion "Islamic revolution," Ludwig Paul suggests that we use the more neutral term "Iranian revolution" arguing that the revolution was not only Islamic and that the revolutionary government did not constitute the only driving force of the revolution. See Ludwig Paul (1999), "Iranian Nation" and Iranian-Islamic Revolutionary Ideology,' *Die Welt des Islams*, 39: 2, p. 184.
- 3 Mozaffari (2007), p. 18.
- 4 Paul (1999), p. 183.
- 5 Mozaffari (2007), p. 22.
- 6 Daniel Pipes (1998), *Distinguishing between Islam and Islamism*, DanielPipes.org Middle East Forum, available at: <<http://www.danielpipes.org/954/distinguishing-between-islam-and-islamism>>, (accessed 10 October 2013).
- 7 Ibid.
- 8 Mozaffari (2007), p. 21.
- 9 Adel Hashemi-Najafabadi (2010), 'Imamate and Leadership: The Case of Shia Fundamentalists in Modern Iran,' *Canadian Social Science*, 6:7, p. 193.
- 10 Ibid.
- 11 Mozaffari (2007), p. 22.
- 12 Michaëlle L. Browsers (2005), 'The secular bias in ideology studies and the case of Islamism,' *Journal of Political Ideologies*, 10: 1, p. 86-87.
- 13 Mozaffari (2007), p. 23.
- 14 Ibid.
- 15 Hashemi-Najafabadi (2010), p. 193.
- 16 Occultation period means the 'inescapable presence of the Hidden Imam.' Ibid, p. 194.
- 17 Ibid. p. 193-194.
- 18 Najibullah Lafraie (2009), *Revolutionary Ideology and Islamic Militancy. The Iranian Revolution and Interpretations of the Quran*, I. B. Tauris Academic Studies, p. 175.
- 19 Ibid. p. 15-19 and 175-176.
- 20 Ibid. p. 181.
- 21 Ibid. p. 182-183.
- 22 Jean-Pierre Filiu (2009), 'The Return of Political Mahdism,' *Current Trend in Islamist Ideology*, 8, available at: <<http://www.currenttrends.org/research/detail/the-return-of-political-mahdism>> (accessed 08 September 2013). See also Abbas Amanat (2009), *Apocalyptic Islam and Iranian Shi'ism*, I. B. Tauris, p. 221-251.

- 23 Mohebat Ahdiyyih (2008), 'Ahmadinejad and the Mahdi,' *Middle East Quarterly*, 15:4, pp. 27-36.
- 24 *Amanat* (2009), p. 49.
- 25 Ghoncheh Tazmini (2009), *Khatami's Iran. The Islamic Republic and the Turbulent Path to Reform*, Tauris I. B, p. 172.
- 26 Hamid Dabashi (2000), 'The End of Islamic Ideology,' *Social Research* 67: 2, p. 482.
- 27 Ibid.
- 28 Ibid.
- 29 *Amanat* (2009), p. viii.
- 30 Ibid. p. 41.
- 31 Filiu (2009).
- 32 Ibid.
- 33 *Amanat* (2009), p. 49. See also Filiu (2009).
- 34 Ahdiyyih (2008), pp. 27-36.
- 35 Filiu (2009).
- 36 Ibid.
- 37 John D. Stempel (1979), *Inside the Iranian Revolution*, Indiana University Press, p. 42.
- 38 Rouleau (1980), p. 2.
- 39 Patrick Clawson and Michael Rubin (2005), *Eternal Iran: Continuity and Chaos*, Palgrave MacMillan, p. 89.
- 40 Ibid.
- 41 *Amanat* (2009), p. 48.
- 42 *Amanat* (2009), p. 50 and 244.
- 43 Eric Rouleau (1980), 'Khomeini's Iran,' *Foreign Affairs*, 59: 1, p. 3. See also Mansoor Moaddel (1986), 'The Shi'i Ulama and the state in Iran,' *Theory and Society* 15: 4, p. 531.
- 44 Michael M. J. Fischer (1980), *Iran: From Religious Disputes to Revolution*, Harvard University Press, p. 149.
- 45 Rashid Yaluh (2011), 'Mahdism in contemporary Iran: Ahmadinejad and the occult Imam,' *Arab Center for Research & Policy Studies*, p. 2-5, available at: <<http://english.dohainstitute.org/file/get/ef643c91-5988-46bc-b6b2-b1705c01ae66.pdf>> (accessed 12 October 2013).
- 46 *Amanat* (2009), p. 62.
- 47 The religious right in Iran could be divided into more currents. Mehran Kamrava segmented "right" in Iran into radicals and conservatives from which the latter group could be further divided into extreme radical rights (Hezbollah groups), rightists (traditional clerics in Qom and Tehran, Friday Prayers), Islamic councils and neoconservative thinkers as well as scholars (A. Montazeri) while only the group of rightists and neoconservative thinkers & scholars were production of ideology. See Mehran Kamrava (2008), *Iran's intellectual revolution*, Cambridge University Press, p. 82.
- 48 Hashemi-Najafabadi (2010), p. 193.
- 49 Abbas Amanat also counted Mehdi Bazargan's scientific approach contributing to the Return of Mahdi. See *Amanat* (2009), p. 62. Mohebat Ahdiyyih emphasises the role of philosopher Ali Shariati but

