

# **Private military contracting in weak states: Permeation or transgression of the new public management of security?**

Carlos Ortiz

## **New Public Management**

New Public Management (NPM) is an approach to the organisation and management of government advocating the use of market methods and private firms for the allocation of public goods and services. Competition in the public sector, hands-on professional management, and discipline and parsimony in resource use are some of the ‘doctrinal components’ of the approach identified by Hood (1991:3–19) in the early 1990s. The incorporation of market discipline in aspects of government has also meant that public administrators must increasingly act like business managers. This new attitude necessarily includes advances in business administration, pioneered in the private sector and adapted to

\* Carlos Ortiz, formerly a researcher at the University of Sussex, is a leading expert on the privatization of armed forces. He manages [www.PrivateMilitary.org](http://www.PrivateMilitary.org), one of the leading internet resources addressing this topic.

the management of government. Terminology and concepts associated with the approach, such as 'results oriented', 'entrepreneurship', and 'outsourcing', have therefore now become commonplace in discussions about and within the public sector (Rosenbloom & Kravchuck 2002:25). The gradual and systematic transition from traditional public administration to NPM since the late 1980s has given the approach the overarching qualities of a culture, a philosophy or a paradigm (Barzelay 1995:8). In Western democracies, as well as in the entire Organisation for Economic Co-operation and Development (OECD),<sup>1</sup> the paradigm increasingly impinges on all aspects of state security.

NPM draws some of its guiding principles from economic theory, the logic and practice of which has made deep inroads into previously assumed discrete fields of social enquiry over the last few decades. A focal point and driving force behind public sector reform has thus become 'economy, efficiency and effectiveness', or the virtuous three Es. This is an extension of traditional public administration, which endeavoured to apply these principles to the workings of bureaucracies and not as elements of strategies that call for the implementation of market mechanisms in the public sector. The normative aim, and guiding principle, of the approach is the attainment of economic efficiency of government, in other words minimising costs and maximising outcome. The assumption is often that this can be achieved through the inclusion of private sector input into the affairs of government.

Operationally, NPM introduces a contract between authorities and firms for the 'efficient' execution of public services by the latter. In effect this often entails open and competitive tendering for government contracts for the handling of specific tasks, because 'any conceivable government service can be provided by contract' (Hughes 1998:70). The active competition between firms to win contracts fosters, in theory, optimal service provision. In this context 'optimal' means that authorities would contract the firm(s) offering the best value for money, given specified tender parameters and goals. It is argued that 'successful implementation would result in a more effective and efficient public sector, whether delivering defence or social services' (Peters 1996:45). Chief amongst the changes introduced is precisely the identification of government as 'the maker of contracts' (Lane 2000:160). Therefore the approach re-conceptualises the role of government from provision to tendering and supervision. At the same time, the new culture prompts a shift 'from political accountability to managerial accountability' (Baker 2004:46). This paradigm shift motivates a change in the traditional notion of a state monopoly over the legitimate uses of violence. By this the technical supremacy of the bureaucratic model, as argued amongst others by Max Weber (1991:214), is irreversibly superseded by NPM.

These theoretical and practical developments have contributed to the dismantling of the conventional view that collective goods, such as defence and law enforcement, should be provided by the public sector only. Theoretically, the private sector is dissuaded from entering public goods markets. The fact that authorities satisfy them for a negligible price

critically limits the potential profitability of private service provision. It is also argued that private markets are unable to produce the 'efficient quantity' of public goods that 'matches the marginal cost of making it to the social benefit of having it, which is simply the sum of the marginal private benefit of each person consuming that quantity' (Begg, Fischer & Dornbush 2003:149–150). This is clear in the case of some elusive, indivisible and expensive public goods such as the maintenance of a nuclear deterrent or a judicial or criminal system. Apart from some exceptions, however, in the current environment distinctions between purely public and private goods are difficult to sustain in practice. Accordingly, Rainey observes that many studies confirm the divergence between theory and practice when comparing 'public and private delivery of the same services, mostly finding the private form more efficient' (Rainey 1997:76). This brief analysis provides a good idea of the elusive nature of public goods and the social laboratory in which they are created, prioritised and satisfied, and their efficient quantity established.

