SUBCONTRACTING SOVEREIGNTY: THE COMMODIFICATION OF MILITARY FORCE AND THE FRAGMENTATION OF STATE AUTHORITY

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...the unmistakable trend in the past several decades has been toward more and more
private contracting, a hollowing out and deconstruction of the state that is in a sense the
classic condition of postmodernity.¹

If one looks to U.S. forces actually deployed on the battlefield, the ratio of private
contractors to troops has increased dramatically in the past fifteen years. In the first Gulf
War, the ratio was one in a hundred; in the current war in Iraq, the ratio is one in ten.²

The private sector is so firmly embedded in combat, occupation and peacekeeping duties
that the phenomenon may have reached the point of no return: the US military would
struggle to wage war without it.³

I. INTRODUCTION

Despite the state’s right to hold a monopoly on the use of force, there is nothing natural
about this arrangement. “Until the mid–nineteenth century, military knowledge and
labour were an alienable commodity in an international market. Sovereignty bore little
or no relation to the control of organized military violence.”⁴ As European states
bureaucratically matured, their capability to organize violence increased tremendously.⁵
States aggressively sought to control military violence through centralization and
monopolization. By the turn of the twentieth century most European states had
effectively consolidated central authority within their territorial realms. The maturation
of the concept of nation–state sovereignty meant that the recruitment of foreigners for
duty in national armies declined, and the utility of mercenaries was eclipsed.

¹ Laura A. Dickinson, Government For Hire: Privatizing Foreign Affairs And The Problem Of
² Id. at 149.
http://www.guardian.co.uk/international/story/0,3604,1103566,00.html (last visited Mar. 30, 2006).
⁴ Montgomery Sapone, Have Rifle with Scope, Will Travel: The Global Economy of Mercenary Violence,
30 CAL. W. INT’L L.J. 1, 10 (1999).
⁵ Juan Carlos Zarate, The Emergence of a New Dog of War: Private International Security Companies,
By the mid-twentieth century international law outlawed mecenarism primarily owing to a new kind of soldier of fortune—the independent mercenaries, commonly referred to as “wild geese”, or *les affreux* (“the dreaded ones”).

“[T]hese independent mercenaries, hired outside the constraints of the twentieth century nation–state system and seemingly motivated solely by pecuniary interests, were seen as a shocking anachronism.”

The individual self-seeking mercenary was now an abhorrent participant in the international military marketplace since the state had moved away from commodification of violence.

The end of the Cold War in the 1990s produced dramatic changes in the complexion of international relations. A geopolitical power vacuum replaced the militaristic bipolar international scene creating an atmosphere for major militaries in the West to downsize their large standing armies. Downsizing of military forces was driven by the impetus that privatization would improve efficiency and save costs for nation–states. This initiative created a supply of individuals with military training who could market their services. Soon however, long suppressed ethnic and regional rivalries were creating

6 *Id.* at 87.

7 *Id.* This new breed of soldier of fortune was vilified despite previous acceptance of the commodification of mercenary violence. They were seen as illegitimate when contrasted with “appropriate” State violence. *See* Herbert M. Howe, *Global Order and the Privatization of Security*, 22 FLETCHER F. WORLD AFF. 1, 4 (1998).

8 They consisted of motley collections of self-seekers operating outside the State system. *See* Zarate, *supra* note 5, at 82.

9 Writing in THE GUARDIAN, Ian Traynor notes that:

Since the end of the cold war it is reckoned that six million servicemen have been thrown on to the employment market with little to peddle but their fighting and military skills. The US military is 60% the size of a decade ago, the Soviet collapse wrecked the colossal Red Army, the East German military melted away, the end of apartheid destroyed the white officer class in South Africa. The British armed forces, notes Mr Singer, are at their
global instability creating a demand for troops and weaponry with governments growing increasingly reliant on off-the-shelf commercial technology. This created a huge market for private security contractors and generated an appetite for Private Military Firms (“PMFs”). Although in form resembling their antecedents, PMFs quickly developed a modus operandi compatible with the needs and strictures of the post–Cold War, state–based international system leading to both implicit and explicit legitimacy.

Privatization of military functions has introduced a range of constitutional, economic, and strategic concerns that have a significant impact on governmental functions. The emergence of PMFs and their formidable financial and military capabilities does not fit into the paradigm of the state as an entity bearing monopoly over military force. Commenting on the decentralization of state control over the use of force, William W. Keller notes: “This change in military relationship between States and private entities suggests that some States no longer exert explicit control over military technology or manpower. Military skill is becoming increasingly privatized and commodified.”