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also the role of leftist and pro-Soviet intellectual Ehsan Tabari and the Hojratieh Society which was founded after the First World War to suppress the Baha'i faith, whose founder has been labelled as a false Mahdi. See Ah-diyyih (2008), pp. 27-36.

Najibullah Lafraie emphasises most of all the teachings of Imam Khomeini and also Ali Shariati. But among major contributors to the Islamic revolution in Iran he places also ayatollahs Taleqani and Mutahhari as well as the scientific approach of Mehdi Bazargan and Abolhassan Bani-Sadr. See Lafraie (2009), p. 175-178.

Brad Hanson refers to 'Ali Shari'ati but also to Samad Behrangi (1939–1968), and Jalal Al-e Ahmad (1923–1969) as 'perhaps the three most influential lay Iranian intellectuals among dissatisfied, anti-regime Iranians during the 1960s and the 1970s.' See Brad Hanson (1983), 'The "Westoxication" of Iran: Depictions and Reactions of Behrangi, al-e Ahmad, and Shariati,' *International Journal of Middle East Studies*, 15:1, p. 1.

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51 Dabashi (2000), p. 493.

52 Hashemi-Najafabadi, (2010), p. 197.

53 Ibid.

54 *Amanat* (2009), p. 64.

55 Abdollah Vakily (1991), 'Ali Shariati and the Mystical Tradition of Islam,' *Master of Arts thesis*, McGill University: Montreal, p. 2-3.

56 Vakily (1991): p. 2-3.

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59 Forough Jahanbakhsh (2001), *Islam, Democracy and Religious Modernism in Iran (1953-2000)*. From *Bazargan to Soroush*, Brill, p. 122.

60 *Amanat* (2009), p. 63.

61 Jahanbakhsh (2001), p. 122.

62 Ibid.

63 Hashemi-Najafabadi (2010), p. 197. See also Jahanbakhsh (2001), p. 123.

64 Lafraie (2009), p. 178.

65 Jahanbakhsh (2001), p. 130.

66 Ayatollah Khomeini (no date), *Islamic Government*, Al-Islam.org. Ahlul Bayt Digital Islamic Library Project (DILIP), available at: <[www.al-islam.org/islamicgovernment/](http://www.al-islam.org/islamicgovernment/)> (accessed 27 September 2013).

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68 Khomeini (no date), *Islamic Government*.