To a large extent, the introduction of market mechanisms for the running of the public sector has placed governments and firms on equal footing in the delivery of the public services that derive from the satisfaction of public goods. Under NPM competition is created in order to find the best alternatives in the private sector to satisfy, partly or totally, public service delivery. Hence, NPM has facilitated the use of private military companies (PMCs)<sup>2</sup> as part of the equation for improving the efficient delivery of public goods, in that their participation presupposes a more efficient alternative than exclusive public provision.

## **New public management of security**

As the preceding discussion suggests, the NPM architecture incorporates in its edifice, inter alia, infrastructure and methods dedicated to the identification of services and tasks that can be contracted out, the implementation of tendering mechanisms to select the best firms in the market economy, and the establishment of contractual regimes formally connecting authorities and firms. The notional basis of NPM also implies that the strategy is best applied in the context of a highly functional market economy and a political commitment to liberal governance. In the sphere of state security, this is confirmed by the trajectory of leading Western nations, in particular the United States and its Anglo-Saxon allies. Besides constituting leading suppliers of PMCs and private military personnel, these countries are at the forefront of NPM reform.<sup>3</sup> The experience of these countries sets global standards for public sector reform, which concurrently inform the latest developments of the paradigm.

In the case of the US, building on the privatisation agenda initiated by the administration of Ronald Reagan, the government of Bill Clinton engaged in a thorough programme of NPM-inspired modernisation. Announcing the release of the national performance

review in 1993, called *From red tape to results*, he stated that the goal was ‘to make the entire federal government both less expensive and more efficient’ (Clinton 1993). The proposed solution was to create ‘entrepreneurial organisations’. In this respect, the final report of the Commission on the Roles and Missions of the Armed Forces, which was presented to Congress in 1995, put forward a suggestion that costs be reduced ‘through increased outsourcing and better management’. By the beginning of the Iraq occupation in 2003, it was generally agreed that the ratio of deployed troops to private personnel had decreased to about 10 to 1 from 100 to 1 during the first Gulf War of August 1990 to February 1991. In addition, the use of contractors has gradually been introduced into military planning. For instance, the 2006 quadrennial defence review explicitly acknowledged that contractors form part of the total force available to the Department of Defense (DoD US 2006:75). It considered the incorporation of ‘commercial activities by contractors, including contingency contractors and any proposed contractor logistics support arrangements’, in operational plans and orders to be part of policy (DoD US 2006:81). US allies such as Australia, Canada and the United Kingdom have mirrored this transition.

In the UK, the important role played by the private sector in the transformation of the Ministry of Defence (MoD 1998:170) during the past decade was recorded as early as 1998 in the strategic defence review, as is evidenced by the statement ‘whether through market testing and contracting out, [or] the involvement of private finance or Public/Private Partnership’. Uttley (2004:161) argues that by the start of the Iraq conflict, the debate had ceased to be about the likelihood of private sector support to deployed operations, but was instead about ‘when and where contractor support offers the most cost-effective solution’. In Canada the 1994 White Paper on Defence (1994, chapter 7) highlighted the need that the Department of National Defence adopt a business model incorporating practices such as just-in-time delivery systems, off-the-shelf commercial technology, the contracting out of support functions, and an enhanced partnership with the private sector. In Australia the 2000 Defence White Paper strengthened the commitment outlined in the 1998 Defence and industry strategic policy statement to incorporate a competitive, efficient and innovative industry base for the support of the forces (DoD Australia 2000:99). To meet growing field commitments, ‘ranging from high-end warfighting to humanitarian assistance and disaster relief’, the subsequent 2005 defence review asserted that reliance on private sector support would only grow in the future (DoD Australia 2005:25). In Australia and other countries implementing NPM reform, the support has diversified and intensified to reflect the unconventional nature of new conflicts. The support clearly goes beyond defence to encompass state security in general as well as its projection outside the sovereign space.

A robust institutional framework manages the novel interaction between authorities and firms in the provision of security under NPM. One of the US agencies that serves as liaison for this interface is the General Services Administration (GSA US), which institutes long-term government-wide contracts with commercial firms to provide access

to over 10 million commercial supplies and services in terms of its schedule programme. The GSA is part of the military supply chain and the Department of Defense (DoD) is its single largest customer (Murphy & Assad 2006). In terms of the schedule contract, for example, the DoD hired MPRI Inc to provide translators, CACI International to provide civilian interrogators and Blackwater USA to provide personnel protection services to the DoD in Iraq. EOD Technology Inc is under contract with GSA (schedule 84) to provide environmental remediation and security services, and so on. GSA, through the Federal Supply Service, is also in charge of the Federal Business Opportunities (FedBizOpps) system, which has been described as the single government point of entry for Federal government procurement opportunities over US\$25 000.

