

Erik Prince and the Private Security Sector in the United States

A Seemingly Unlikely Return

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Introduction

'I stress to the committee and to the American public, however, that I believe we acted appropriately at all times' (Prince, 2007). With these words Erik Prince, former CEO of Private Security Company Blackwater, defended the actions of his employees during the Nisour incident in Baghdad on September 16, 2007. During this incident seventeen Iraqi civilians lost their lives and a further twenty were injured after Blackwater contractors opened fire on the Nisour Square. This incident proved problematic for Blackwater and especially Erik Prince as its CEO at the time. As a result of this incident, former Minister of Foreign Affairs, Hillary Clinton disbanded all government contracts with Blackwater in 2009. Furthermore, then Senator of Illinois, Barack Obama urged the U.S. Congress to undertake any action necessary to prevent another, similar catastrophe. Aside from the immediate pressure on Blackwater from a political point of view, the media quickly became involved, questioning the private security sector as a whole.

The name was changed in 2009 to Xe Services LLC after which Prince announced his resignation as the company's CEO due to the building pressure. Only a year later, Xe Services LLC became a part of a new company called Academi which name it still holds. After 2009, Prince completely ceased to be involved with the company. An important reason behind Prince stepping down was the negative connotation that became attached to his name and the his company due to the Nisour incident. Although the government contracts for private security were handed to Triple Canopy, the era of Erik Prince seemed over.

As a former US Navy Seal, businessman and entrepreneur Erik Prince turned towards the future rather than dwelling on the past and moved to Abu Dhabi in the United Arab Emirates (U.A.E.). During this time, Prince became a close ally and business partner of Mohammed bin Zayed Al Nayhan (bin Zayed for short), crown prince of the United Arab Emirates and

commander of the army. Aside from the business in the U.A.E. Prince founded a logistics company that operated in Africa called the Frontier Services Group (F.S.G.) in 2014.

His main endeavour in the U.A.E. would be to establish a counterterrorism unit as well as a private presidential guard. Alongside these contracts, business for Prince in China grew. Initially this business was only logistical but later moved towards the security aspect of his career with a training centre for private guards. His presence in China greatly helped the Chinese government in establishing their Belt and Road initiative for regional development (Shepherd, 2019). Erik Prince, who was once shunned by the American politics, in time had also found a place as unofficial advisor to the Trump presidency after aiding the president during his presidential campaign. Furthermore, these two individuals appeared to have grown a close relationship built on similar visions. This development is surprising at first. Since the transition from the Obama presidency to the Trump presidency, Prince has returned to the United States with his ideas and plans. This thesis will look at the unexpected return of Erik Prince to the United States and its relation to the position of Private Security in the United States by examining the research question: *How can the seemingly paradoxical resurfacing of Erik Prince under the Trump administration be explained in relation to the position of the Private Security Sector in the United States?*

In order to research this question, the main methodology is documentary analysis. Aside from literature on the topic of private security as well as its regulation, literature on Prince as well as the greater international picture was consulted. In addition to the literature analysis several governmental and international policies and regulations are analysed in order to understand the boundaries in which the sector and Prince operate as well as how these boundaries changed over time. Lastly, news articles and official figures were examined in order to obtain a clear view on the contemporary state of affairs concerning the use of private security and statements of important actors on the matter. Furthermore, in order to understand and

answer the research question it is important to understand what a paradox is. A paradox is, as Thomas Bolander describes, a ‘seemingly sound piece of reasoning based on apparently true assumptions that leads to a contradiction’ (Bolander, 2017). Although paradoxes are most commonly found in math and poetry it is found in other fields of science, for example politics, as well. In this case, the paradox is a contradiction between the negative political and media coverage of Prince and Blackwater after the Nisour incident on the one hand and the return of Prince during the Trump presidency campaign on the other hand. Superficially, these two statements are contradictory and therefore this thesis will attempt to unravel the underlying situation that made the return of Prince possible.

The thesis will first examine the private security sector since its revival near the end of the Cold War as well as its advantages, disadvantages and the legal framework in which it operates. Secondly, the life and current role of Erik prince will be discussed together with the advantages his current position brings to both him and his allies. After this, the resurfacing of Prince will be examined with a focus on his new businesses In the U.A.E. China and later his re-appearing in the United States. In chapter three, the development of the private security sector will be discussed with a focus on regulation and presidential administrations. The former will be divided in international and US national legislation. The latter will compare the Obama administration to the Trump administration and how these administrations have affected the private security sector. Following the regulation and two presidencies, the paradox will be elaborated upon. This will especially look at his career after leaving the United States and how this career, combined with his history with Blackwater, appear to be contradicting. In chapter four the thesis will briefly look at the question whether Prince was ever really gone. Finally, a conclusion will be presented.

1. The Private Security Sector

Privatization of the military in essence implies that the military or a part of it does not belong to the state. In most historical cases, people would offer themselves as soldier to a king, tribe leader or any other figure of power in exchange for financial rewards. These people were referred to as mercenaries. The word mercenary derives from the Latin *mercenarius* which is translated as “one who does anything for pay” and which derives from *merces* which is translated as a reward, wage or a pay. The use of private soldiers or mercenaries was rather common till the Napoleonic era when state armies became more prominent. This chapter will discuss the revival of the private security sector, the advantages and disadvantages of the use of private security and lastly the chapter will discuss the legal framework in which they operate.

1.1 The revival of the private security sector

A revival of private soldiers becomes visible nearing the end of the Cold War. Although the link to the past is commonly made, this new form of private security was different from the mercenary armies in more ancient and medieval times. Several arguments can be made for the re-emergence of these private contractors. Some scholars argue that nearing the end of the Cold War the developing world changed on social, economic and political scales. The competence of the state changed dynamically and militaries could be hard to maintain (Kinsey 2006, 64). Therefore, the developing world was in need of private security. Other scholars, however, state that the end of the Cold War marked an era of systematic change. According to Singer, Private Security thrives through these changes in which governments are weakened and the market was opened wide (Singer 2008, 20). A third explanation for the rise of private security nearing the end of the Cold War lies with change as well. During the Cold War, the military was advancing on technology and intensity due to the possibility of conflict. As Baum and McGahan argue, these technological advancements often occurred in the private sector. These new technologies needed specialists to further develop and utilize. The private sector could provide this and

therefore the presence of the private sector in security grew in importance (Baum and McGahan 2009, 18-20). Additionally, the increased need for specialists resulted in a significant amount of specialists after the Cold War ended. These specialists created private security companies as soon as their services were no longer needed in regard to the global tensions during the Cold War, as Irvin suggests (Irvin 2010, 451).

In 2002, the so-called third wave of security privatization was introduced in the United States which would increase the long-term dependency on private security firms (Nigara 2004, 32). There were three main purposes of this endeavour, 'to free up military manpower and resources for the global war on terrorism; to obtain noncore products and services from the private sector to enable Army leaders to focus on the Army's core competencies; and to support the President's Management Agenda' (Isenberg 2009, 20). Given that this new endeavour was the third wave implies that there were two instances in which the U.S. government aimed at relying on private security firms for security prior to 2002. Therefore, it can be concluded that this is not a new phenomenon. These three waves generally appear to follow the privatization trends of the U.S.A. after the second World War.

1.2 Advantages and disadvantages of PMSC's

PMSC's can be seen as an alternative to state armies. One reason for the decrease of state armies can be a lack of soldiers. The problem of lacking soldiers originates in the change from conscription army to volunteer army after the Vietnam War. These costs are merely the financial expenditures of having these people in service and does not include the financial costs of training them as well as the cost for equipment. A private military or security company can be hired for a set period of time without all these benefits and costs mentioned above. Therefore, these companies are considered cheaper in the financial sense than a state army (Lindahl 2015, 10-12). Furthermore, there is a restriction on how much the government is allowed to spend on the military. This includes salaries and equipment and the number of military to be deployed

which are all determined by Congress. Since the arms race of the Cold War, equipment is a high priority for the US army. Due to the limits on spending on the military, either personnel or equipment has to be cut on. Using private contractors circumvents this regulation because these contractors are not a part of the military, therefore extending the possibilities for the US army (Lindahl 2015, 14).

This does not necessarily lower the financial costs due to the often higher wage of private contractors. Furthermore, due to the potential political costs, these companies cannot replace the state army and are therefore commonly used as support for these armies. Additionally, a technological imperative can be addressed why PMSC's are used in modern warfare (Baum and McGahan 2009, 20). Due to the limited spending for the military, with in this specific case the American military, PMSC's can invest in research on the use of for example robotics and UAV's on the battlefield. Therefore, one can argue that militaries have to rely on PMSC's for this type of warfare. Additionally, PMSC's offer the minimalization of U.S. casualties (Benicsák 2012, 7). Minimalizing these casualties could help maintaining public support for a military operation.

The costs of PMSC's is heavily debated since it is not always clearly visible. A highly debated topic is the use of PMSC's in potential combat situations where chances exist that private contractors, who are not a part of the military, break the laws of warfare. Here the concept of accountability is of great importance as well as the impact of private security on the democratic state (Avant and Sigelman 2010, 230-235). These two concepts are inherently intertwined.

In order to discuss the latter, it is important to realise that private military and security come with a trade-off. Arguably, there are benefits to using private contractors over state armies due to several "benefits". Whether these should be considered benefits, is up for debate. These benefits often formed the basis for mercenary armies in the middle ages. An army that was not

directly linked to a state could be politically cheaper. In the case that the war did not succeed, the hiring state could distance itself from the army. Whereas if it won, the hiring state could share in the spoils of war, without having to maintain an army in times of peace. In the contemporary world this is exactly where the debate takes place, in the field of transparency and accountability. It is commonly agreed upon that a core value of democratic states is transparency. This transparency also applies to the army and warfare. However, as Avant and Sigelman argue, private military and security can cloud this transparency. They argue that there is less congressional supervision on PMSC's than on the US army (Avant and Sigelman 2010, 231). As previously mentioned, Congress restricts the expenditure on the military, but the use of pmsc's can circumvent this. Furthermore, although the public would arguably mourn the loss of soldier, they are less likely to know about the death of a private contractor due to aforementioned bypass of Congress (Avant and Sigelman 2010, 231).