This Article has as its central theme an analysis of how state sovereignty has fragmented with the subcontracting of one of the key pillars of sovereignty—the monopoly and control of military force. At the heart of the argument is the reality that PMFs maintain the ability to inflict violence on a scale previously reserved to sovereign nations. Part II

smallest since the Napoleonic wars. The booming private sector has soaked up much of this manpower and expertise.

Traynor, supra note 3.


11 Quoted in Sapone, supra note 4, 19–20.
explores the thorny legal issues raised by the commodification of military force and in particular the influence of PMFs in both formal and informal decision-making in governmental circles. Part III focuses on the role of PMFs in altering the concept of limited government through their formidable military capability, the growing reliance of state militaries on PMF military capacities and their role as kingmakers in small and medium countries. In addition, under the microscope is PMFs potential ability to influence international law and order. Overall the Article postulates that the state now finds itself beholden to a new Frankenstein—market power, and is increasingly overshadowed by the capabilities of PMFs, underpinned by ‘sweetheart deals’ between governments and these companies.

II. WAR MART: THE RISE OF THE FOURTH ARM OF GOVERNMENT?

With the demise of an active Soviet military threat, in the 1990s, the United States embarked on an ambitious program of downsizing and privatizing the military. Presidents Bill Clinton and George W. Bush Jr. both embraced outsourcing as a way to downsize the military. In the course of the decade, the United States Congress lent an active hand by adopting bipartisan caps on the number individuals employed by the government further fuelling the initiatives towards privatization. At the heart of the privatization was the imperative to reinvent and streamline government. Both

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administrations were adamant that the initiative would not intrude on any functions that are “inherently governmental”.\textsuperscript{14} This pledge was soon to prove a hollow promise.

The rapid privatization of force and commodification of military force in the United States was cemented on September 10, 2001, when Secretary of Defense Donald Rumsfeld announced an “all–out campaign to shift [the] Pentagon’s resources from bureaucracy to the battlefield, from tail to the tooth”.\textsuperscript{15} Having outsourced much of the logistics and supply functions of the military to private firms, he declared that the Pentagon would be challenged to eliminate or shift to private suppliers any but the core activities of defense.\textsuperscript{16} With the vision of privatizing United States military arsenals, its ammunition plants, and repair depots, Rumsfeld also announced a commitment to ensure that the Pentagon should learn from, and take advantage of, the private sector’s expertise in management, technology, and business practices.\textsuperscript{17} The wide ranging nature of the privatization initiative is evidenced by the fact that in the run up to the second

\begin{flushright}
\textsuperscript{16} Id.
\textsuperscript{17} Id. Rumsfeld explained:

Already we have made some progress. We’ve eliminated some 31 of the 72 acquisition–related advisory boards. We now budget based on realistic estimates. We’re improving the acquisition process. We’re investing $400 million in public–private partnerships for military housing. Many utility services to military installations will be privatized.

We’re tightening the requirements for other government agencies to reimburse us for detailees, and we’re reviewing to see whether we should suspend assignments where detailees are not fully reimbursed.

We have committed $100 million for financial modernization, and we’re establishing a Defense Business Board to tap outside expertise as we move to improve the department’s business practices.
\end{flushright}
Gulf War, dubbed “Operation Iraqi Freedom”, the Army announced that it would permit contractors to compete for 154,910 civilian jobs as well as 58,727 military positions.\(^{18}\)

Today in Iraq, there are over 20,000 military contractors offering a breadth of competencies that include core military functions such as airborne operations, the provision of air support for ground troops and convoys, counterinsurgency work, force integration, tactical and strategic intelligence, reconnaissance, security assistance, and weapons control.\(^{19}\) This reliance on PMFs is gradually relieving the military of developing a range of capacities internally.\(^{20}\) The increasing use of PMFs entails a reduction of the state’s capacity to act politically. The events in the United states are symptomatic of developments elsewhere.\(^{21}\)

Revenues pouring into private military companies have led to the stock in publicly traded PMFs rocketing.\(^{22}\) No surprise then that in 1999 and 2000, ArmorGroup, a leading United State’s private military corporation, was listed as one of Fortune’s 100 fastest growing companies.\(^{23}\) Against this background, there was a series of mergers and acquisitions creating large entities, and an appetite for “war profits” as eager members...