69 Hashemi-Najafabadi (2010), p. 198.

70 Kamrava (2008), p. 101.

71 Ibid.

72 Ibid. p. 102.

73 Ibid. p. 106.

74 Hashemi-Najafabadi (2010), p. 198.

75 Tazmini (2009), p. 29.

76 Kamrava (2008), p. 107.

77 Kamrava (2008), p. 109-110.



- 78 Jahanbakhsh (2001), p. 131.
- 79 Bernard Lewis (1988), *The Political Language of Islam*, University of Chicago Press, p. 1-2.
- 80 Filii (2009).
- 81 Tazmini (2009), p. 29.
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# Book Reviews

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Paul F. Deihl & Alexandra Balas, *Peace operations*, 2nd edition, Polity, 2014, ISBN 9780745671802

## Peace operations

*Adisa Avdić- Küsmüş (Metropolitan University Prague)*

The advent of peacekeeping in the mid-20th century was a significant shift in strategy for conflict resolution. The failure of collective security under the League of Nations pushed for finding more effective ways for dealing with conflicts. The idea of deploying forces to war-torn areas with the purpose of limiting violence gradually evolved and resulted in the establishment of large, complex and costly missions around the world. But how did such operations evolve? Who organises them and how are they deployed? Which criteria should be applied to evaluate their success and failure? What is the future of peace operations? Deihl and Balas seek to answer these fundamental questions and shed some light on the organisation and deployment of peace forces.

Any research on peace operations, in the first place, calls for overcoming the ambiguity of terminology. Terms such as peacekeeping, peace-building, peace-enforcement and peace-operations are commonly used synonymously regardless of clear distinctions. Not so for Deihl and Balas who successfully classify peace missions and expend considerable energies ensuring that the readership fully understands the gravity associated to each dimension.

The second overview the early development of peace operations and records the striking expansion in the number and types of the tasks they perform. Deihl and Balas rightly observe that peace missions are not deployed to all conflicts in the world and provide a summary of empirical findings showing the necessary conditions for deploying peace operations and the factors which influence their geographic location, size and duration.

The UN has conducted the vast majority of all peace operations but there is a notable drift towards a more serious involvement of regional

organisations. The subsequent chapter focuses on explaining the involvement of various international organisations and their roles in the coordination, implementation and financing of peace operations. Deihl and Balas seek to answer which institutional arrangement is most effective and give a comparative assessment of different organisational schemes. They further explore the process of supplying personnel and funding peace operations. The added value consists in the attempt to give an overview of various alternative ways of organising and financing peace missions.

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Even though there is a significant number of reports and studies that evaluate the success of peace operations, Deihl and Balas claim that the majority of them is sort of mechanic and defined only by completion of individual tasks with scant regard to long term impacts. They provide a summary of the most recent research on peace operation effectiveness and identify necessary conditions for success. Peace operations are evolving but so are conflicts, making it increasingly difficult to keep track of core issues. In this, the final chapter explores the nature of conflicts in the 21<sup>st</sup> century and identifies key challenges for the implementation of new peace operations.

This book represents a comprehensive effort to investigate the past and the future of peace operations and provide some guidelines for the further improvements in their overall organisation and implementation. With mounting instability and the increasing number of conflicts over the past few years this book is a useful summary of what has been achieved so far in dealing with conflicts. It is a valuable and highly accessible book for students and scholars as well as policy makers since it provides a context to understanding peace operations and points to larger implications of mission deployment.

Agnia Grigas, *Politics of Energy and Memory between the Baltic States and Russia*, Ashgate, 2013, ISBN 978-1-4094-4653-8

# Politics of Energy and Memory between the Baltic States and Russia

*Anya Gromilova (Metropolitan University Prague)*

The book *The Politics of Energy and Memory between the Baltic States and Russia* offers an in-depth and penetrating look into the three former Soviet Baltic Republics' foreign policy towards Russia from 1994 to present day. Grigas focuses primarily on the domestic variables of policy making in Latvia, Estonia and Lithuania in order to dismantle the conventional approach to studies of the Baltic-Russian relations. The author argues against simplistic narratives such as the common perception that the Kremlin is the only actor with the power to make decisions, while the Baltic policymakers are mere responders that accept this dominance. Moving beyond this, the author advocates a more multidimensional and multiplayer vision of the shaping of policies in the Baltics since their breakaway from the Soviet Union.