According to the US Department of Labor in Iraq 1665 contractors lost their lives between 2001 and 2018 (US Department of Labor). This is in comparison to the close to 4497 deaths in the army. Arguably, this lack of transparency violates the democratic values of the state. Additionally, the problem with accountability is often mentioned when discussing the privatization of military and security. The core problem in this matter is the fact that private contractors are civilians and not military. Because of this, several problems arise. If a soldier misbehaves or violates the rules and laws of war, (s)he can be tried in a court-martial. A civilian cannot be brought to this instrument of justice but it is not always clear in accordance to which justice system a person should be tried in this case. Additionally, PMSC's can have a "loose cannon" effect, meaning that they can be hard to control and therefore could be considered dangerous (Benicsák 2012, 7-8).

1.3 PMSC's and the Legal Framework

In academics there is an ongoing debate on whether PMSC's operate within a legal vacuum or not and especially about its place within international (humanitarian) law. Calazans argues that although PMSC's have a legal status within international law and therefore have their own set of obligations (Calazans 2016, 79). It is, however less clear who should be held responsible in case of e.g. human rights violations. It can be argued that theoretically, the PMSC's should be held accountable. However, there is no international organ with the capabilities to try the companies. Therefore, national legislation appears more viable (Calazans 2016, 108-110). Some scholars argue that although regulation is needed, it is paramount that first the status and responsibility of PMSC's must be understood and accepted before regulation can be applied effectively (Cameron 2006, 598). Other scholars, however, argue that there are multiple flaws and gaps in international law that need to be addressed in order to cover the grey area of accountability in private security (Perrin 2012, 228-229). Lastly, there are scholars advocating that the responsibility lies with the industry and its regard to human rights (Cockayne et al, 2009) whereas other scholars claim that international humanitarian law does not cover the industry to its fullest extent and therefore needs to be revised in order to cover these gaps (Perrin 2012, 226-230).

1.4 Conclusion

Near the end of the Cold War, private security re-emerged. Several arguments can be made for the return of private contractors such as the rise of the developing world and abundance of experts after an era of cold conflict. There are advantages and disadvantages of PMSC's in the modern era. The advantages are connected to the potential lower financial and political cost. On the contrary, the disadvantages connect to the lack of accountability and the vague legal framework in which private contractors operate. This legal framework is heavily debated with some scholars arguing that PMSC's operate in a legal vacuum. The core reasoning behind this

statement lies with the fact that there is no international organ that can try the companies and national legislation tends to fall short.

2. Who is Erik Prince

In the previous chapter the private security sector was discussed. This chapter will look into one of the iconic actors from the world of private security, Erik Prince. By looking into his past, one gets a more complete picture of the events that led to the current endeavours of Prince, including his presence in the United States. The chapter will start with a brief biography of Prince followed by his current role. The second half of the chapter will look at the benefits of his current role in close proximity to the White House and several important actors within the American political landscape as well as the personal benefits for Prince.

2.1 The life of Erik Prince

Erik Prince was born into a religious family with a migration background. Although his father was American, his mother, Elsa, was born in the Netherlands. Growing up in Holland, Michigan as the son of a businessman Prince grew up in wealth. His father, Edgar Prince, founded the Prince Corporation which specialized in car parts such as sun visors and car interiors. Erik Prince joined the naval academy but later pursued a BA in economics. He landed an internship at the White House under George H. W. Bush but disagreed on fundamental policies and therefore left for an internship in California. After this internship, Prince joined the Navy and was deployed several times among others to the Balkans during the Yugoslav war. In his book *Civilian Warriors: The Inside Story of Blackwater and the Unsung Heroes of the War on Terror*, Prince explains that this war in Yugoslavia opened his eyes to the need for privatization of warfare and training (Prince, Coburn and Boot, 2013). When Edgar Prince died in 1995, the company was sold for \$1.35 billion. This was also the point when Erik Prince left the Navy. At this point in life, Prince had academic experience in economy, political experience from the White House and Californian internship and experience in security and warfare from his time in the Navy. With a significant sum of money inherited from his father's company, this provided the opportunity for a private endeavour. Two years after his father died, Prince

founded Blackwater Worldwide in 1997. This company would become one of the big actors in private security until the Blackwater incident in Baghdad, Iraq. After Prince had left the company he turned towards the U.A.E. for business and later founded a company in logistics operating in Africa and China. With the start of the presidential election campaign of Trump, Prince slowly returned to the United States. As a returning guest on the Breitbart radio show with Steve Bannon, Prince was in contact with one of the advisors (to be) of then presidential candidate Donald Trump. Bannon could be seen as the direct link between Trump and Prince. When Bannon became more prominent in the campaign for Trump's presidency, so did Prince. When looking into the relation between Trump and Prince, it should be noted that these two men have rather similar pasts.

2.1.1. Erik Prince in Africa and China

The Frontier Resource Group (F.R.G.) is part of the Frontier Services Group (F.S.G.) and operates as a logistics company that focusses on the mining and oil industry in the more troubled and remote areas of Africa. With the rising interest of China in Africa, Prince managed to offer his services to boost this trade and partnership. Through the F.S.G., Prince offered to use his expertise to retrieve valuable natural resources from countries such as Sudan or Somalia (Eisenhammer, 2014). The company states to offer 'integrated security, logistics, insurance and infrastructure services for clients operating in frontier markets' (FSGroup, 2019). Although the main focus of this company seems to be these frontier markets and its security, critics are sceptical about the role of F.S.G. in security in a different sense. This does not only relate to the fact that Erik Prince is a chairman of the company, but also because CITIC Ltd. is the main stakeholder with 25.9% during the writing of this thesis. CITIC Ltd. is a part of the CITIC Group which is a Chinese state-owned investment company (marketscreener, 2019). Therefore, questions are raised about Prince's connection to the Chinese government. Nonetheless, when asked if F.S.G. would become a Blackwater Part 2, Prince responded that F.S.G. is not to serve

governments or any defence projects but to protect and transport NGO's and companies (Eisenhammer, 2014). This could be a direct consequence of the Nisour Square Massacre. After being highly criticized for his role in that incident, it could be a keen strategy to stay away from potential similarities to Blackwater.

However, F.S.G. appears to be working in relation to the Belt and Road development plan of the Chinese Government (Martina, 2017). One of the moves by F.S.G. that contradicts the statement that F.S.G. does not serve governments or any defence projects is the fact that F.S.G. oversees a Chinese training facility for private contractors called Beijing's International Security Defense College, which aims to be 'the largest private security training school in China' (FSGroup Newswire, 2017).

2.1.2. Erik Prince in the United Arab Emirates

Acquainted with the crown prince of Abu Dhabi, Mohammed bin Zayed Al Nahyan (bin Zayed for short), Prince had access to the royal court of the U.A.E. The two men found common ground and interests namely a mutual wariness of Iran due to its nuclear development and threat within the region as well as a concern for the rise of Islamic militants within the Arabic world. In 2009, Prince offered bin Zayed to create an elite counterterrorism unit and presidential guard which was later named the Security Support Group (Cole, 2019). This group was part of a 500 million dollar programme focusing on all aspects concerning the protection of Emirati royals as well as securing internal peace. After this, Prince was allowed in the inner circle of bin Zayed as his advisor on foreign policy and military business. The company under which Prince arranged all these deals was called Reflex Responses (R2) but through clever managing, Prince never was an employee of this company. As a response against the ITAR (International Traffic in Arms Regulation), Prince stated that R2 was an 'Emirati company, working on an Emirati government contract' (Cole, 2019). Therefore, ITAR would not apply to the business of R2.

This implies that Prince could simply ignore this arms regulation which regulates the export of military technology from the United States. Later on, Prince founded the Puntland Maritime Police Force in Somalia in order to deal with the pirates that harassed the shipping interest of the Emirates. This effort however did not last long due to pirate infiltration in the company resulting in the death of a guard. Late 2011, bin Zayed decided to move away from working with Prince.

It is suggested that the negative exposure through the media as well as poor financial management resulted in this move (Cole, 2019). This resulted in the end of Reflex Responses and the presence of Prince in the U.A.E. Another issue that caused a troublesome relation between the U.A.E. and the U.S.A. is the fact that the U.S.A. refused to work together with Russia in defeating ISIS. However, after the election of Donald Trump, Prince was invited back into the royal court of bin Zayed. As Prince stated ‘I think the Obama administration went out of their way to tarnish my ability to do business in the Middle East, and, with a different administration in town, [the Emiratis] probably figured that that downdraft wasn’t present anymore’ (Cole, 2019).

2.1.3. Erik Prince in the U.S.A.

After Erik Prince stepped down as CEO of Blackwater in 2009 and later as Chairman in 2010 when the company was sold and renamed, Erik Prince has had a career mostly outside the U.S.A. According to some critics, Prince moved to the United Arab Emirates in an attempt to escape legal consequences. These same critics argue that Prince was out of favour in the U.S.A. and started new companies abroad (Oakland Institute 2017, 3). However, nearing the end of 2015, Prince resurfaced during the presidential campaign of Donald Trump. During this period, Prince became an outspoken critic of Clinton and Obama, specifically targeting their policies in the Middle-East. Prince, known to support Republican presidential candidates, backed

Trump especially on those aforementioned policies. Furthermore, Prince suggested a plan to tackle the Islamic State with local private contractors (Oakland Institute 2017, 3-4).

Through his contacts in both the Emirates and within the new U.S. Administration, Prince found a way to act as an ‘unofficial envoy for Trump’ (Entous, Miller, Sieff & DeYoung 2017,1). Although the meetings with Bannon and Trump Jr are heavily debated and considered ‘fake news’ by some parties, it does show a level of presence in American politics by Erik Prince. Due to his controversial past with Blackwater, an official position within the Trump administration was improbable. However, with his connections to other advisers and officials as mentioned above, Prince could potentially be in a more unofficial yet important position. Even though it is argued that Prince did and does not hold an official position in the Trump administration, he has been appointed as a trusted associate of the administration according to the Mueller report (Mueller 2019, 149). A meeting in the Seychelles has been mentioned in the Mueller report in which it describes the meeting between Kirill Dmitriev (one of Putin’s trusted allies) and Erik Prince. It states that Dmitriev and Prince met after which Prince discussed this meeting with Steve Bannon. The report also emphasizes the ties between Prince and Bannon who would discuss ‘foreign policy issues and Prince’s recommendations regarding who should be appointed to fill key national security positions’ (Mueller 149, 2019).

