

Double Delegation: An Investigation of the UN Use of Private Security Contractors*

Sky Kunkel[†]

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Abstract

Delegation and authority scholars in the principal-agent literature repeatedly identify the delegation of authority from principal to agent as resulting in greater agency slack. However, scholars of the principal-agent literature rarely go past the second level on the delegation chain, especially when examining the delegation of authority from international organizations (IOs) to private security contractors (PSCs). I argue that delegating authority a second time to PSCs operating outside the direct control of IOs like the United Nations (UN) inherently harms UN authority derived from local actors while simultaneously increasing state delegation costs to the UN. I further argue IO authority is harmed even more as PSCs operate outside the chain of command and with no state or IO legal recourse for slack. While slack in the traditional sense means agents do not act how principals demand, slack in double delegation can lead to civilian deaths and atrocities like that in Nissour Square in 2009. In this paper, I build the concept of double delegation of authority, which borrows concepts and structures from the sociology literature on symbols, the principal-agent literature on delegation costs, and the sovereignty literature on authority. Observing when and where the UN loses authority cannot occur without basic information on the practice. The second half of this paper explores PSC use in UN missions, building a descriptive database that explores the range of services the UN contracts out and identifies to whom it is contracting these services. Double delegation provides scholars with an empirically testable outcome that explores what happens when the UN uses PSCs. The database further explores *when* and *how* the UN uses them. Combining the two provides future scholars with a theory and data to test the UN's authority across its various missions.

Keywords: United Nations, private contractors, delegation, authority

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[†]Sky Kunkel is a Ph.D. candidate at the Purdue University Department of Political Science. They can be reached at kunkel3@purdue.edu or <https://www.skytheacademic.com/>

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1 Introduction

Since the 1990s, the United Nations (UN) has used private security contractors (PSCs) in many operations. Researchers analyzing data on humanitarian organizations and private military and security contractors (PMSCs) found with a global survey that armed contractors are present in a little over 40% of UN humanitarian missions and that those numbers have risen recently (Stoddard et al. 2008). Others have noted a dramatic increase in the UN’s total expenditures on security services in the decade leading up to 2018 (Bures and Cusumano 2021). How does the United Nations (UN) use private security contractors (PSCs)? Moreover, what are the implications of PSC use during operations for international organizations (IO) and thus UN authority?

To answer this question, researchers need to understand what the meaning is of authority, and by extension, sovereignty. While Weber derived the original definition of sovereignty (Weber 1919), Thomson provides a succinct definition (Thomson 1996). Specifically, Thomson argues that sovereignty is a “set of institutionalized authority claims” where states monopolize the threat and use of violence, among other activities, within territorially defined borders (1994: 14). As it relates to PMSCs, the critical part in both Weber’s and Thomson’s argument is the state’s monopoly on the use of violence. While many actors in the international system shared the right to violence during the creation of the modern nation-state, states eventually pursued more violent means, legitimized their violence, and delegitimized the violence of non-state actors (Tilly 1985). In using private contractors instead of state-run, official militaries, states delegate their sovereign authority to contractors that enact the state’s will. States

have historically hired mercenaries to fight in their armies, navies, and abroad, but PMSCs and PSCs are different. Avant & Nevers argue PMSCs are simply mercenaries by a different name (Avant and Nevers 2011), but PSCs have spent decades acquiring legitimacy by changing public perceptions of them away from mercenaries (Petersohn 2014). Security contracting organizations exist as formal legal organizations and create enforceable contracts with governments, further distinguishing themselves from claims of mercenary-like behavior.

Similarly, the UN exists as an international governmental organization, with it also deriving authority from states, one of the two places private authority can originate from, according to Green (Green 2014). However, what happens when an IO such as the UN, acting with delegated state authority, further delegates to private security actors that typically also act with delegated state authority? This represents what I call the double delegation of authority. In these increasingly common circumstances, IOs are given responsibilities and tasks to fulfil under their charter, as per the principal-agent literature. For example, the UN is given delegated authority from states to send out humanitarian, peacebuilding, and peacekeeping missions with troops provided by member states. Then, the IO further delegates that authority to PSCs. This paper will examine the double delegation of authority and its implications for the UN and other organizations that act with delegated authority. The theory of double delegation and the deterioration of authority borrows many of its concepts and structures from the sociology literature on symbols, the principal-agent literature on delegation costs, and the sovereignty literature on authority.