In order to compare Estonian, Latvian and Lithuanian policies towards Russia in different issue areas, the book elucidates four specific case studies. The first two are focused on the oil and gas sectors and the latter two explore the non-economic issue areas that are prominent in the Baltic-Russian relations, addressing the policies of the Baltic states towards the legacy of the Soviet occupation - the Victory Day commemorations and the Baltic pursuits of compensation for Soviet occupation. Providing a thorough depiction of the on-going changes of the domestic political contexts in Estonia, Latvia and Lithuania, this

book challenges the dominance of the ethnic factor in explaining the Baltic foreign policies towards Moscow. It offers numerous examples to illustrate that despite the controversies around the significant Rusophone minority in its territory, Estonia was much more cooperative and pragmatic towards Moscow when compared to Lithuania (where the number of the Russian speakers is low and never sparked conflict, but the pursued policies were the most hostile and adversarial towards Moscow). Shifting the focus from the ethnic factor, Grigas invites the reader to include other, often underestimated, variables of policy making in the Baltics such as the behavior of the domestic incumbent political parties or the compelling influence of the Baltic business elites in order to shed light on the complex and multidimensional nature of foreign policy making in different sectors and across different time periods. Moreover, it reveals major vulnerabilities that Estonia, Latvia and Lithuania are still facing and stresses above all the urgent need for the three Baltic countries to improve their energy predicament and diversify their supplies.

Grigas' book is timely, coming out approximately one year before the escalation of the conflict in Ukraine and the up-following Crimea's secession, events that have put questions of energy security back on the top of the European agenda. In the Baltic States, the course of Russian actions in Ukraine naturally unleashed all sort of fears. There are common threads that run through the positions of Baltic States and Ukraine vis-à-vis Russia after the dissolution of the Soviet Union – including geographical proximity, legacy of dependence, complex ethnic composition, and questions of energy security. All these common elements have given rise to the fears that the Baltic States might be “next” on Putin's list when it comes to “protection of Russian compatriots”. Although so far such fears have proved to be unfounded, the Ukrainian crisis might mark a watershed in policy-making in the Baltics towards Russia whose credibility as a reliable partner in Europe is arguably at the lowest point at the moment. It is this conflictive point that makes Grigas' main normative suggestion that Estonia, Latvia and Lithuania should decrease its dependence on Russia particularly valuable. However, Grigas notes that this dependence does not only include the energy sector but other sectors as well. For example, Russian retaliation against the EU's sanctions have shown that Baltic states' economies that are largely accounted for by agricultural trade with Russia were

hit the hardest in the EU. Finding the lingua franca with Russia in the Putin era is not easy and this book does a great job of explaining the peculiar and complex position of the Baltic States when it comes to dependency and security in this regard.

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Schäfer, Armin and Streeck, Wolfgang (Eds.) 2013, *Politics in the Age of Austerity*, Polity Press: Cambridge, ISBN 978-0-7456-6169-8.

## Politics in the Age of Austerity

*Jan Kovář (The Institute of International Relations Prague)*

Democratic-capitalist governments are increasingly facing restraints as they endeavour to reconcile the conflicting interests and demands on public policy of two competing constituencies: the people and “markets.” The fiscal crisis and the resulting rise of the austerity state further deepen these dilemmas. But, what is the impact of the rise of the austerity state and deteriorating public finances on democracy and political participation? Will democracy be able to continue to promote equality and social justice – as it could until recently – or will this no longer be an option? The collection of essays in this volume sets out to determine the influence of a rising debt and amount of austerity measures adopted by Western governments on democratic disaffection, political participation and the democratic nature of politics in general. It also attempts to shed light on the relationship between the austerity state and the capacity of voters to influence governmental public policy through elections—a core democratic premise. And it should be stressed that the work achieves its purpose in a remarkably insightful way.

As a whole, the collection of essays in this volume constitutes a comprehensive attempt to investigate how the contemporary politics of welfare democracy has been affected by the fiscal crisis and preceding public debt accumulation. Examination of the subject matter by means of a collection of essays allows the reader to switch from the insights and analysis of one author to another, employing different theoretical and methodological perspectives, while it also leaves space

for the reader to determine the overall correspondence and complementarity of conclusions offered by individual authors.