\(^{22}\) James R. Coleman notes that “[a]ccording to political scientist Deborah Avant, approximately thirty cents of every dollar spent by the U.S. military in Iraq winds up in the coffers of the more than one hundred private military corporations supporting U.S. troops there”: James R. Coleman, *Constraining Modern Mercenarism*, 55 HASTINGS L.J. 1493, 1504 (2004).

of the public snapped up shares. With billions up for grabs, PMFs have developed serious networks with military insiders in various capitals in the West by funneling hundreds of thousands of dollars into lobbying.24 They now have an active role either formally or informally advising governments on various military policy initiatives.

In 2000, Lockheed Martin Vice President Bruce Jackson was a key player of the Project for the New American Century that helped draft the Republican party foreign policy platform. Three years later, when the Iraqi military campaign got underway, Lockheed Martin benefited to the extent of 21.9 billion in contracts and war profits, from just about every phase of the war along with other PMFs with its stock tripling directly due to war.25 In 2004, of the 30 members of the Defense Policy Board—the influential Pentagon advisory panel—at least nine were directors or officers of companies that won $76 billion in defense contracts in 2001 and 2002.26 Former Secretary of State George Schultz’s role as a director of a leading PMF—Bechtel—included the role of chairman of the advisory board of the Committee for the Liberation of Iraq, a fiercely pro–war group with close ties to the White House.27 Bechtel has benefited and continues to benefit very handsomely from the Iraq war. It is not a matter of conspiracy theories but a pattern when one considers that Halliburton (of which current United States Vice

24 Publicly traded stocks in private military companies jumped roughly fifty percent, making this one of the few industries whose economic outlook improved after 9/11. See generally Peter W. Singer, Corporate Warriors: The Rise of the Privatized Military Industry (2004); Nelson D. Schwartz, Pentagon’s Private Army, FORTUNE, Mar. 17, 2003, at 100, 102.
25 Bhagwat, supra note 21.
President Richard Cheney was Chief Executive Officer from 1995–2000) has been the recipient of many multi–million contracts through a flawed tendering system.28

To ensure their grip on war profits, leading PMF contractors in the United States have donated hundreds of thousands of dollars to political causes—not surprisingly mainly to the Republicans.29 Although it is not illegal for business corporations to contribute to the political process, the question arises whether military contractors should as a matter of policy have significant influence in choosing political leaders or influencing governmental policy.30 Currently with scores of high–profile, multimillion dollar contracts to rebuild Iraq and Afghanistan and to modernize and upgrade America’s weapons of war awarded to PMFs with particularly close ties to government decision makers, the union of government officials and defense industrialists is aligning government policy with financial interests.31

III. SOVEREIGNTY—TWISTING AND FRAYING? BEHOLDEN TO A NEW FRANKENSTEIN

A. Constitutional Frameworks under the Heel of Market Power

28 It has been revealed that the Pentagon permitted Halliburton officials to attend internal meetings regarding contracting: Erik Eckholm, A Top U.S. Contracting Official for the Army Calls for an Inquiry in the Halliburton Case, N.Y. TIMES, Oct. 25, 2004, at A13.
30 For instance in the run–up to the second Iraq war, leading American PMFs gained direct access to the planning of military and intelligence operations. See Bhagwat, supra note 21.
In 1961, then United States President Dwight Eisenhower in the last days of his second term in office cautioned: “[i]n the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military–industrial complex. The potential for the disastrous rise of misplaced power exists and will persist”. Several decades later, Eisenhower’s words are now an unsettling prophesy. Private warriors owe their first allegiance to private bosses, not to any government. The utilization of private agents often acts as a shortcut around democratic decision–making that distorts the democratic process. This compromises the strategic and physical security of nations and the confidence of the citizenry in the democratic practices and institutions of this nation. In the United States for example, one of the key issues is that PMFs though backed with public dollars they operate without congressional notification, oversight or approval. They accomplish public ends through private means allowing governments to carry out actions that would not otherwise be possible, such as those that would not gain legislative or public approval. More worrisome from a policy standpoint is the question of lost control. Even when contractors do military jobs, they remain private businesses and thus fall outside the military chain of command and justice systems.