As discussed in-depth later on, the UN has rarely released official statistics on its use of security contractors. On top of that, the two places where contracts are publicly released, the UN Global Marketplace and the UN Procurement Division Awards Database, have very little information on the specific use of contractors and only go as far back as 2007. As noted by many in the literature, it is incredibly challenging to undertake empirical research in this area, resulting in much of the knowledge around the practice being theoretical and empirically underdeveloped. The double delegation of authority concept addresses these concerns. First, this paper explores how authority is derived from states to IOs, and then further explores how that authority diminishes when IOs employ contractors. Specifically, I focus on the example of the UN use of PSCs since it is the largest IO in terms of both budget and state membership in the world. Next, I constructed a novel database to expand what we know about how often the UN uses PSCs. My search started with NexisUni and the most extensive list of PSC names ever created, in a search modeled after Avant & Neu (Avant and Neu 2019). While my research uncovered a treasure trove of information regarding the UN's liberal use of security contractors, more needs to occur to make this practice as transparent as possible. Finally, I examine the implications of the paper and discuss where future research should be directed.

2 Double Delegation

2.1 Delegated Authority

Where do PMSCs used by IOs derive their authority from? When used by IOs, do these contractors operate inside or outside the chain of command? These questions have profound implications for both the authority and the power of organizations that use PMSCs. In interviews with civilians in Bukavu, locals mentioned how there were “questions about the interdependence between the public security forces” and the UN peacekeeping mission stationed there (Krahmann and Leander 2019: 180). To answer these questions and understand the implications, we must first develop and understand where the IOs such as the UN derive their authority from. The following sections explain the delegation of authority to IOs, connect that authority to imagery and symbols, and examine the significance of the deterioration of authority from double delegation.

States derive the authority to act and commit legitimized violence from their sovereignty claims. States then delegated part of that authority when creating IOs, like the UN founding in 1945. The delegated authority gives IOs the ability to operate in foreign countries with power semi-representative of the global collective of member states. The delegation of authority from state to IO is different from the internal delegation of authority that exists within states, as explained by Epstein and O’Halloran: “if a country is not satisfied with the results it is obtaining via membership in the organization, it can simply exit... or decline to join the organization in the first place” (Epstein and O’Halloran 2008: 78). The UN is unique in both its size and operations, as it has some form of operation or organization on every populated continent,¹ something no other IGO can claim. The UN works in those countries with delegated authority from states given when they join.

The principal-agent literature is also needed to describe authority delegation, as it has deeply examined how principals such as states delegate their authority to agents like IOs “with the expertise, time, political ability, or resources to perform a task” (Hawkins et al. 2006: 13). The literature on principal-agent delegation often implicitly assumes IOs as the agent rather than the principal. So, it is essential to note that the agent of PSCs are not used in the traditional sense that we expect agents to be used in the literature, such as bargaining, monitoring, or enforcement (Brown 2010). Nonetheless, these theories help illuminate some of the costs of the delegation chain, such as the fundamental issue of delegation: agency slack.

The objective of delegation is agent specialization, so that the principal does not have to spend energy controlling it. Thus, any form of agency slack results in delegation costs. Agency slack occurs when an agent deviates from the goals set out by the principal; slack appears in two forms. Delegation costs come in the form of *shirking*, when the agent minimizes efforts for the principal, and *slippage*, when the agent’s

1. <https://www.un.org/en/sections/where-we-work/>

policy and behavior change from what the principal desires (Hawkins et al. 2006).

An interesting case of the UN and agency slack is shown by Reykers (Reykers 2018). In the paper, Reykers uses the case of UNSC-authorized military missions to study how well the council holds missions accountable. Using process tracing, Reykers found that in the NATO-led, UN-authorized intervention in Libya in 2011, mandate ambiguity and the presence of three P-5 members of the security council led to mission creep and a lack of accountability. This does not provide a perfect example of the UN-PSC relationship, but it does examine how the UN can hold a quasi-agent accountable without the practical mechanisms that principals usually use for control. Future work should extend this study and examine whether and when the UN can hold PSCs accountable for either deviating from their mission or harming the UN's reputation, something my concept of double delegation predicts. This is important since states as the principal have imperfect information and cannot thus tell when a PSC misbehaving is the UN's fault or exogenously determined, which will likely bring high authority costs for the UN (Hawkins et al. 2006).

2.2 Delegation

Where does delegation start and end? While the chain of delegation for Nielson and Tierney goes from voters, to legislators, to party leaders, and finally nation-states to IOs (Nielson and Tierney 2003), my concept of double delegation starts with the assumption that states have the authority to delegate to IOs. This assumption is necessary because while the internal delegation chain from citizen to IO is interesting, Nielson & Tierney have already established the agency slack from each delegation in that chain (Nielson and Tierney 2003).

While delegated authority is the focus in this paper, it is essential to distinguish how it is different from IGO-private partnerships. Andonova has noted how governance, a type of authority, emerges via partnerships of IGO and private actors when they create global partnerships with each other (Andonova 2017). However, the UN's use of private security providers is distinct from this relationship in two ways. First, contractors bid on contracts to provide services for different UN missions. In IGO-private partnerships, both entities have equal power and work together to provide the service they want. Second, the IGO and private organization are separate, distinct actors. While working together, it is impossible to conflate their identity. However, the contractors hired by the UN bear the UN's insignia and often use their color schemes, which distorts who they are.