Using descriptive statistics and regression analysis, the first, introductory essay investigates what mechanisms may be at work to link rising debt and falling voter turnout and arrives to the conclusion that citizens belonging to the less well-to-do strata of population have in the couple of decades 'grown sceptical as to whether political participation serves their interests' (p. 16-17). However, the main contribution of the chapter rather lies in the presentation of nine viewpoints on what the authors' regards as the most likely future developments in the relationship between a 'tightening fiscal straightjacket' (p. 18), on the one hand, and the level of political participation, on the other. As such, it serves as a good introduction to the rest of the book.

Subsequent essays explore such issues as the decline in democratic capacity to govern as a result of economic challenges, tax competition and its political repercussions, the rise and normalisation of the radical right in Europe, the European Monetary Union (etc). In Chapter 3, the authors, for example, elaborate on the implication of fiscal democracy on democratic welfare state, while Chapter 5 analyses democratic accountability and democratic legitimacy of the European Monetary Union and the current set of EU responses to the euro crisis.

As with any volume, be it a collection of essays or a monograph, the book suffers from some minor weakness and internal inconsistencies. For example, two essays more or less directly dealing with Sweden. While the author of one points out that Sweden has performed reasonably well over time in terms of the relationships among public debt, political participation and welfare state the other challenges this optimistic view. Nonetheless, one may argue that these imperfections are endemic or at least common to edited volumes. Moreover, such instances, in fact, do not confuse the reader but rather serve to expand one's understanding of the given phenomena.

If, as the authors of the volume claim, democracy will not continue to be able to promote equality and social justice, what would be the outcome sketched by the authors? As inequality between the top and the bottom in democratic societies will further increase, we may expect to experience a reversal of the trend from (secular and gentle) political apathy to the direction of political radicalisation (p. 23). Taken together, the book does not provide solution to the highlighted pitfalls

of the evolving relationship between capitalism and democracy as the author's on the concluding essay maintains it is not a task for social scientist to 'resolve the structural tensions and contradictions underlying the economic and social disorders of the day' (p. 284). Nevertheless, this book is strongly recommended to graduate students and scholars of political economy and democratic theory as well as those interested in a well-written, provoking while scientific research on the fault lines between capitalism and democracy.

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Amitav Acharya, *The End of American World Order*, Polity, 2014,  
ISBN 9780745672472

# The End of American World Order

*Jaume Castan Pinos (University of Southern Denmark)*

In *The End of American World Order*, Amitav Acharya engages in core debates of International Relations; hegemony and world polarity. This is, needless to say, an extremely complex subject, and consequently, a formidable academic challenge. Perhaps the main strength of the book is that Acharya is not intimidated by the daunting challenges he faces. One of the main virtues of the book is that his deconstruction of the American World Order (AWO) myths is serene and rigorous without resorting to simplifications and without employing the often dogmatic *anti-imperialist* metanarrative.

This is particularly well illustrated in Chapter 3, where he deconstructs the nature, benevolence and future of the AWO, and by doing so he exposes its multiple and sometimes ignored contradictions. For instance, he highlights the fact that US dominance is not built around consent but, like other orders, is imposed through coercion. Acharya does not deny that the AWO has had positive outcomes (particularly in Europe) but he claims that we should also acknowledge its too often neglected negative effects such as its historical baggage supporting authoritarian rule, its interventions against democratic regimes during the Cold War or the Bush doctrine based on hyper-unilateralism. Thus, even though the US order is referred by some scholars, such as Ikenberry, as 'American-led hegemonic liberal order,' Acharya reminds us that Washington has been forced to sacrifice 'liberal norms such as human rights and democracy [...] in the interest of superpower geopolitics' (p. 38). Another myth he deconstructs relates to the framing of history and

geopolitics in western-centric terms. As a result of this western-centric frame, it is often forgotten, he claims, that the American-led liberal hegemonic order was geographically rather limited during the Cold War. In other words, it was essentially a US-UK-West Europe-Australasian configuration that did not include key (regional) actors such as China, India, Indonesia, Egypt or the Soviet Union. Given this limited geographical reach, he asserts that until the end of the cold war, the AWO can be considered an international order but not *the* world order.