When one considers the idea of the “Social Contract” propounded by Jean–Jacques Rousseau, the freedom of PMFs to operate without legislative or legal oversight disconnects the public from governmental policy and undermines the role of popular sovereignty. Military privatization not only threatens the framework of coordinate decision–making, it undermines it. The potential to outsource combat roles necessarily

carries with it opportunities for the Executive to wield powers unimaginable were it limited to the use of regular troops. By shifting responsibilities away from national armed forces and delegating them to private contractors Executives can circumvent constitutional obligations.

Lack of oversight lengthens the leash of the Executive in conducting national security policy and, concomitantly, limits the effective transmission of information to the citizenry. Privatization may thus destabilize the balance of power sharing and generate a sense disenfranchisement among the population—a failure of democratic legitimacy. There is thus an important threshold debate about whether democratic norms apply. Certainly a strong case can be made that they do, but in that case, privatization dramatically reduces the citizenry’s ability to influence governments’ policy diminishing popular sovereignty and inviting the public to wonder whether decisions to military intervene are influenced by PMFs who supply the weaponry and services.\footnote{See William D. Hartung, Editorial, \textit{The Booming Defense Business}, L.A. TIMES, Dec. 10, 2003, at B15; Russell Mokhiber & Robert Weissmann, \textit{Arms Sellers Calling Shots}, BALT. SUN, May 16, 1999, at C1; Ken Silverstein & Chuck Neubauer, Advisor Perle Has Given Seminars on Ways To Profit from Possible Conflicts Discussed by Defense Board He Sits On, L.A. TIMES, May 7, 2003, at A1; Leslie Wayne, After High–Pressure Years, Contractors Tone Down Missile Defense Lobbying, N.Y. TIMES, June 13, 2000, at A6.} This reduction in transparency impinges on the concept of limited government and raises deep concerns about the long–term health of democracy and limited government.

\textbf{B. The State Runs Out Of Puff: Foreign Policy in the Grip of Market Power}

PMFs are often a primary vehicle through which states utilize covert violence to pursue foreign policy objectives. While PMFs are companies and therefore private entities, disconnected from the state, they have become a type of state agent—tied to their home
state by tacit or licensed approval for their activities and enlisted as contractors for the employing country. The close relationship between PMFs and Western governments and their use as agents of, or substitutes for, foreign policy is a matter of concern. Governments have not been averse to hiring PMFs to work for foreign governments, and use of the services of such companies as a bargaining chip in negotiations with these governments.34 Juan Carlos Zarate notes that the attractiveness of PMFs as a foreign policy instrument has to do with the reality that since:

…countries which recommend or export them arguably can disavow any connection to SCs [Security Companies, referred to as PMFs in this article] activities. Potentially, this allows exporting governments to use SCs as political pawns to affect the internal affairs of a country or region while retaining their official neutrality in such conflicts.35

Governments increasingly employ private companies to help advance national foreign policy goals that they wish accomplished, but hesitate to do themselves. In the mid–1990s, for example, the American firm Military Professional Resources Inc. (“MPRI”) furthered United States goals in the former Yugoslavia. The Clinton administration was hamstrung by UN arms embargos and thus militarily limited in its ability to help quell the blood bath occasioned by the disintegration of the former Yugoslavia. Unable to provide direct assistance the United States turned to private solutions. It bolstered the fledgling Croatian state by arranging for MPRI to provide strategic and tactical military training. Later, to entice the Bosnian Muslims to accept the Dayton Peace Accords the

34 Zarate, supra note 5, at 113.
35 Zarate, supra note 5, at 77. Zarate continues (at 78):
The contracting country can use and dispose of these services readily without concern for the company’s political ambitions or for political favours which may need to be repaid. This “clean hands” approach to foreign policy appears dangerous to those who see transparent nation–state accountability as essential to controlling human rights violations and the type and quality of military activity throughout the world.
Clinton administration played matchmaker by recommending MPRI’s services. This allowed the United States government to purchase strategic outcomes at a much lower political cost.

Presently in Colombia PMFs make up roughly twenty percent of the American military personnel assisting the Colombian security forces in the ongoing military campaign against drug cartels and Marxist guerrilla rebels at a cost running into hundreds of millions of dollars. This is part and parcel of an emerging pattern covering crucial governmental functions. In yet another unsettling manifestation of the power and increasing dispensability of PMFs, in 2003 military contractors from DynCorp spirited United States diplomats through Palestinian-controlled Gaza, a task that has traditionally been the exclusive preserve and responsibility of the State Department Diplomatic Service agents and/or the U.S. Marines.