How is the state and its authority represented in the real world? Srivastava considers various conceptions of state power as symbols, arguing sovereign authority and expressions of state power are messy and intertwined (Srivastava, forthcoming). Billig says the state exists in many ways by the nationalist symbols that represent it, as different habits such as flying the flag are reproduced (Billig 2015). My argument represents a synthesis of those two points. In what I designate as *state symbolic reproduction*,

the state exists as the symbols representing it, and those symbols repeatedly occur to represent, reinforce, and reproduce the state's authority. In a typical state, the symbols of power and authority appear as the head of state, the uniformed police officer, or even the courthouse. These symbols occur as physical manifestations of the state while also representing the state's authority, albeit in different ways.

Similarly, IOs such as the UN project authority and power through imagery and symbolism. The UN has counterparts to the state's authority, with the Secretariat analagous to the head of state, uniformed peacekeepers/personnel analagous to state police and military, and buildings like the headquarters in New York City analagous to capital buildings. Further proof comes from the knowledge that UN personnel were made to be unique and easy to identify. According to the UN's website citing Henry (Henry, n.d.), "Every effort was made to distinguish them (peacekeepers) as UN personnel with whatever material was available— armbands, flags, helmets, and so on" (Nations, n.d.). This eventually spawned the term "Blue Helmets," referring to UN peacekeepers and their distinctive, blue-colored headwear. This practice has continued with UN personnel wearing the unmistakable colors and symbols of the UN. In the same way that the uniformed officer and flag represent the state's authority, so too does the uniformed peacekeeper and UN insignia represent the authority delegated to the UN. IOs exist and achieve goals in large part from the authority they represent, so *IO symbolic reproduction* ensures the IO's authority is represented and projected across the various locations it operates in.

2.3 The Costs of Single Delegation

While states often use single delegation to grant authority to IOs, they also grant authority to contractors with a similar but unique version of single delegation. A key distinction to make in the delegation of authority is the chain of command. Often referred to in a military sense, the chain of command is a delegation of leadership required for large organizations. One example is the chief executive officer (CEO), or company leader, and the company's many workers. While the CEO can theoretically tell any employee what to do, that is cumbersome and essentially impossible to accomplish at scale. To fix this, each worker has a superior, who reports to someone else higher up the chain of command, which eventually leads up to the CEO. The chain of command helps organizations function and is a crucial part of the authority of any organization. Someone in the chain of command is directly responsible for those under them and responsible to those above them, which enforces accountability and allows for punishment if an employee misbehaves. The chain of command in the CEO analogy acts as a sit-in for what Nielson & Tierney refer to as a delegation chain (Nielson and Tierney 2003).

PMSCs, however, typically operate outside of this chain of command. For example, when the United States hires companies such as DynCorp Int. or Academi (formerly known as Blackwater) to provide security or clear mines, they are hired through specific contracts to the lowest bidder. These contracts give PSCs a task and relatively broad discretion to accomplish that task. The state does not directly

control contractors, yet contractors are responsible for fulfilling their tasks.

While PMSCs hired by states operate from outside the state apparatus, they do so with the country's delegated authority and expert authority. The US gives PMSCs the power to fulfill their contracts while operating, as it transfers legitimacy to the contractors (Phelps 2014). This delegated authority is similar to the state delegation to IOs. This is the single delegation of authority and is a widely recognized power by states in the international system. Many states use PMSCs to fill gaps in the ranks to fight wars, ranging from basic security infrastructure to armed guards. Single delegation is not inherently an issue, as it means the state can prosecute contractors when they commit illegal acts, such as the 2014 conviction of the Blackwater guards that committed the Nisour Square massacre.² Even while operating in a foreign country and under a federal contract, the US government sentenced the guards for their crimes. Therein lies the two benefits of single delegation to contractors; the state can both prosecute offenders while at the same time denying responsibility. The contractors exist separately from the state, and their authority is distinct and recognized.

Importantly, while states can credibly deny responsibility, PMSC use can have a damaging effect on state authority. Srivastava noted that the Iraqi experience with Blackwater throughout the Iraq war was less than favorable, as most had incredibly negative views of the contractor group while specifically associating them with American authority (Srivastava, forthcoming). With the US goal of rebuilding the country and gaining trust from locals, this negative association likely contributed to the endurance of one of the longest American wars ever (Britannica 2021).