The collapse of the USSR led to a “unipolar moment” that was celebrated by American pundits but that, according to Acharya, is about to be replaced by a new order: ‘unipolarity is vanishing sooner than its proponents had forecast’ (p. 107). The reasons for this do not only lie with the irresponsible adventurist unilateralism pursued by the George W. Bush administration but are also due to the regional and global dynamics of the 21<sup>st</sup> century that inevitably undermine polarity. One of the central arguments of the book is the paradox that is caused by the fact that even if the US is not in decline, the American-led World order is ‘US dominance of the world will decline, even if the US itself does not’ (p. 108). Contrary to the dominant perception (held by both realists and liberal-institutionalists) that the end of US unipolarity would lead to instability and disorder in the international system, Acharya argues that multipolarity ‘does not necessarily spell chaos’ (p. 18). To describe this post-hegemonic era, the author uses a multiplex cinema metaphor, where there are several films being shown at the same time on the different screens. While this may be an original illustration to depict a changing world where the centers of power are more diffuse and less controlled by the US, the metaphor is not self-evident, lacks clarity and does not account for power dynamics. In addition, the metaphor seems to neglect the fact that in multiplex cinemas, movies are not screened randomly but a manager is ultimately responsible for deciding which movies will be screened, in which sessions and for how long. This manager figure does not fit well in a metaphor that attempts to portray a decentered non-hegemonic world.

Bringing the metaphor forward, Acharya concludes that a multiplex world, which may develop into two potential scenarios, will replace the AWO. The first approach, which he labels as the ‘global concert model,’ would be based on a sort of great power club where the US shares its power with emerging states. This collective hegemony is not exempt

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from competing relations among great powers but they, nonetheless, develop institutional frameworks in order to preserve global stability. The second approach, which he refers to as the 'regional world model,' is clearly the author's preferred scenario since it fits better in his multiplex narrative. According to this approach, order would be established through a multiplicity of regional actors that commonly address transnational perils and work not in opposition but in compatibility with the UN. That is, a regional order where the US does not abuse but rather shares power with other actors, with more democratized and representative multilateral institutions, with a significant contribution to order from emerging powers, respectful towards the autonomy of weaker actors and complementary to the UN. There are multiple limitations with the model envisioned by Acharya. For example, there is a wide range of factors that need to align for this new peaceful multilateral order to succeed and consequently there are plenty of contingencies that may jeopardize and ruin the author's idyllic prognosis. Furthermore, his vision shares the same sin with the catastrophist picture of inevitable chaos (if the AWO collapses) he challenges throughout the book; both are based on speculation.

At any rate, the book's strengths clearly outweigh its shortcomings. It represents a fresh and original contribution to the debate on the decline of US hegemony and its consequences for global stability. It is the sort of book that readers interested in global affairs should keep in a handy place in their libraries, particularly as the tectonic plates of international politics shift.

Karen E. Smith, *European Union Foreign Policy in a Changing World*.  
Cambridge: Polity Press, 2014, 3rd edition. ISBN 9780745664705

# European Union Foreign Policy in a Changing World

*Andriy Tyushka (College of Europe, Natolin Campus)*

The flurry of changes to the EU's internal and external environments produced a demand for thorough analytical accounts of the Union's challenges as an international actor aiming to imprint the world order. Unsurprisingly, a robust scholarship of EU foreign policy analysis has mushroomed in the last decade. Among them, Karen E. Smith's *European Union Foreign Policy in a Changing World* stands out for its distinctive focus—searching for the rationale behind the EU's empowerment and its goal-driven involvement in shaping international affairs. Smith illustrates that 'change is the one constant in international affairs' (p. xiii), including the academic dimension. Accounting for the changing internal and external contexts in which the EU operates, this edition retains the original focus on 'teleology' of the EU's foreign policy by analysing 'why and how the EU pursues five foreign-policy objectives' (p. 2).

Since its establishment, the EU has been questioned on its effectiveness and blamed by sceptics for delivering too little. To a certain extent, this critique is been ill-founded since it often lacks the reference point of identifying what the EU's objectives were from the onset. Asking precisely what the EU foreign policy goals are and how they emerged, what are the available instruments and how effectively the Union has deployed them, Smith attempts to fill this lacunae with her genuine focus on the EU's 'milieu goals' (p. 6).