2.2 The Role of Prince

Aside from the similarities between the two men and their interest in business it is also important to look at the position and role of Prince. When looking at this, there are two key facts that need to be remembered. The first being that his role is said not to be political but merely advisory and the second one being that Prince never got an official governmental role or position. These two facts play an important role when looking at the return of Prince to the United States.

When talking about the return of Prince it should be noted that Prince returned different from how he left. Prince left the United States during an ongoing investigation into the Nisour Square Massacre to go to the United Arab Emirates. He was shunned in the United States for his role as the (former) CEO of Blackwater. He did not return to the United States with a new private security Company to start doing business in this field. This does not mean that Prince left the private security sector behind. In two instances Prince suggested using private contractors to achieve a specific goal. The first instance occurred in August 2018 when Prince suggested that the war in Afghanistan should be privatized. Prince argued that rather than the 15.000 U.S. troops and 30.000 contractors present in Afghanistan at the time, 2000 special forces and 6000 contractors could be much more effective (Pickrell, 2018). This plan would cost \$3.5 billion which would be significantly cheaper than what the U.S. spent on the war each year prior to that. As a reference, Prince argued that after the terrorist attacks at the Twin Towers on September 11, 2001 very few special forces and CIA agents managed to significantly damage the Taliban (Pickrell, 2018). This leads back to the belief of Prince that conventional warfare is no longer viable and requires privatization.

The second instance of Prince suggesting to utilize the private security sector became public in April 2019. According to several sources, Prince made a plan to send 5000 private contractors to Venezuela to support the opposition in toppling the socialist regime under Nicolas Maduro (Roston and Spetalnick, 2019). The White House has not confirmed nor denied this plan being offered to the U.S. Government by Erik Prince. Both instances show that Prince (still) believes in an offensive role of PMSC's rather than solely a defensive one.

Although these two instances of Prince suggesting the use of private contractors do show a link between his return to the United States and his past as a CEO of Blackwater, there has been no direct political involvement and influence by Prince. The privatization of the war in Afghanistan had been suggested in an interview but has not been picked up by the American

politics. Although the latter instance is not confirmed nor denied, it is clear that it was no suggestion made within the political landscape of the United States but could, or should, be seen as a suggestion by an outsider and treated as such.

Because Prince has not been officially appointed or has taken on any official role, he did not need governmental approval for his advice. This can be seen as beneficial for both Erik Prince and Donald Trump. It also means that their relation and Prince's advice should be seen as personal and not official. This brings several benefits.

2.3 Benefits of an unofficial advisor

As the title “unofficial advisor” suggests, the advice given is unofficial and does not follow the regular political procedures and screenings. It can be seen as a political bypass. In August 2018, Senator Elizabeth Warren and Junior Senator Brian Schatz wrote a letter to the United States Department of Veterans Affairs (VA) describing the influence of a small group of unofficial advisors. They wrote ‘These accounts ... paint a disturbing picture of corruption and cronyism that is not only antithetical to transparent, accountable and ethical government, but will make it more difficult for VA Secretary Robert Wilkie to lead the VA in a way that allows him to exercise his independent judgement’ (Shane III, 2018). It shows that unofficial advisors can be an ethical problem for the policy transparency. However, for these unofficial advisors and potentially for the President it can come with great benefits. These benefits have been discussed before when discussing the benefits of private security forces. Unofficial advisors can be seen as a “politically cheap” solution to exercise informal power. As seen in the excerpt from the letter by Warren and Schatz, there is talk of corruption and cronyism that could disrupt the judgement of the person in charge of the policy (Shane III, 2018).

In the case of Trump and Prince, it would be near impossible to have Prince as an official advisor to the presidency given his reputation. Through this unofficial channel, Trump could

receive the advice given by someone who should be considered an expert in private security and logistics as well as someone who engages in business in China which indirectly supports the Chinese government. This can provide an interesting insight for foreign policy.

Furthermore, unofficial advisors could potentially open up back channels with other partners. An example in this case could be seen in the Seychelles meeting. This thesis does not speculate or argue whether this meeting was intended to create a back channel, but merely looks at the potential benefits of having Prince as an ally. As an unofficial advisor, Prince would not be limited by congress or the government when engaging in international relations as long as he does not act as a state representative. However, in the case of the Seychelles meeting it could be beneficial to Trump to have someone be in contact with a trusted ally of Vladimir Putin which would be Kirill Dmitriev in this case. Although neither Dmitriev nor Prince are state representatives, Prince is in contact with Donald Trump and Dmitriev is in contact with Vladimir Putin creating an indirect connection between the two leaders. As the Mueller report states, George Nader (businessman and lobbyist) approached Prince in early 2017. These men discussed Dmitriev and the request by Dmitriev to be in contact with someone related to the incoming administration to ‘discuss issues of mutual concern’ (Mueller 2019, 151). During the Seychelles meeting several issues were discussed and as the Mueller report suggests, Prince, Nader and Steve Bannon contacted Dmitriev multiple times around this time (Mueller 2019, 150-155).

On a more abstract level, Prince has powerful allies such as Mohammed Bin Al-Zayed who is the Crown Prince of Abu Dhabi as well as de facto leader of the whole United Arab Emirates. With his business in China, Prince can be seen as an important connection to this country and its opportunities as well. This way, Trump could potentially discuss matters with other states without risking his position as a president or potential diplomatic meltdowns.

2.4 Benefits for Prince

In the last section the benefits of unofficial advisors have been discussed and what the role of Prince could potentially benefit the United States Presidency as well as Trump personally. This can be seen as an important cause for the return of Prince to the United States. Aside from aiding the President, this brings along possibilities for Prince as well.

Under the Obama Presidency, Prince was shunned and avoided at all costs. Now, under a new Presidency lead by Trump, the cards have been reshuffled. First of all, there is a President in charge with similar opinions on for example the Middle East and business in general. Although it does not imply that Prince could establish a new company to obtain contracts from the United States Government again, it does provide him with new possibilities.

Secondly, the current developments in the foreign policy of the United States make it potentially interesting for Prince to move back business to the United States. With an increased terrorist threat and a decreasing quality of bilateral ties between the United States and other powerful states or unions such as Russia, China and the EU it could potentially fuel a demand for the services provided by Erik Prince. In that case, it could be beneficial to be in a position from where he can provide his services when necessary.

Thirdly, his position as a trusted ally of the United States President as well as the brother of the U.S. Secretary of Education puts him in an interesting position for other potential partners. This could potentially lead to more business ventures for Erik Prince outside his current network.

Furthermore, as we have seen with the United Arab Emirates who ended the partnership with Prince due to the negative publicity and the political situation in the United States. The ties between the U.A.E. and U.S.A. could potentially damage the business of Prince with the U.A.E. during the Obama Presidency. However, when the Trump Presidency took office, the U.A.E. resumed business with Prince because these previous risks were no longer relevant.

This interesting position is not only beneficial for Prince but also potentially for Trump. His relation with powerful allies in the U.A.E. and his business in China offer Trump an important actor within these two regions. This could potentially help him in his efforts for example in the Middle East against Iran.

2.5 Conclusion

After Blackwater, Prince started multiple businesses in the U.A.E., Africa and China. During the presidential election campaign of Donald Trump, he returned to the United States. The main stakeholder of F.S.G., CITIC Ltd, is a part of the CITIC Group which is an investment company owned by the Chinese state. Therefore, critics are suspicious about a potential connection between Prince and the Chinese government. This suspicion is fed by the involvement of F.S.G. in the Belt and Road development plan of the Chinese government. Whereas F.S.G. claimed not to focus on security, it has opened a training facility for private contractors and has agreed on building a training centre in the Xinjiang region where the Uighur minority has received harsh treatment from the Chinese government. This is a core aspect in relation to the paradox of the return of Erik Prince due to the declining bilateral relation between the U.S.A. and China. Nonetheless, Prince has regained an unofficial, yet important position within the U.S.A. where he is considered a trusted advisor. Due to the unofficial nature of his role, he can for example act as an medium between the American presidency and other foreign officials. This is what Robert Mueller suggested happened during a meeting between Prince and Dmitriev on the Seychelles. Within this position, Prince could provide several benefits to the American presidency as well as his own personal career.

3. Development of the Private Security Sector

In recent times, the private security sector has actively developed. Not only in its organizational shape and use but also in the regulation concerning this sector. The regulation is two-fold, this chapter will discuss international regulation and national regulation in the United States as well as the development of the private security sector during the two most recent U.S. presidencies, Barack Obama and Donald Trump. For the purpose of this thesis, only relevant regulation will be discussed. First of all the development of the regulation concerning the private security sector will be discussed. The regulation is divided in pre-Nisour regulation, post-Nisour regulation and the national regulation in the United States. The second section of the chapter will look into the use of private security after the Nisour incident and how it relates to regulation. This is to examine the use of private contractors by the United States after the changed regulation internationally and nationally. Furthermore, one cannot discuss development without taking the different presidencies into account. Therefore, the impact of the change of presidency from Obama to Trump and its overall development since the inauguration of Obama on January 20, 2009 will be discussed. Finally, the paradox surrounding Erik Prince will be analysed in relation to the developments of this sector.

3.1 International Regulation

The use of private contractors does pose some challenges. These challenges can be countered by regulation internationally and nationally. In the case of regulating the private security sector an important turning point was the Nisour Square Massacre in which seventeen Iraqi civilians were killed in an incident involving Blackwater private contractors. This section will look at the development of international regulation targeting the private military and security sector.