Many of the contracts for the reconstruction of Iraq that were part of the efforts headed by the Coalition Provisional Authority originated in requests for tenders posted by the FedBizOpps system. The Australian Government Tender System, too, has adopted an approach for the tendering of contracts that has some parallels with GSA, and the Defence Materiel Organisation implements partnerships with the private sector for the support of the Australian Defence Force. The Public Finance Initiative (PFI), first introduced in 1992, has grown to become the largest public-private partnership programme in the UK (Uttley 2004:148). Through the PFI the financial risk associated with capital projects is outsourced to private firms 'in return for military services contracts with the British government which typically last between ten and forty years and guarantee continuous income in the form of agreed fees' (Krahmann 2005:5). Many government agencies also contract out security related services to the private military industry in Canada and OECD countries.

The acceptance PMCs gained by the growing application of NPM principles from the early 1990s onwards, when the market for private military services was enhanced in the transition to post-bipolarity, easily translated into rapid growth for an industry whose basis was established during the last stages of the Cold War. The partnerships that have developed between PMCs and governments because of this acceptability, have affected the structure of security provision in Western states. At the same time, elements of this architecture have been exported to weak states, either through the rendering of services or the partial or supra-state incorporation of market based principles. While the agenda for the transformation of the public sector has led to many paradoxes for authorities when applying NPM principles to sovereign areas such as defence and state security in the West, it has crystallised in unparalleled problems and opportunities in weak states.

## **The privatisation of security in weak states**

In spite of a paradigm of global reach, NPM principles are applied unevenly across the world. The unevenness is even more evident when contrasting the robust managerial infrastructure outlined above with their near absence in weak states, many of them in

sub-Saharan Africa. However, the logic of contracting out in order to raise the efficiency of government can to some extent be traced. To understand this phenomenon, it is necessary to explore the constitution of weak states together with the reasons behind the privatisation of security. The market place of weak states has been a fertile medium for PMCs to proliferate and become important players in the global political economy. Certain market conditions inherent in the contracting of PMCs in weak states permit the argument that the process unfolds in a quasi-competitive and efficient manner, hence approximating the logic of NPM.

The phenomenon appears to be developing under the aegis of three models, which sometimes overlap or complement one another. Model 1 involves the direct contracting by authorities, Model 2 external contracting and competition, and Model 3 the transfer of security responsibilities to the market economy.

The environment engendered by the transition to post-bipolarity has offered ripe conditions for the privatisation of security in Africa. The manifest concentration of weak states in Africa justifies this geopolitical emphasis. In addition, it is relevant to recap certain systemic causes and consequences leading to this state of affairs. During the Cold War, the stability of many countries became dependent on the direct involvement of the superpowers and their allies in their political affairs, and on the military and security expertise that was offered in exchange for alignment. The end of the Cold War resulted in the drastic decline in this politico-military patronage. In the case of the US, about 520 000 military personnel had been deployed in foreign areas for the 1983 fiscal year, but by 1992 the figure had dropped to 344 000 (DoD US 1995, part v). The reduction of personnel deployed in foreign areas was accompanied by a decline in official arms transfers.

Irrespective of country of origin, arms deliveries to sub-Saharan Africa declined from about US\$6 791 million in 1987 to US\$600 million in 1992, representing a dramatic reduction to the developing world, which was also linked to a decline in assistance (International Institute for Strategic Studies 1998:272). Changes in the established patterns of assistance exacerbated or fostered conflict in weak states. Effective multilateral intervention, notably under the leadership of the United Nations, is an alternative that could have ameliorated the faltering peace dividend. However, the governments of some weak states have opted for contracting private military services rather than waiting indefinitely for broader support from the international community of states to materialise.