The ambiguity with which governments deal with PMFs obscures the questionable legitimacy of some of their activities. This ambiguity allows PMFs to lay claim to being public benefactors, serving only recognized governments, bringing peace and order where there is anarchy and violence thus creating the basic conditions for development. For example, one leading PMF, Blackwater Security Consulting, notes on its website that it provides a new generation of capability, skills, and people to solve the spectrum

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38 Michaels, supra note 14, at 1035.
of needs in the world of security.\textsuperscript{39} Another, CACI International—at the centre of the prisoner abuse scandal at Abu Ghraib Prison in Iraq—notes that its solutions lead the transformation of defence and intelligence, assure homeland security, enhance decision-making and help government to work smarter, faster and more responsively.\textsuperscript{40} This trend raises questions about the extent of private actors’ accountability—to the international community and to various domestic and transnational communities—under international law.\textsuperscript{41}

Small and medium governments have reason to be wary of PMFs. So vast are the services they offer and so well-heeled that they have the ability to face off militarily with states, and dictate through their involvement changes in government. This is manifest in the “rent–a–coup” scandal involving the son of a former British Prime Minister. Logistics, a British–South African PMF, was accused of plotting to overthrow the Equatorial Guinea government for profit motives. In the same vein some “failed” or “failing” states have relied almost exclusively on private actors to perform both international and domestic roles of government.\textsuperscript{42} In the mid–1990s, Executive Outcomes—a South African PMF—helped the Sierra Leone government fend off rebel advances in 1995–96,\textsuperscript{43} and then had a hand in appointing an interim head of government.\textsuperscript{44} Later in the 1990s, the British High Commissioner in Sierra Leone, acting under the apparent authority of the British Home Office, engaged Sandline, a British PMF, to train and equip a local force for the purpose of reversing a coup which

\textsuperscript{41} Dickinson, supra note 1, 146–47.
\textsuperscript{44} SINGER, supra note 20, at 112–13; \textit{see id.}, at 115 (noting Sandline’s contract to reinstate the government after Executive Outcomes left and a coup was staged).
had resulted in the ascendance to power of a military junta.\textsuperscript{45} Sandline undertook the activity including shifting tons of armaments to the country. Subsequently, the elected president was restored to power.

When the role of the British government and Sandline came to light, there was a huge public uproar which quickly crystallized into the “Arms-to–Africa” scandal. The Legg Inquiry was set up by the Foreign Secretary in response to parliamentary and public criticism over the role of the British Foreign Office in sanctioning the intervention of a PMF in Sierra Leone to defuse the sensational saga.\textsuperscript{46} The Legg Report mildly rebuked Peter Penfold, the British ambassador to the country whose complicity in a deal sanctioning a PMF to intervene in Sierra Leone was beyond dispute. The report noted in a nonchalant manner that he ought to have been “sufficiently conscious of political and public unease about mercenaries”.\textsuperscript{47} It went on to clear other officials by describing their role/activities in ambiguous non–critical language.\textsuperscript{48} In addition, the Legg Report treated “private military companies” simply as commercial organizations which “are entitled to carry on their business within the law and, for that purpose, to have the access and support which Departments are there to provide British citizens and companies.”\textsuperscript{49}

With the utility of PMFs apparent and their goods and services becoming increasingly indispensable to the waging of war, governments appear to think of PMFs not in terms

\textsuperscript{47} REPORT OF THE SIERRA LEONE ARMS INVESTIGATION (THE LEGG REPORT), 107 (Jul. 7, 1998).
\textsuperscript{48} Id. at 107.
\textsuperscript{49} Id. at 115.
of suppression, but of regulation. Thus, for example, UK Baroness Symons, Minister of state in charge of among other responsibilities International Security told the House of Lords in 1998 that the UK government was examining a number of options for national domestic regulation of PMFs operating out of the United Kingdom.\(^{50}\) Essentially, this took the argument the other way since the policy initiative grants PMFs legitimacy. The UK position is readily apparent in initiatives by other Western governments in which the bulk of the PMFs are incorporated. One cannot help but notice that in the few countries where legislation or guidelines have been passed in relation to PMFs, they do not seek to make such enterprises illegal, rather they impose conditions relating to specific approval from designated government bodies before any operation is embarked upon.