3.1.1. International Regulation Before Nisour

With the rise of private security or mercenarism during the Cold War, the United Nations adopted a resolution regarding the use of mercenaries. Although the term ‘mercenary’ is currently a debated, and not commonly used term, this was the common term during this era. Resolution 3103, adopted in 1973 aims at the ‘basic principles of the legal status of the combatants struggling against colonial and alien domination and racist régimes’ (General Assembly Resolution 3103, 1973). Although this resolution focuses on all combatants in this situation, paragraph five specifically addresses the use of mercenaries.

‘The use of mercenaries by colonial and racist regimes against the national liberation movements struggling for their freedom and independence from the yoke of colonialism and alien domination is considered to be a criminal act and the mercenaries should accordingly be punished as criminals’ (General Assembly Resolution 3013, 1973).

In this resolution and specifically this paragraph, mercenaries are considered criminals if they aid a colonialist, racist or alien force that tries to counter the liberation movements. Here the UN links mercenaries and the use thereof to these regimes and adopts this resolution in order to discourage mercenaries to work for them.

The term mercenaries in this resolution is defined four years later in an amendment of the Geneva Convention, Protocol 1. In Article 47 of Protocol 1 six criteria are mentioned that define a mercenary. These criteria include that the mercenary has to be recruited to fight in an armed conflict, must in fact partake in hostilities, must be motivated by personal gain which is offered in return for his/her services, must not be a part of a national armed forces or any armed party in the conflict, is not a national or resident to the territory of the hiring party and has not been sent by a state which is not part of the conflict (Geneva Convention – Protocol 1 Article 47, 1977). In this same article it is defined that a mercenary does not have the right to be a combatant or a prisoner of war.

On December 4, 1989 during the 72nd plenary meeting of the General Assembly, the International Convention against the Recruitment, Use, Financing and Training of Mercenaries took place. This convention reaffirmed that a mercenary commits an offence by partaking in hostilities and established in article 5 that state parties 'shall not recruit, use, finance or train mercenaries and shall prohibit such activities' (General Assembly Convention 44/34, 1989). Furthermore, it re-establishes that recruiting, using, financing or training mercenaries can oppose the right to self-determination which can result in certain measures. This convention, however, has only come into effect 22 years later on October 20, 2001. Important to notice is that only 35 countries have ratified this convention, excluding major military powers such as Russia, the United Kingdom and the United States. Together with South Africa, which has not ratified this convention either, these four states are major players in the field of private security.

Under the UN International Law Commission, a state is responsible for its organs both nationally and internationally. This implies that if such organ violates international law, the state is responsible. However, the same Commission states that a state is not responsible for person(s) that do not act on behalf of the state and their conduct respectively. Nonetheless it is important that existing links between private security companies and the state in which their headquarters exist should be closely defined based on the activities of the companies (Sandoz 1999, 212-213). Since these four aforementioned states did not ratify the Convention these states are suitable for headquarters of private security companies. This is a key aspect in the emergence, demise and re-emergence of Prince and especially in the light of the Nisour Square Massacre. After the massacre the ties between the United States government and the private security firm in the context of responsibility were heavily debated.

3.1.2. Global Private Security Regulation After Nisour

In the years after the Nisour Square massacre, the global community looked into the use of PMSC's and came forward with several documents in which recommendations are provided for the use of these companies. This section will discuss two of these documents which are the Montreux Document (September 2008) and the International Code of Conduct (ICoC, November 2010).

3.1.2.a. *Montreux Document*

Although interstate meetings started as early as January 2006, this initiative of the Swiss government and the International Committee of the Red Cross grew in emphasis and importance after the 2007 massacre in Baghdad. According to the document its main purpose is reaffirming 'the existing obligations of states under international law, in particular international humanitarian law (IHL) and human rights law, relating to the activities of private military and security companies in situations of armed conflict' (Montreux Document, 2008). The document is divided into two parts. The first part focusses on the distinction between different states (Contracting -, Territorial - and Home states) and how these different states are placed under international law on this topic. Furthermore, it focusses on the responsibilities of PMSC's as well as their personnel and the liability of superiors. The second part examines good practices to be used as guide lines on how to implement private security in a state (Montreux Document, 2008). Among the original ratifying states are South Africa, the United Kingdom and the United States. After the first 17 states ratified this document in 2008, the total states grew to 55 with Montenegro ratifying it on December 12, 2018 (Federal Department of Foreign Affairs Switzerland). Of the four states mentioned in the previous section, only Russia has not signed the Montreux Document. A possible explanation for this could be the heavy use of private contractors by Russia.

The main problem with this document, however, lies with the commitment to the document and its content. There are no (legal) consequences if a state does not follow the guidelines within the document. With a lack of consequences there is no way to maintain the goals of this document. Furthermore, it only targets the use of PMSC's in armed conflicts and therefore does not cover PMSC's or the private market for security as a whole (Shah 2014, 2563).

3.1.2.b. International Code of Conduct

Another global initiative to regulate the private security sector is the International Code of Conduct for Private Security Service Providers (in short the Code or ICoC). This Code aims to 'articulate human rights responsibilities of private security companies, and to set out international principles and standards for responsible provision of private security services, particularly when operating in complex environments' (International Code of Conduct Association). In this Code, certain principles and standards are set to which PSC's should abide in order to receive a certification from the Association. Aside from providing these certifications, the Association monitors the member companies that signed the Code. The way the Association monitors these companies ranges from remote monitoring, to field-based reviews as well as setting compliance indicators (International Code of Conduct Association).

The code was initiated by Switzerland and created by bringing together several states (Australia, United Kingdom and the United States) as well as a number of PSC's, civil society organization and academics. In November 2010, when the Code was finished it was signed by 58 PSC's. This number grew exponentially to 708 companies in September 2013 (International Code of Conduct Association).

The initiation of the Code is more closely linked to the Nisour Square massacre. Although there was a general need for regulations for PSC conduct in the first decade of the 21st century, which can be seen by the Montreux Document talks starting in 2006, the clear

need for these regulations became visible with the human right atrocities by PSC's in Iraq and Afghanistan, including the Nisour Square massacre. Although the ICoC looked promising at start, its effect is limited due to its lack of an real enforcing mechanism (Shah 2014, 2559 - 2564). If a company decides to go against the Code, all the Association can do is strip the company from its certification. This, in turn, can result in the company losing contracts or not getting them in the first place. For legal enforcement national legislation would be required. This national legislation could be based on the Code but it is not a requirement. The implementation of national legislation to enforce the Code is often considered to be a necessary step to ensure the effectiveness of this Code (Shah 2014, 2568).

3.1.3. U.S. Involvement in International Regulation

As the previous sections mentioned there are two important documents that attempt to regulate the privatization of security and the use of private contractors in warfare which are the Montreux Document and the ICoC. The United States was one among the seventeen states that contributed to, finalised, and ratified the Montreux Document. Therefore it is important to notice that the role of the United States here can be seen as a leading role, together with the other sixteen states and later with the thirty-eight other states that ratified the document in the past decade. These fifty-five states and three organizations (EU, OSCE and NATO) have an exemplary role when it comes to defining how the international law can and should be applied to the use of PMSC's in conflict zones. As the document describes, it 'gives expression to the consensus that international law does apply to PMSCs and there is not a legal vacuum concerning their activities. It is a practical and realistic contribution which aims to promote respect for international humanitarian law and human rights. It addresses legal questions raised by PMSCs without creating new obligations. It is not a legally binding instrument' (Montreux Document). The ICoC was the result of an eighteen-month process in which several companies, civil society organizations, academics and states discussed and wrote down a code of conduct.

This code is based on humanitarian law and international human rights (International Code of Conduct Association). The United States was among the states that discussed and finalised this code. That implies that the United States saw merit in the existence of both this Code of Conduct and the Montreux Document with examples of good practices. It can therefore be concluded that, arguably, the United States highly values the monitoring of PMSC's.

It comes as no surprise that the United States was active in creating both these documents. Ever since the mid-19th century the United States has had an international exemplary role. This can be dated back to the manifest destiny which inspired the United States to see themselves as morally superior. In turn this can be seen as to why the United States see themselves as an international example. In two separate occasions, one being a speech in Cairo in 2009 and the other being at a graduation speech at West Point in 2014, former president Barack Obama said that the United States should be leading by example and have a leading role on the world stage (Spillius, 2009) (Condon, 2014). When taking this level of involvement into account, it can be understood that the United States values the regulation of private security and forms the frontier on this matter.

3.2 U.S. National Regulation

Although there are certain scholars that argue that international agreements could regulate the private security sector more effectively than national legislation, there is a strong voice advocating for national legislation as well. One of the key arguments for national legislation is that states should guard their monopoly on the use of physical force and therefore should regulate PMSC's as well (Ortiz 2004, 211). According to the British House of Commons in 2002, the United States has the 'most developed and comprehensive' regulatory regime concerning PMSC's (House of Commons 2002, 17). Before 2007, the main focus of national regulation of private security lay with the export of both the defence equipment as well as

services. Here the regulation targets a larger group of PMC's, private contractors, security firms and other individuals (Ortiz 2004, 211). One of the Acts through which the US attempts to regulate the use of PMSC's is the Arms Export Control Act (AECA).

The AECA came into effect on June 30, 1976 after which it was amended several times. These amendments have not had any major impact on the private security sector and therefore will not be discussed. The core of this Act is that the President (after Executive Order 13637 in 2013 this authority lies with the Secretary of State) can regulate the export of defence articles and services. As §2778. Control of arms exports and imports, section a – (2) states;

‘Decisions on issuing export licenses under this section shall take into account whether the export of an article would contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or non-proliferation agreements or other arrangements.’ (Arms Export Control Act 1976, par 2776, art. A-2)

This Act relates to the use of private contractors in the sense that foreign powers cannot hire an American private security company or its contractors without consent from the U.S. President or the Secretary of State. A problem arises if these companies are sent or hired by the U.S. Government. Then they are not limited by this Act whatsoever as long as they operate within the limits of the contract. The AECA is implemented by the International Traffic in Arms Regulations (ITAR) which controls this export. In fact, the ITAR is a set of regulations which all concern the export of defence articles and services.