Essentially, the book is built around a set of selected five EU foreign policy objectives broadly conceived as both legally stipulated and politically manifested imperatives for action. Smith's take contributes to a burgeoning field of research in IR; manifesto research, which originates from comparative politics.

Structurally, this text is organised into 9 chapters revolving around the topical analytical categories such as the EU's international role and actorness, its foreign policy effects and effectiveness, as well as the very core of its international identity as constituted by the declared foreign policy objectives. The book can be split in two parts with the first introducing EU foreign policy and international actorness, and the second tackling the problem of contextualising and operationalising its foreign policy objectives as imperatives for international engagement.

Chapters 1-3 set out the theme of the EU as an international actor; conceptualise its foreign policy against the backdrop of declared foreign policy objectives; trace the evolution of EU actorness – starting from the early Community efforts to instigate the European Political Cooperation, up to the most recent developments in de-pillarisation and the new coherence consolidated by the Treaty of Lisbon – and evaluates the foreign policy instruments both used and potentially deployable to assert the EU's role in shaping the world affairs. Remarkably, along with assessing traditional foreign policy instruments (economic, diplomatic, and military) just as the issue of coherence and consistency in their usage, Smith also disentangles 'a few unique ones' (p. 65)—essentially a 'contractual diplomacy' (with emphasis on agreement-based relations), the use of positive and negative conditionality mechanisms, and recently, strategic partnerships diplomacy.

Constituting the analytical axis of the textbook, chapters 4-8 provide an account of the five relevant facets of EU foreign policy action driven and structured by each of the selected five foreign policy objectives, namely: 1. the encouragement of regional cooperation, 2. the promotion of human rights, 3. the promotion of democracy and good governance, 4. the prevention of violent conflicts and, 5. the fight against international crime. Following a similar pattern, each chapter reveals the relevance of every selected foreign policy objective for the EU and within it; contextualises them and specifically defines them to possibly best assess the practices of their implementation. This allows the author to present a theoretically informed extensive empirical evaluation



of what is often sporadically approached in foreign policy analysis of the EU—the very objective of foreign policy action. The final chapter surveys the theme by holistically revisiting the EU's distinctiveness as an international actor, its commitment to the manifested foreign policy objectives and its performance in pursuing them.

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This excellent title offers an accessible and engaging insight – and an enjoyable read – into the EU as a teleologically informed shaper of international affairs. Strikingly, with her manifesto analysis of the genuinely distinct actor in international relations, Smith links what the EU *does* with what it *aims* to do. In a more ideational and non-labelling vein, she manages to present what the EU *is* – yet, ultimately, ‘the pursuit of [the] objectives also feeds into perceptions of the EU’s international identity, that is, the identity the EU (and its member states) would like to project’ (p. 204). Paradoxically, the weakness of this otherwise impressive textbook lies in the attractiveness of the problems it tackles. Whereas being suited for the primarily intended audience of (rather advanced) undergraduate and postgraduate students, it also undoubtedly attracts a more advanced readership. To provide for the latter, a more sound and appealing source of expert knowledge, a methodologically more sophisticated approach (including a systematic content analysis) could have been deployed. This would also allow the author to better tackle the matter of objectives implementation, that is the issue of ‘how effective the EU has been in actually achieving the objectives,’ which ‘this book does not cover in great depth’ (p.208), as admitted by Smith herself.

As it stands, *European Union Foreign Policy in a Changing World* is a well-written and well-researched account of EU foreign policy across intrinsically acute themes. Offering to escape inconclusive debates on sometimes ephemerally constructed perceptions of what the EU *is*, Smith invites readers to get ‘back to the sources,’ including Treaties and secondary law and official political statements, in order to facilitate a more fine-grained assessment of the EU’s international identity and actorness based on its goals-driven performance in world affairs. In this, Smith has drafted the most definitive survey, to date, of the EU’s manifesto as shown through her succinct interdisciplinary account of its foreign policy objectives.