In weak states, governance is exercised under conditions of political instability. Warlords, political opponents or rebel groups often challenge the authority of rulers. With the absence of Cold War patronage, these states have been forced 'to assume greater responsibility for their own security' (Howe 2001:111). Therefore these governments have on occasion hired PMCs to safeguard or enhance their authority. This is representative of Model 1 for the privatisation of security identified above. The ensuing

public-private alliance, often between the authorities of the weak state and Western firms, is recognised by other governments who prefer 'to deal with rulers who claim the mantle of globally recognized state sovereignty, rather than trying to organize relations with competing strongmen or abjuring influence altogether' (Reno 1997:167). Coker (1998:111) accordingly argues that this phenomenon 'should be seen for what it really is: more of a partnership between the public and private sectors to shore up fragile state structures'. Since the end of bipolarity these arrangements have become a feature of the weak states in Africa. However, governments facing similar problems elsewhere have turned to the market economy for security solutions as well.

The privatisation of security in weak states has thus partly originated from the need for governments to find substitutes for the lacking military and security backing. The profile of weak states means that the privatisation of security largely implies the privatisation of lethal violence, because security is often realised through military means. Through this privatisation route, PMCs have filled a security gap caused by the withdrawal of the superpowers. Filling the gap, however, has also come to signify a process of substitution of official assistance with market based assistance. Nearly any service offered by PMCs of proven record is a better alternative than the fragile alternatives that authorities can provide themselves. In these countries, the privatisation of state functions and the delivery of public services by foreign contractors have become one of the very few alternatives authorities can come up with in view of frail state institutions, lack of democratic procedures, faltering economies and corruption. Moreover, in some African states that succeeded in centralising violence, that control over violence 'turned out to be a liability when state agencies charged with its exercise turned against their ruler' (Reno 1997:184). Hence a necessary, albeit somewhat drastic measure, is to contract extra-state actors to do the jobs that local constabulary and military forces cannot accomplish on their own.

Lane argues that 'one solution to the problems of efficiency and opportunism in the public sector is to reduce the commitments of the state by moving the supply of certain goods and services out of the public sector completely' (Lane 2000:201). In the sphere of security, the highly competitive nature of the contemporary market in private military services ensures a degree of selectivity available to authorities for the contracting of private firms. This selectivity, in turn, fosters a degree of efficiency and transparency in the provision of security services. Whilst political factors and the personal preferences of rulers might indeed affect selection procedures, the potential for optimal selection in the light of exploitable market competition is within reach, even in the absence of formal tendering mechanisms.

In addition to possible partiality in optimal contracting, Model I for the privatisation of security poses the problem of faltering mediating mechanisms between the public and private sectors in service provision. At the outset, these countries lack either administrative capacity and internal cohesion or legitimacy, or both (Moreno & Anderson 2004:1-33).

It is a complex dynamic in which 'often critically short of expertise in macro-economic management, domestic authorities have to wrestle with the competing demands of economic stabilization and war-related (or peacebuilding) costs' (Carbonnier 2000:15). Therefore, given their minimal or ineffective governmental infrastructures, politicians or high-ranking military or law enforcement officials would need to assume a managerial role, too. Whereas external coaching of the officers performing the task might prove complex and controversial, it nevertheless remains an area in need of further consideration.

However, it could be possible to bring about competitive and transparent contracting of PMCs by ensuring that the tendering and selection of firms take place outside the affected weak states where services are to be rendered. This is likely to happen particularly when this takes place in advanced democracies and are subject to the arrangements outlined in the previous section. In such circumstances the second model for the privatisation of security comes into being. Model 2 is often contingent on broader reconstruction and relief initiatives originating from Western and multilateral donors. In a recent example, in 2003 the US pledged US\$35 million for the recruitment and training of the post-war Liberian military forces. The task was contracted out to DynCorp International and Pacific Architects and Engineers Inc (PAE). DynCorp assisted with the vetting, recruitment and provision of basic military training, and PAE with 'specialized advanced training, equipment, logistics, and base services' (Cook 2005:6).