In these Regulations, section 120.9 (a) from the ITAR a defence service is to be considered as;

‘The furnishing of assistance (including training) to foreign persons, whether in the United States or abroad in the design, development, engineering, manufacture, production,

assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles' (International Trafficking in Arms Regulations, 1976)

This specifically targets the use of PMSC's abroad. These companies have to obtain a certification under these Regulations before they can export their goods and services. Furthermore, for every contracted operation a PMSC will provide their service for, the company will have to require a license with additional possible restrictions (Ortiz 2004, 214). If the transfer of certain equipment transcends a specific value, the AECA can demand a written certification from the president to the Speaker of the House of Representatives as well as the Committee on Foreign Relations of the Senate before such a license can be provided as another security measurement. These two parties can deny the license unless the security of the United States is threatened and this transfer is required to preserve the security (Ortiz 2004, 214).

Other regulation can be found in the MEJA (Military Extraterritorial Jurisdiction Act - 2000), the suggested CEJA (Civilian Extraterritorial Jurisdiction Act), and the UCMJ (Uniform Code of Military Justice – 1775, amended in 2006). Furthermore, in Civil law, changes in Contract Law and Tort Law affected the private security sector (Ebrahim 2010, 192-198). The MEJA is an act that was put in place to prosecute military contractors whom accompanied the U.S. military under the U.S. Law. As the law reads;

'Whoever engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States; while employed by or accompanying the Armed Forces outside the United States; or while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice), shall be punished as provided for that offense.' (Military Extraterritorial Jurisdiction Act, 2000).

In addition to the MEJA, the CEJA was suggested several times over the past nine years. This new act would specifically target contractors abroad and should be seen as a supplement

for the MEJA rather than a replacement. Where the MEJA has now included contractors, the CEJA would specifically focus on anyone ‘employed by or accompanying any department or agency of the United States other than the Department of Defense’ (Doyle 2012, 5). Both the MEJA and the CEJA would result in contractors being prosecuted by U.S. law rather than by local law. Nevertheless it should be noted that these acts do not have any preventive nature for crimes committed by contractors but are to clarify the accountability question often raised with incidents involving private contractors. With these acts, the individual is accountable and will be prosecuted in accordance with U.S. law. However, the CEJA never passed congress and therefore contractors are still accountable under the MEJA.

Although the UCMJ has been implemented over 240 years ago, it still holds importance for the private security sector. Especially the amendment in 2006, although it was a minor change, could have major implications for the sector. In this amendment, the military jurisdiction no longer only serves in times of war which shows a new and more realistic view on the use of private contractors. This circumvents the problems faced in applying civilian law to international prosecution (Shah 2014, 196).

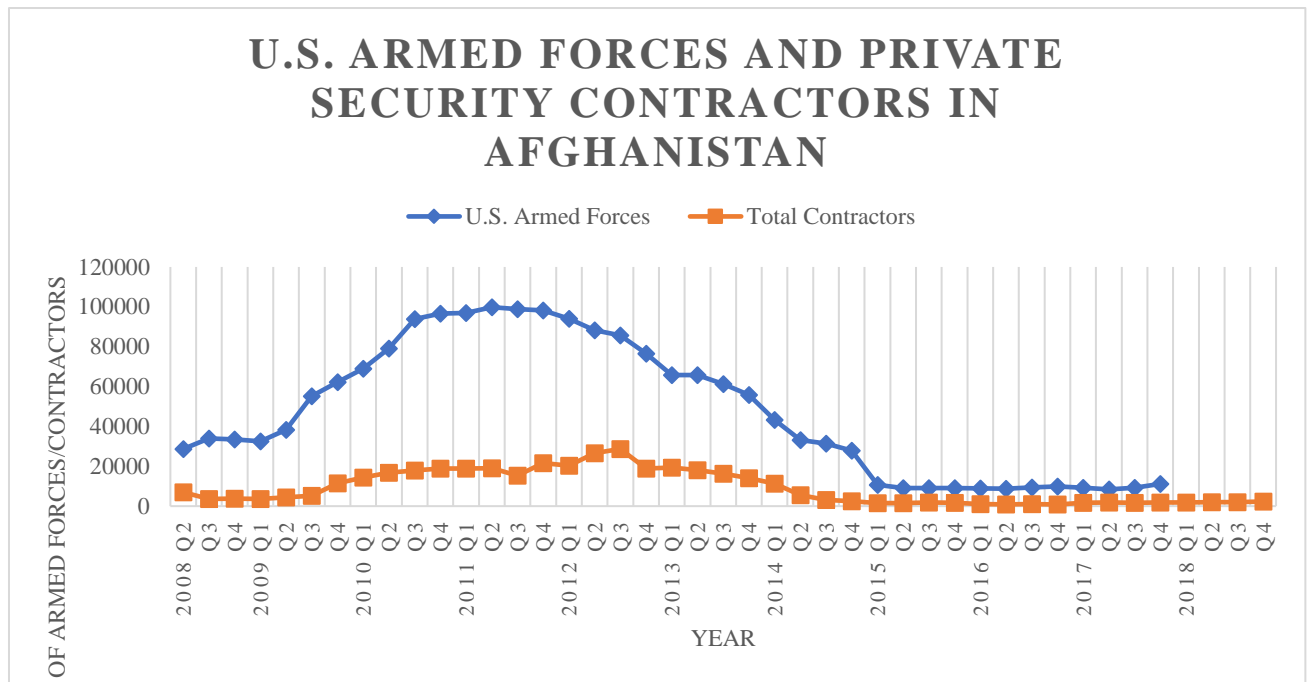
When looking into these laws, acts and regulations it is important to notice that there are two types of regulation. On the one hand, regulation tries to limit the use of private contractors abroad through monitoring and limiting the export of arms and services and on the other hand, regulation tries to tackle the accountability issue. The only documents truly aimed at preventing incidents with private contractors are the Montreux Document and the International Code of Conduct but neither of these two documents hold any legal consequences. Furthermore, acts such as the AECA and ITAR hold no real importance if the U.S. Government wishes to use private contractors abroad since it is not very likely that the Government would stop itself from e.g. transporting arms. Nonetheless, this level of policy regarding PMSC’s shows the United States appears to value a stronger monitoring of PMSC’s.

After the Nisour Square Massacre, the media erupted with articles such as ‘US contractors in Iraq shootout’ (BBC, 2007) and ‘The Deadly Game of Private Security’ (Burns, 2007) by the New York Times. Later, the accusations that Blackwater did not act in self-defence flooded the media. Not only the media let itself out on the private security, but so did the wide political landscape of the United States. The U.S. State Department referred to the massacre as a terrible incident and promised to investigate the matter. When Barack Obama was Senator to the state of Illinois he introduced the Transparency and Accountability in Military and Security Contracting Act of 2007 in February of that year. This amendment to the Defense Authorization Act would compel contracting companies to report on the number of contractors employed, wounded, killed and what actions have been taken against contractors who break their contracting rules e.g. in hostile engagement (Isenberg 15, 2009). After the Nisour Square Massacre, Obama addressed the U.S. Congress with an urge to undertake action against the private contractors fighting for the U.S. government. He stressed that regulation was necessary in order to prevent further catastrophes and that ‘we [the U.S.] need to make sure that security contractors in Iraq are subject to adequate and transparent oversight and that their actions do not have a negative impact on our efforts to bring the war in Iraq to a responsible end’ (Obama, 2007).

3.3 The Obama Presidency

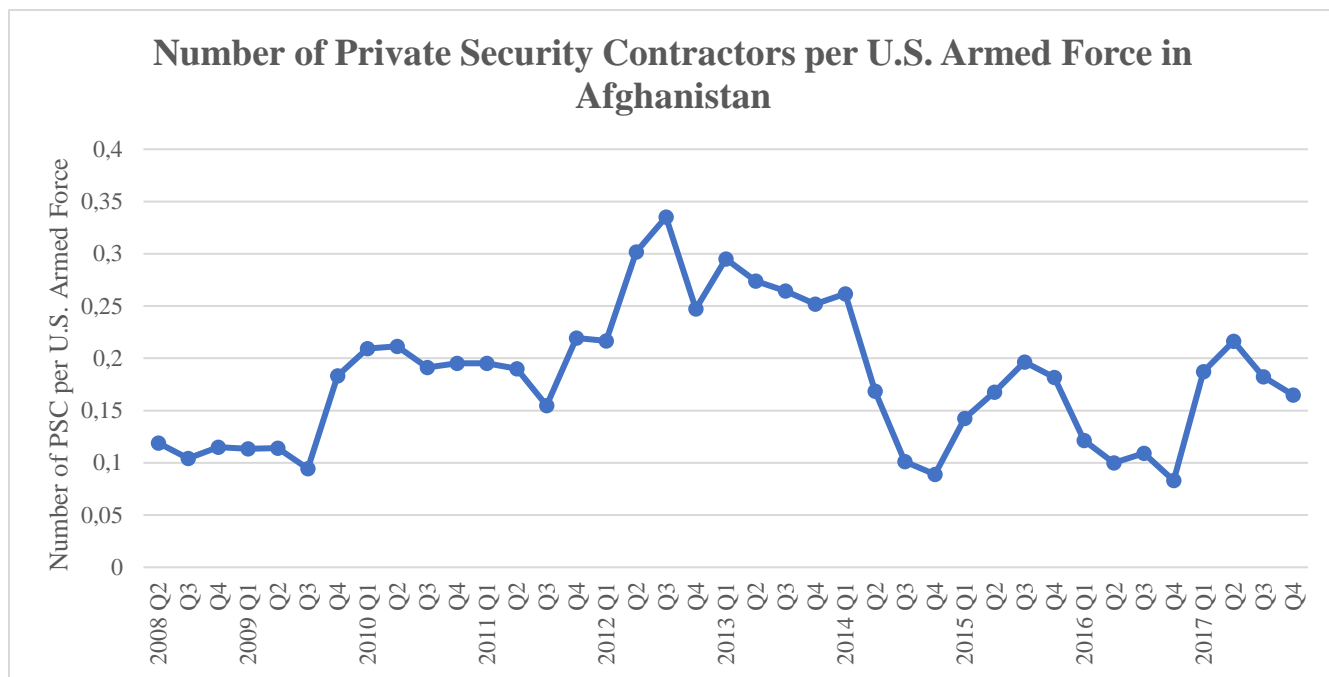
After Obama was elected President of the United States, several measures were taken against the private security sector. Among these actions were changing the way the government contracts companies and overall reforming of the process of contracting companies as well as utilizing them. The aim of these reforms were to hand back important positions to government employees in order to reduce the dependency on private contractors (Isenberg 2009, 15-17). It can be concluded that although Obama introduced his Transparency and Accountability in Military and Security Contracting Act before the Nisour Square Massacre, the incident had increased the gravity of this topic for Obama. Obama coined that the U.S. was too dependent on private contractors, especially in their war in Iraq and Afghanistan. A possible explanation for the use of private contractors, other than the mere necessity for them in Iraq and Afghanistan, is the Rumsfeld doctrine. This doctrine opposed the Powell doctrine which argued for an overwhelming force of foot soldiers as the base of the U.S. military (Pearson 2015, 62). The Rumsfeld doctrine however pushed for less foot soldiers and more outsourcing of security jobs. It can be argued that this doctrine follows the economics suggested by economist Milton Friedman which states that economy thrives when based on outsourcing (Pearson 2015. 62-63).