C. International Order & Rule Under Siege

A great deal of genuine alarm has been generated by the lack of oversight of PMFs and their ever-increasing role in the prosecution of war. As Iraq demonstrates, there are numerous issues pertaining to the operations of, contracting with, and rules governing the operation of PMFs. This is more so since their largely unregulated activities span a number of fields ranging from police, paramilitary, and military training to logistics and protection of installations and officials.\(^{51}\)

It may be argued, that the multitude of General Assembly resolutions and their repeated appeals for governments to restrict the supply and demand for mercenaries is evidence that states have obligations under international law to both criminalize and punish

\(^{50}\) 591 PARL. DEB., H.L. (5th ser.) (1998) WA65.
mercenaries. The concern of the General Assembly arises principally from the rise in the use of PMFs in Africa where they have had a deleterious impact on the ability of states to maintain order and encouraged the militarization of civil society, and the rapid growth of markets in small arms. However, in the often frustrating and politically-driven law making process in the international system, matters are not as clear-cut as this. A number of factors militate against the argument that the resolutions posit legal obligations.

First, many of the General Assembly resolutions address particular conflicts. Secondly, the General Assembly resolutions are broader in scope than established customary international norms. Thirdly, “under the U.N. Charter, the General Assembly has no authority to enact, alter, or terminate rules of international law.”52 Lastly, “General Assembly resolutions do not necessarily constitute international law. Instead, resolutions from the General Assembly…may only represent the crystallization of customary international law or evidence of state practice and opinio juris.”53

The conundrum presented by PMFs is that “the international laws of war that specifically deal with their presence and activity are largely absent or ineffective.”54 Although the United Nations attempts to regulate the behavior of nation-states and their national militaries, it (like international law more generally) has comparatively less influence over the activities of private agents. This situation exists primarily because “the existing laws do not adequately deal with the full variety of private military actors.

52 Zarate, supra note 5, at 133.
53 Id.
That is, they are specifically aimed at only the individuals working against national governments or politically recognized movements of national liberation.\textsuperscript{55}

**IV. CONCLUSION**

A century ago, sociologist Max Weber identified the state as that entity which “successfully upholds a claim to the monopoly of the legitimate use of physical force in the enforcement of its order.”\textsuperscript{56} Two general reasons accounted for Weber’s assertion. First, the rise and maturity of the modern nation–state and its nationalistic credo of patriotic armed forces as a symbol of national security and governmental authority in defending its territory and citizenry. Secondly, the nature of military skill and its underpinnings—the management and deployment of violence.

There is little doubt that the privatization of force affects the role of the state in the regulation of violence and hence one of the basic features of statehood. The failure to have direct regulation of violence means that the state’s monopoly over military force is fragmented. The dramatic growth in private security challenges the international state system’s three hundred year control over military might. PMFs now stand in a position to eventually threaten global order with military force that is less accountable and controllable than state militaries.\textsuperscript{57} Signs of the decline of the nation–state, and the growing role of private military companies is a symptom of a larger, dangerous

\textsuperscript{55} Id. at 531.

\textsuperscript{56} MAX WEBER, THE THEORY OF SOCIAL AND ECONOMIC ORGANIZATION 154 (A.M. Henderson & Talcott Parsons trans., 1947).

\textsuperscript{57} Howe, *supra* note 7, at 7.
challenge to the aspirations of order in the world represented by the system of nation–
states and the rule of law.58

PMFs raise the thorny issue of the future of the military itself. The armed services have
long seen themselves as engaged in a unique profession, set apart from the rest of
civilian society, which they are entrusted with securing. The rise of PMFs, and their
recruiting from within the military itself, challenges that uniqueness by allowing
encroachment by the civilian marketplace. PMFs now compete directly with the
government drawing employees from the military by offering higher pay ironically from
public funds. This reality is particularly poignant when one considers that the United
States’ military the world’s most dominant force is increasingly reliant on PMFs with
the Pentagon entering into more than 3,000 multi–million contracts in the past decade.

58 See generally John O. McGinnis, The Decline of the Western Nation States and the Rise of the Regime
of International Federalism, 18 CARDOZO L. REV. 903, 905 (1996); Robert D. Kaplan, The Coming
Anarchy: How Scarcity, Crime, Overpopulation, Tribalism, and Disease Are Rapidly Destroying the
OF THE NATION STATE: THE RISE OF REGIONAL ECONOMIES (1995); ANNE–MARIE SLAUGHTER, A NEW
WORLD ORDER (2004).