More generally, various international police programmes or civilian police (CivPol) missions in conflict and post-conflict areas are partly handled by PMCs. CivPol forces are often empowered by a UN mandate and/or sponsored by multilateral organisations such as the OECD (DoD US 2005). The US first engaged in a CivPol mission in Haiti in 1994 and more than a decade later, there are ongoing American-led missions in countries ranging from Iraq and Afghanistan in the Middle East to Sudan and Liberia in Africa (DoD US 2005). The rebuilding of the Liberian security infrastructure is partly articulated through CivPol forces. De-mining and disposal of unexploded ordnance in conflict and post-conflict regions are also increasingly contracted out to private firms by governments and multilateral organisations. It should be also noted that although in Model 2 scenarios managerial and contractual discipline mediate the hiring of PMCs, this chiefly occurs at point of origin of the transaction. At point of delivery of services, however, the exported mediating interface coexists with the underdeveloped architecture characteristic to weak states.

Indeed, multilateral and non-government organisations contract services to the private military industry for the support of the missions they maintain in weak states. PMCs assist them, for example, in safeguarding of installations and personnel, the transport of people and distribution of aid goods, and de-mining and unexploded ordnance disposal. The use of PMCs in humanitarian missions 'is becoming far more common as agencies are being forced to work increasingly in insecure environments' (Lilly 2000:18). The

UN Procurement Division (UNPD) vets and buys services in some of the areas outlined above. The Global Compact, a UN initiative that seeks to foster responsible business practices through the adoption of ten universal principles in areas of anticorruption, the environment, human rights, and labour, inform UNPD contracting. At the same time, these requirements are balanced by economic efficiency, as the UN, like governments, seeks the lowest price on offer. The UN helps to lessen the public security gap of troubled states, on occasion partly with the assistance of PMCs, a process which implies 'power devolution' from the UN to the state, and then again to private companies. In this devolution, the UN and other organisations at times approach the somewhat carefully orchestrated principles of Model 2 of privatisation.

However, when the provision of a contracted security cover requires fortuitous arrangements, for example in response to a crisis, the privatisation process approximates the third model mentioned above. An understanding of Model 3 requires an analysis of the underlying economic factors.

Together with politico-military assistance, stability in weak states is partly dependent upon financial inflows. A delicate equation emerges connecting financial inflows to development, and development to security. Chauvet and Collier (cited in Wolf & Turner 2005) estimate that the average cost (net present value) of a single state with a Low Income Countries Under Stress (LICUS) status is about US\$82 billion. Yet the World Bank's LICUS trust fund, which aims to assist with strengthening state institutions and 'to support early efforts at policy reform and build capacity for social service delivery in the world's poorest countries', totalled only US\$25 million when it was created in January 2004 (World Bank 2004). More strikingly, based on Chauvet and Collier's estimate it appears that 'turning a LICUS into a more typical low-income country exceeds the world's annual aid budget'. This gives some idea of the scale and complexity of underdevelopment in Africa.

During the Cold War, superpower sponsored patronage resulted in financial aid to many weak states. The US and the West in general had a roster of client states that was larger than that of the Soviet Union (Menon 1986:84). However, in the transition to post-bipolarity, patterns of financial assistance changed. On the one hand, the aid deficit has been exacerbated by the unwillingness of international donors to see financial assistance misspent, or worse, to become an in-house transaction from the treasury of the state to the private bank account of its ruler. On the other hand, assistance has increasingly become conditional on state reform and the opening up of economies to foreign trade. In both cases a peculiar dynamic develops in which governments, multinational corporations (MNCs) and PMCs all play a role.

Some weak states are rich in mineral resources but lack the technical expertise and economic capability to exploit them and so grant exploitation rights to MNCs in

exchange for royalties, duties and taxes. However, the internal conditions in these states are not stable enough to guarantee the safety of assets, personnel and everyday operations of such MNCs. For example, the West Coast of Africa remains one of the world's most promising areas for oil exploration, but the region has been plagued by political instability and intermittent conflict since independence. Unlike manufacturing or trading operations, resource corporations 'cannot simply move their operations elsewhere when conflicts emerge' (Maresca 2000:45). In this context, governments also transferred responsibility for security to the market economy either by contracting PMCs themselves or by allowing international entities such as MNCs to make arrangements for their own security, who often also opt for a PMC.