Regardless of the efforts introduced by Obama to reduce the number of private contractors working for the United States DoD, it appeared the numbers increased during the Obama presidency, if not in absolute numbers it did increase relatively to the number of U.S. soldiers.



Graph 1 - Numbers of U.S. Armed Forces and Total Contractors in Afghanistan between Q2 2008 and Q4 2018. There is no data available after Q4 2017 for the U.S. Armed Forces. (Peters and Plagakis, 2019)

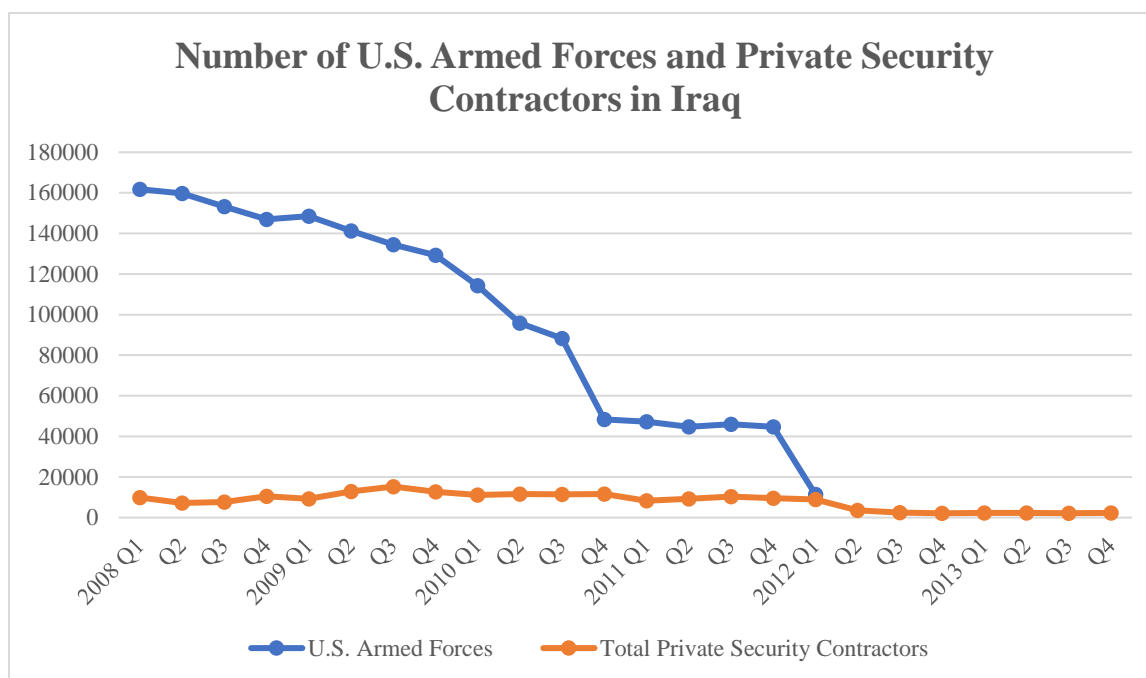
In the graph above the number of U.S. Armed Forces and Private Contractors in Afghanistan are shown. During the Obama presidency (Q1 2009 – Q1 2017) an initial rise in both U.S. Armed forces and Private Contractors is visible. A steady increase can be seen, even beyond the decrease in U.S. Armed Forces starting in Q3 2011. Only a year later, the decrease in Private Contractors started. Although the absolute increase and decrease of both U.S. Armed Forces and Private Contractors provides an insight in the amount of boots on the ground, the relativity between these two groups can provide an insight on the dependency on the private contractors.



Graph 2 - Number of Private Security Contractors per U.S. Armed Force in Afghanistan (Peters and Plagakis, 2019).

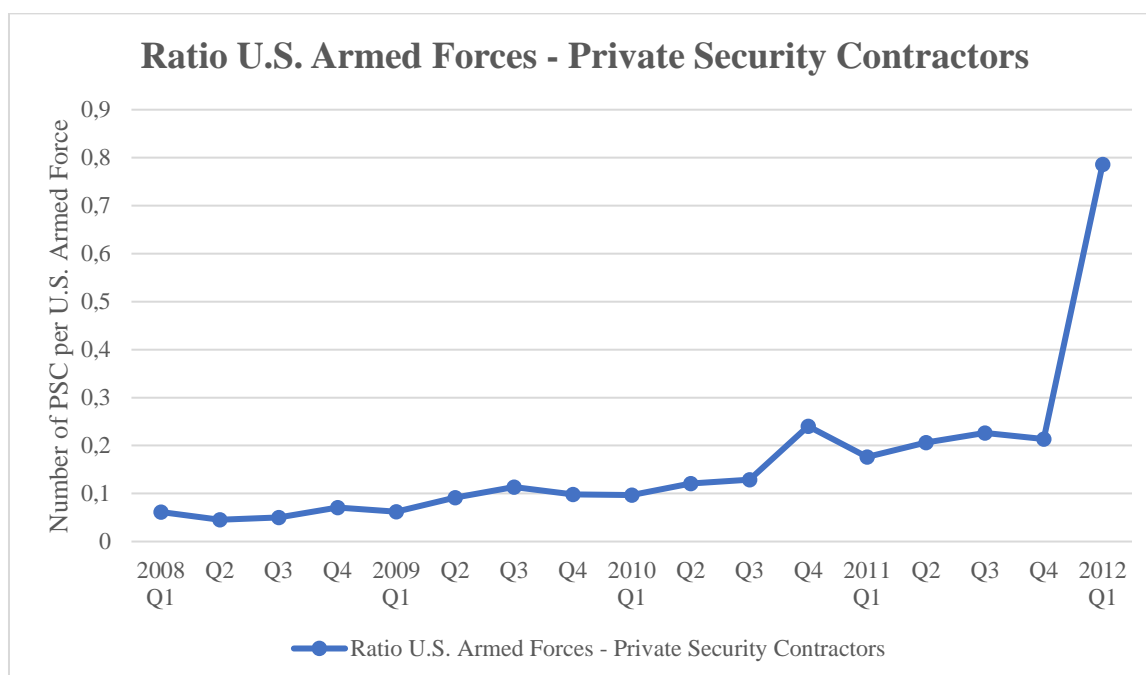
In this graph there is a clear overall relative increase of the number of private security contractors. Only in Q3-4 2014 and Q2-Q4 2016 does the relative number fall below to the original ratio in 2008. On its peak in Q3 2012, the ratio is more than tripled compare to 2008.

Between 2008 and 2013, the war in Iraq required the direct attention of both U.S. Armed Forces and private security contractors. Central Command (CENTCOM) did not release any figures prior to Q1 2008 nor after Q1 2012 on the Armed Forces or after Q4 2013 on the private security contractors.



Graph 3 – Number of U.S. Armed Forces and Private Security Contractors in Iraq (Peters and Plagakis, 2019)

When analysing Graph 3, two major conclusions can be drawn. First of all, the number of U.S. Armed Forces rapidly declined over the period of four years. Secondly, the number of private security contractors remained relatively stable. Therefore, one can conclude that the ratio sharply increased which can be seen in Graph 4.



Graph 4 – Ratio U.S. Armed Forces – Private Security Contractors (Peters and Plagakis, 2019)

This Graph shows a clear overall increase in the ratio private security contractors to U.S. Armed Forces, more than doubling the relative number in four years. The sharp increase after Q4 2011 is due to the sharp decrease in U.S. Armed Forces while remaining a stable amount of private security contractors as shown in Graph 3.

When analysing these four graphs it becomes apparent that during the Obama presidency both the relative amount of private security contractors as well as the absolute amount did not decrease as Obama vowed to achieve. Rather than decreasing, the relative numbers increased both in Iraq and Afghanistan during his presidency.

3.4 U.S. Dependency on PMSC's

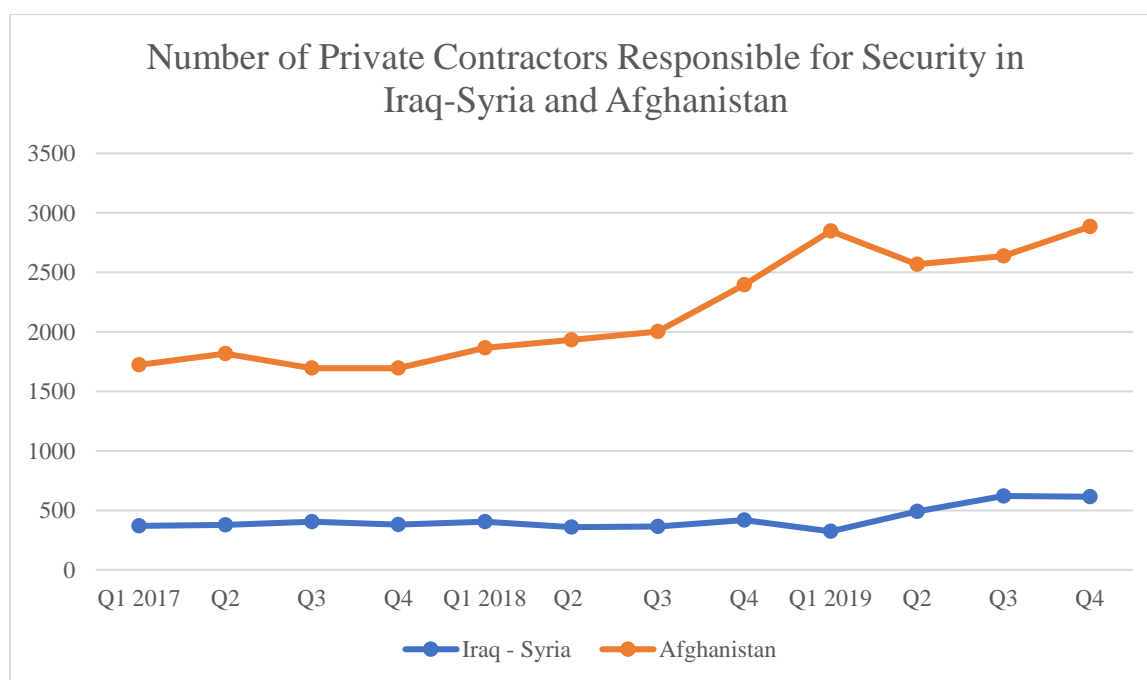
There are multiple explanations why the dependency on Private Contractors increased during the Obama presidency. One possible explanation is the de-escalation of conflict in both Iraq and Afghanistan. According to Stanley, this de-escalation inspired the withdrawal of U.S. Armed Forces from these conflict areas (Stanley, 2015). With the decreasing number of U.S. Armed Forces, which can be observed in Graph 1 and 3, a power gap can potentially emerge. As mentioned, one of the benefits of Private Contractors is the lack of Senate supervision on this spending and a general lower level of public importance, keeping Private Contractors can still provide support in the conflict areas without the negative consequences that U.S. Armed Forces bring for the American public opinion.

This public opinion can be seen as another reason behind the increased U.S. dependency on private contractors despite the efforts and opinion of Obama during his presidency. As previously mentioned, hiring private contractors can surpass Congressional supervision. Therefore, it is easier to hire private contractors than to send extra soldiers. Furthermore, the death of a soldier is generally mourned when the death of a private contractor is not widely known or covered in the media (Avant and Sigelman 2010, 231). With the decreasing public

support for the war in Iraq and Afghanistan, the private contractors provided a viable solution. In a 2009 poll already 46% of the American population no longer supported the war in Afghanistan and 73% supported the withdrawal of troops from Iraq (Martins 2019, 23-24).

3.5 The Trump Presidency

After Trump became President in January 2017 the number of Private Contractors responsible for security in Iraq and Syria remained relatively stable with a small increase in 2019 as can be seen in Graph 5. However, the number of armed private security contractors responsible for security in Afghanistan overall increased in this three year period with a small decrease in early 2019 which recovered in the last quarter of the year. Overall, in this three year period the number of armed private security contractors in Afghanistan responsible for security increased with almost 67,5%.



Graph 5 – Number of Private Contractors Responsible for Security in Iraq – Syria and Afghanistan (Office of the Assistant Secretary of Defense for Sustainment)

It does not come as a surprise that the private security sector does not receive any opposition from the Trump presidency. In multiple cases, Trump advocated for privatizing

assets such as the postal service, national parks, airports and the International Space Station (Outdoor Recreation Advisory Committee, 2019) (General Services Administration). Furthermore, it should be noted that Trump indicated in May 2019 that he might pardon Nicholas Slatten. Slatten is a former Blackwater employee who was convicted for the Nisour Square Massacre (Phillips, 2019). This shows a level of disregard to the crimes committed and clearly displays a significantly lower concern over the Nisour Square Massacre and the challenges of private security. In turn, this comment follows the policy by Trump regarding private security and the private sector in general. Furthermore, such a pardon would further blur the private sector and especially its regulation. If regulation goes as far as to sentence someone for life for crimes committed as a private security guard, yet a President can pardon those crimes, the regulation becomes distorted and neglectable.

Furthermore, during the second term of Obama's presidency and the current duration of the Trump presidency, the spending on private firms working on illegal immigration doubled. The five federal agencies that are responsible for immigration policies regarding correction, detention and immigration were supported by ten contracting firms. These ten firms obtained contracts with a total worth of \$942 million in 2013 which grew to \$2.32 billion in 2018 (Zibel, 2018). Although the increase started primarily at the start of the second presidential term of Obama and his efforts against private security were mainly outspoken in his first term, this development does provide an insight in the use of- and dependency on private security behind the scenes.

3.6 The Paradox of Erik Prince

As the research question of this thesis suggests, the resurfacing of Erik Prince can be considered paradoxical. This section will look into why this resurfacing can be seen as a paradox. By explaining the paradox, the foundation can be laid down to examine and analyse

his return. This analysis will conclude at the end of the thesis whether his resurfacing is as paradoxical as it initially seems. In this section two core aspects of the paradox will be presented. The first aspect is the fact that Prince stated to move away from government contracts and private security, yet ended up (in)directly working for governments and defence projects. The second aspect is the seemingly paradoxical return to the United States after being shunned by American politics.

3.6.1. The career of Prince after leaving the United States

After the Nisour incident, Erik Prince turned towards the future rather than dwelling on the past and moved to Abu Dhabi in the United Arab Emirates. During this time, Prince became a close ally and business partner of Mohammed bin Zayed Al Nayhan (bin Zayed for short), crown prince of the United Arab Emirates and commander of the army. His main endeavour in the U.A.E. would be to establish a counterterrorism unit as well as a private presidential guard which is still related to private security. Aside from the business in the U.A.E. Prince founded a logistics company in Africa and China called the Frontier Services Group in 2014. In a statement by the company, it is mentioned that the company does not serve governments or defence projects (Eisenhammer, 2014). Initially this business was only logistical but later moved towards the security aspect of his career with a training centre for private guards. His presence in China greatly helped the Chinese government in establishing their Belt and Road initiative for regional development (Shepherd, 2019).

This is one of the moves by F.S.G. that contradicts the statement that F.S.G. does not serve governments nor defence projects is the fact that F.S.G. oversees a Chinese training facility for private contractors called Beijing's International Security Defense College, which aims to be 'the largest private security training school in China' (FSGroup Newswire, 2017). Furthermore, at the end of January 2019, F.S.G. agreed to building a training centre in the western Chinese province of Xinjiang. This province is an important part of the Belt and Road

initiative but also houses the Muslim minority called Uighurs (Shepherd, 2019). The ethnic minority has received horrendous treatment from the Chinese government which perceives the minority as a security threat. Both the Chinese government and now F.S.G. have received international backlash over the activities within this region as F.S.G. is accused of aiding the Chinese government in repression and human rights abuses (Martina, 2017). This adds to the paradox of Prince. Although his new company stated that it did not engage in defence projects nor would it directly work for a government it did exactly this. It can be questioned whether Prince actually moved away from his original business expertise in security. Due to these two core factors, it seems superficially paradoxical for his return to the United States to be probable, yet it did happen.

3.6.2. Prince returns to the United States

Erik Prince, who was once shunned by the American politics, in time had also found a place as unofficial advisor to the Trump presidency after aiding the president during his presidential campaign (Mueller, 2019). Additionally, these two individuals appeared to have grown a close relationship built on similar visions. Not only did Erik Prince back Trumps campaign, he had a few prominent contacts in the new American political landscape. Some of these contacts dated back to the Bush administration. Most importantly, his sister, Betsy DeVos was appointed Secretary of Education during the Trump Presidency. Furthermore, Prince is known to have contact with people of importance such as Alvin Bernard Krongard (former Director of the CIA), Joseph Schmitz (Inspector General of the U.S. DoD under Bush), Steve Bannon (former Chief Strategist under Trump), and Donald Trump Jr. Although some of these contacts originated prior to the presidential race in 2015, other contacts have only been established during or after that time (Oakland Institute 2017, 3-5). The presence of Prince in the American political scene is not only achieved through these contacts. In early 2019, Prince sought support

for a mission in Venezuela and reportedly offered the White House a plan to send 5,000 private contractors to Venezuela to help the opposition leader Juan Guaidó take over the power from president Nicolás Maduro (Roston and Spetalnick, 2019). However, in December 2019, it became public that Prince had met with Venezuela's vice president Delcy Rodríguez, a trusted ally of president Maduro (The Guardian, 2019). Although his intentions remain unknown, this development can be considered confusing coming eight months after suggesting using private contractors to overthrow the Maduro regime. Furthermore, the United States heavily sanctioned the Venezuelan regime and actively supports the opposition. By meeting the vice-president of Venezuela, Prince goes against the American foreign policy towards Venezuela.

3.7 Conclusion

Two arguments that can be made for privatizing the military and security sector near the end of the Cold War are economic and political. Arguably, a private army is cheaper to maintain than a state-army and politically a state can distance itself from a private army in case disaster strikes. Both arguments are however heavily disputed as well as the lack of accountability with private military and security. To cover this lack of accountability, several national and international regulations have emerged since the end of the Cold War. The International Regulation can be divided in two sections, which are pre-Nisour and post-Nisour, marking the Nisour incident as a turning point in the international awareness. Prior to the Nisour incident the regulation is mainly focussed on justifying and limiting the use of private contractors.

After the Nisour incident, two documents were finalized to shape the use of private contractors. Firstly, the Montreux Document shows good practices and how international law applies to private contractors. Secondly, the International Code of Conduct is an initiative to emphasize the principles and standards for private contractors. Both documents, however, are not legally binding and therefore lack functionality. In both documents, the United States was

heavily involved during the formation. This shows that the United States values these regulations.

The national regulation of the U.S.A. can be summarized in several acts, laws and regulations. Among these are the Arms Export Control Act (AECA), the International Traffic in Arms Regulation (ITAR), Military Extraterritorial Jurisdiction Act (MEJA), Uniform code of Military Justice (UCMJ) and the changes in Contract Law and Tort Law. These regulations can be divided in two types. On the one hand the export of arms and services is being monitored and limited and on the other hand several regulations aim at tackling the accountability issue.