For the governments of weak states willing to commit to the state reform agenda in exchange for financial assistance, MNCs become a solution to the problem of foreign investment. For the governments that seek to circumvent these arrangements, MNCs become a solution to the problem of external financial inflows. Either way, while these governments need the income generated by MNC operations, the long-term commitments of international business are partly dependent on the services rendered by PMCs. Yet in this scenario, macro-economic efficiency can be derived from the contracting of PMCs, as they guarantee an otherwise absent state income. Moreover, commercial imperatives move MNCs to select the best players in the market, hence encouraging efficient contracting. The moderate stability these private transactions create, or pockets of it to be precise, helps to keep weak states connected to the formal global economy. Since a security cover is also on occasion contracted by multilateral and non-governmental organisations, through either Model 2 or 3, PMCs facilitate continuous presence of humanitarian and relief communities too. These connections provide some hope for the developmental aspirations of these countries. On the other hand, by transferring security responsibilities to the market economy, the authorities of weak states grant an unusual degree of autonomy to the private sector in public security provision. In the absence of fully developed mediating mechanisms between the public and private sectors, Model 3 can also be open to abuse.

Apart from categorising the variable nature of connections between authorities, firms and multilateral organisations in the privatisation of security in weak states, the three models also highlight the critical problem of transnational contracting under NPM and in security provision. Current NPM research tends to emphasise service delivery at the national level, but not enough attention has been paid to the issue that while contracting out occurs at the national level, service delivery might take place abroad or evade national jurisdiction, and vice versa. In the delivery of conventional public services this might not be a serious problem. However, in the absence of international laws specifically sanctioning the private military trade and because very few countries have rules in place to regulate their domestic private military industry, transnational transactions represent an area of the NPM of security that needs further investigation.

A number of permutations arises due to variable state policies and the pace of NPM reform for each of the models. For example, weak state authorities who opt for Model 1 might forego the desirable outcome planned by donors willing to engage only in Model 2 activities. Similarly, some Western countries might become unwilling to support the ongoing multilateral-private partnership under Model 2, regardless of the position adopted by the authorities of the particular weak state that would receive the services. At the same time, given the right circumstances, privatisation under Model 3 could compete effectively with Model 2 and 1 scenarios.

This unstructured and incomplete articulation of otherwise identifiable market principles point to the desirability of a broader convergence between the agenda of the leading NPM reformers and that of the countries in the early stages of reform, even of statehood. With regard to the market for private military services, Avant argues that capable states such as the US ‘may direct security effectively, though, if it is a sovereign task, generally with some additional cost or political slippage’. Weak states, on the other hand, are less likely to direct private security provision ‘effectively or to have much demand on the market’s ecology’, as PMCs tend to be more responsive to ‘the interests that are bankrolling the weak state’s efforts’ (Avant 2005:220–221).

From this angle, leading reformers can learn from the extreme experience of weak states with regard to the privatisation of security. Ultimately, it is in weak states where many of the contracted services would be rendered, and the best-laid plans derailed, as happened in for example Iraq. Simultaneously, weak state authorities may benefit from learning about the practice and aspirations of the NPM agenda as conceived by the leading reformers. Inasmuch as Western donors need to afford weak state authorities a broader role in the selection of market alternatives, fragile authorities need to embrace NPM reform, particularly as they already allow and/or make extensive use of private security solutions.

## Conclusions

In outlining three distinctive models for the privatisation of security in weak states, a mix of market parameters such as private competition, efficient contracting and optimal selection that are integral to the NPM logic, were discussed. These parameters are in flux and often realised incompletely. However, through their identification and refinement it is possible to move in a direction that encourages a more efficient and transparent contracting of private military services. In this respect, the article has shown both the permutations of some of the market principles underpinning the NPM logic as well as the deviations from the approach by reformers when targeting weak states with their initiatives. Even though the problems associated with this dual dynamic show that the convergence of the paradigm with security provision in weak states remains underdeveloped, it does

provide opportunities. The privatisation of security in weak states also makes it necessary to investigate further the transnational dimension of contracting out under NPM. This would make it possible to determine the future direction of the NPM of security globally, and clarify the role of PMCs in public sector reform.

## Notes

- 1 The OECD is an advocate of NPM, particularly through the works of the Public Management Committee.
- 2 For the purposes of this article, the conceptual framework is used in which PMCs are defined as ‘legally established multinational commercial entities offering services that involve the potential to exercise force in a systematic way and by military means and/or the transfer or enhancement of that potential to clients’ (Ortiz 2007:60–62).
- 3 While South Africa is an important supplier of PMCs and personnel, it appears to have chosen to reduce its ‘reliance on the private sector for sovereign tasks’ (see Avant 2005:220).

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