By looking at the two presidencies after the Nisour incident, it is possible to examine the developments within the regulation of this sector. One can conclude that Obama heavily argued against the private security sector through public speeches as well as introduced legislation. During the Trump presidency, however, more regulation is not expected due to his stance towards privatization.

Although Obama publicly argued in favour of tighter regulation the factual use of, and dependency on, these contractors did not decrease and even increased in some cases. By analysing the use of private security in Iraq, Afghanistan and Syria, it shows that after the Nisour Square Massacre, public support for private security decreased, even reaching Presidential levels of dismay during the Obama presidency. However, due to the debatable nature of the private security sector and the grey zone it operates in, the dependency did not decrease. This clearly shows that behind the scenes no real changes were achieved.

4. Was Prince ever really gone?

With the developments since Prince has left Blackwater up until he resurfaced in the United States during the campaign of Donald Trump it can be wondered if Prince was ever really gone. Did he ever really leave the private security sector behind or was he merely laying low for a period while creating and pursuing business outside the United States. This chapter will analyse these questions by examining his path back into the United States as well as his actions after his return.

4.1 Post-Blackwater Business in Relation to His Past

As mentioned in previous chapters Prince moved to the United Arab Emirates where he aided Mohammed bin Zayed Al Nahyan to create an anti-terrorism unit as well as a presidential guard. This is a clear example of activities within the security sector. Furthermore, it shows that Prince immediately after his departure from the United States focussed on people of high importance with close ties to the state apparatus in this case of the United Arab Emirates. This could be perceived as a move striving for political influence through business opportunities.

The other business incentive of Erik Prince after his departure from Blackwater and the United States was the founding of both F.R.G. and F.S.G. with a special emphasis on the F.S.G. Whereas Prince had sworn he would move away from the private security and focus on logistics it appeared he could not follow up on this promise. Prince stated that F.S.G. would not serve any government or defence project (Eisenhammer, 2014). However it would not be long until it became apparent that F.S.G. was indirectly funded by the Chinese government and that his projects included setting up training camps for private guards. These projects in China greatly benefited the Belt and Road initiative of the Chinese government to secure and strengthen its regional presence.

4.2 The continuity

When Prince returned to the United States during the presidential campaign of Trump there is a clear sense of continuity. Many of his contacts were, similarly to his contacts in the U.A.E. people of political importance. Although he did not found a new business in the United States, the main logical reason behind this could be his history with Blackwater in the United States. Therefore, perhaps, Prince took a different approach. According to the Mueller reports he has been appointed as a trusted associate of the new administration. This implies that as soon as Prince returned, he quickly gained a position close to the administration and people in power which comes with great potential benefits for both the administration as well as Prince himself. All throughout the career of Prince ever since the start of Blackwater there is a clear red line of continuity. This continuity is two-fold with private security on the one hand and the approach to political actors on the other hand. The former is visible in his business models with Blackwater and his business ventures after his departure from Blackwater. The latter can be found first in his government contracts with Blackwater, later in his business with bin Zayed in the U.A.E., the F.S.G as a business partially invested in by the Chinese Government and lastly his presence in the Trump presidential campaign and his position as an unofficial advisor to the presidency. The only discontinuity is his geographical area of focus.

This can lead back to the questions asked at the start of this chapter. Was Prince ever really gone? The answer to this question is once again two-fold. When looking at his presence in the United States it can be clear that Prince was gone, he did not hold ties with the Obama presidency nor did he engage in business in the United States. However, when addressing the question whether Prince and his private security were ever gone, the answer becomes more complex. Yes, his private security endeavours were gone from the United States once he completely left Blackwater. However, the legacy of private security in the United States which can partially be assigned to Prince and Blackwater, was never gone. As shown in Chapter 5 the

private security sector did not suffer from the policies implemented by the Obama presidency. It can even be argued that by looking at the ratio between private contractors and military personnel during this period the sector survived, if not thrived. In this sense, one can argue that Prince was never really gone. When addressing his private security business it is clear that he did or does not actively create a new business in the United States. However, Prince did offer the White House to settle the national unrest in Venezuela and Prince did contact the vice-president of Venezuela eight months later, potentially with the same offer. Therefore it can be concluded that with his past private security business in the United States, its legacy and his return to the United States with his offers included, Prince was never really gone.

4.3 Conclusion

With all the developments mentioned in the previous chapters and the factual changes in the private security sector or the lack thereof, it can be concluded that there is continuity rather than change. Since most regulations did not have a real impact, it comes to no surprise that with the change of Presidency the return of Prince was made possible. One can therefore conclude that his return was in part symptomatic of the general state of the private security sector which was heavily shunned by the public, but was still as active behind the general scope of the public. It should not be seen as a paradox that Prince returned to the United States after being shunned for several years, but instead it should be seen as a continuity of the private security sector. Prince may have left the country and his company, but with his legacy in place and his return to the United States several years later, it can be concluded that he was never really gone.

Conclusion

“Trump ally Erik Prince reportedly under investigation by FBI for 'converting crop dusting plane into military aircraft' ” (Mindock, 2020) – Independent, February 20, 2020.

“DOJ Nears Decision on Whether to Charge Blackwater Founder Erik Prince” (Wiswanatha and Bykowicz, 2020) – The Wall Street Journal, February 11, 2020

These two articles show how relevant Prince still is in the media. This thesis looked at his fall from grace in the United States and his return several years later. What initially appears to be a paradox surrounding Prince, should actually be seen as a continuity of the private security sector as a whole. To answer the research question: *How can the seemingly paradoxical resurfacing of Erik Prince under the Trump administration be explained in relation to the position of the Private Security Sector in the United States?* Initially when looking at the matter, it appears there is a paradox surrounding the resurfacing of Erik Prince. However, when examining the matter more closely it appears the paradox is, in fact, not present at all. This is due to the continuity of the development of the private security sector after Prince had left the United States. Although the public and politics openly turned away from private security, behind the scenes the business thrived. Since Prince remained active in his business ventures and private security, even though he suggested otherwise, a return was waiting to happen. With a more favourable administration with Donald Trump as its president, a full return is not as unusual as initially thought. The like-minded President and the many connections Prince had in, or near, the White House provided plenty of opportunity to return to the United States.

To fully comprehend why the paradox is in fact a matter of continuity within the private security sector, it is of importance to understand the history of the private security sector, its development and regulations as well as the role Prince played within this sector.

Nearing the end of cold war, the new era for private security companies emerged. Although different from its predecessor, these new companies offered security in return for profit. Several advantages and disadvantages can be named for these companies. The advantages argue that there is a lower political and financial cost to using private security companies over the use of state armies. The disadvantages primarily focus on the lack of accountability and the vague legal framework. One of the people who made a fortune from this business is Erik Prince. As founder and CEO of Blackwater, he led a company that obtained several contracts of the American Government. One of these contracts was in Iraq. In 2007, Blackwater contractors opened fire on Iraqi citizens in Baghdad, resulting in the so-called Nisour Square Massacre or Nisour Incident. After this incident Prince was gradually forced to leave Blackwater after which he moved to the United Arab Emirates to start a new business with Mohammed bin Zayed Al Nahyan, crown prince of Abu Dhabi and de facto leader of the U.A.E. This business was based on offering protection and building an anti-terrorism guard. Aside from this new business venture in the U.A.E. Prince founded the Frontier Services Group in Africa and the Frontier Research Group in Asia. The F.S.G. focusses on logistics in troubled areas. The F.S.G. provides logistics from its headquarters in Hong Kong. During the presidential campaign of Donald Trump, Prince returned to the U.S.A. in order to support this campaign. This leads to the paradox surrounding Erik Prince.

The paradox consists of two apparent opposites. On the one hand, Erik Prince was shunned by the American politics and left the country due to an ongoing investigation. After this, Prince started new business ventures in the U.A.E. and China. On the other hand, Erik Prince managed to return in the presidential campaign of Donald Trump and managed to stay in the U.S.A. while relations between the U.S.A. and China deteriorated.

The new company of Prince, F.S.G., stated that they would not serve a government nor would they work on defence projects. However, the company is indirectly linked to the Chinese

government through investments and stakeholders. Furthermore, its actions within the region aid the Chinese Belt and Road initiative that strengthens and secures the Chinese regional influence. In a more direct manner, F.S.G. is involved in organizing and building a training facility for guards in the Xinjiang province where the Uighur minority is severely repressed. This new business adds to the paradox that surrounds Erik Prince.

In understanding this chain of events, an analysis of the development of the private security sector is needed. When analysing this sector within this case, it is important to examine the period between the Nisour Square Incident and onward. This period covers two different presidencies; Obama and Trump. Prior to becoming president, Obama suggested several policies and policy reforms in order to improve the regulation of this sector. During his presidency, several policies were implemented in order to counter the disadvantages of the use of private security as well as attempting to make the sector more transparent and clarify the accountability. Trump, on the contrary, favours private security and therefore it comes to no surprise that this presidency does not actively seek to regulate this sector. When examining especially the Obama presidency, one would expect direct results in the use of private security in conflict areas. These expected results could be visible in a decline in the number of private contractors. However, when analysing the figures on private security in conflict areas, it shows no decline, if not a relative increase. There are several possible explanations for this development such as the losing support for the war in Iraq and Afghanistan. Because the support decreases, it becomes increasingly harder to keep troops there or even to send more. The benefit of Private Contractors is that their numbers need no approval from congress.

By examining this development it shows a hidden story of the private security sector that continues behind the scenes. This story shows a continuity where the frontside that faces the public and politics attempt to disrupt this practice. It can therefore be argued that Prince and

his legacy of private security may have disappeared and decreased in the public eye, but were never really gone behind the scenes.

As the two articles at the start of this conclusion mention, Prince is still, or once again, a relevant actor. With new developments coming there is no clear path set for Erik Prince and the private security sector. But with this analysis of his rise, his fall and his return it should be considered that whether he rises or falls again, the underlying continuity in the private security sector might follow a different path, providing new or different opportunities.

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