It is necessary to differentiate between the US and the UN loss of authority circumstantially. Because the US can deny responsibility for the atrocities committed by military contractors, it retains at least some of its legitimacy in the United States. Even though an anonymous Iraqi Interior Ministry Official stated that Iraqi civilians could not tell the difference between US contractors and US military personnel (Fainaru 2007), this loss of authority from Iraqi civilians is not essential for the long-term functioning of the US military. The US government, and its military, retain legitimacy and authority from US citizens and not Iraqis. Thus, any loss of authority in Iraq by civilians, while detrimental to overall counterinsurgency strategies, does not have a long-term impact on US authority from the state's civilians. The UN, on the other hand, derives its authority from member states that it operates in with PSCs, so any loss of authority to local civilians can harm the UN's overall authority.

2.4 The Costs of Double Delegation

The process of double delegation occurs in a more fragile setting than when state actors delegate authority the first time. While states reserve the right to hire contractors, double delegation is one step removed

2. While US President Donald Trump ultimately pardoned the guards in late 2020, this example still stands due to the legal system's original conviction, indicating the possibility for future convictions. Source: <https://www.nytimes.com/2014/10/23/us/blackwater-verdict.html>

from state authority. This ultimately puts the delegated authority enjoyed by the UN in a more precarious position. While the principal-agent literature does not directly map onto the IO-PSC relationship, it does offer insights into the relationship. Agency slack, and thus negligence, increases as you go down the delegation chain (Nielson and Tierney 2003). With the second level of delegation, there is a higher potential for agency slack with IO use of security contractors. PMSCs tend to have a wider latitude to complete their contractual tasks than in single delegation, providing a more significant opportunity for slack than in the state-IO principal-agent relationship.

To be clear, the UN delegates authority directly to contractors to fulfil their missions. For example, whether the UN delegates law enforcement services to DynCorp contractors in Kosovo and East Timor,³ or delegates de-mining services to G4S in Afghanistan, Mozambique, and Zimbabwe,⁴ the organization gives direct control of the task at hand to contractors. The PSCs can then choose how to follow their task, and how much to deviate from it, which creates more agency slack than in single delegation from states to IOs. Ultimately, because the original goal of delegation is the primary principal's goals, double delegation provides more room for agency slack to contribute to shirking from the state delegation of authority in the first place.

The types of contractors, and their contracts, are also important when specifying the empirical outcomes of double delegation. While all forms of double delegation represent the delegation of authority from the UN to contractors who can then slack on the outcome, not all sub-types of contracts are created equal, especially in terms of how the UN's authority can be deteriorated. G4S's armed response services to the the UN offices in Papua New Guinea,⁵ for example, has more power than the Constellis Group's personnel trainers for the UN Peacekeeping mission in Mali.⁶ With this greater power, the slack provided to armed guards puts UN-hired PSCs with a greater ability to harm civilians than the slack given to personnel trainers. The armed guards are in a position where they can shoot sovereign citizens with the delegated authority from the UN. Thus, the more lethal authority the UN gives to PSCs, the more the UN's authority in these countries can deteriorate.

Double delegation also specifies three critical issues with authority delegation from IOs to PMSCs that further lead to authority deterioration outside of what principal-agent theory predicts. The first issue is the same one that led to the Nisour Square massacre by US-employed Blackwater contractors: a lack of oversight and integration into the chain of command. Contractors are generally given wide latitude to fulfill their contracts; however, that can lead to controversial actions, as they are not held accountable on the use of discretion like state militaries are. While PMSCs often draw former police and

3. "Briefs from Lancaster, Lexington, Murray". *The Associated Press State & Local Wire*. June 23, 1999. *NexisUni* & "State trooper from Pekin wounded in East Timor". *Copley News Service*. September 07, 1999. *NexisUni*

4. "G4S clinches lucrative security deals in Iraq and Afghanistan; Support services". *Financial Times (London, England)*. September 12, 2015. *NexisUni* & "25,000th landmine cleared by UN in Cyprus". *Xinhua General News Service*. October 21, 2010. *NexisUni*

5. "G4S PLC - Half-yearly Report". *PR Newswire UK Disclose*. August 27, 2008. *NexisUni*

6. "Constellis deploys military advisers to support UN peacekeepers in Mali and Senegal". *Africa Intelligence (EN)*. January 20, 2021. *NexisUni*.

military to their ranks, they operate in different settings with different goals. This is not inherently an issue with the US or other state use of contractors, as many states have started to create laws to hold security contractors operating in foreign countries accountable (Dickinson 2007), but it becomes an issue when IOs employ them.

While UN personnel are sometimes subject to international law, they often escape accountability⁷. Likewise, there is a dearth of treaties and regulations on PMSCs, meaning that both IO personnel and the PMSCs they employ are unlikely to face legal consequences. The only recent legislation regarding PSC regulation is the International Code of Conduct for Private Security Service Providers (ICoC). This voluntary organization admits on its website that “The ICoC itself creates no legal obligations and no legal liabilities on the Signatory Companies, beyond those which already exist under national or international law.”⁸ It is thus unclear if any court would prosecute a similar incident to the Nisour Square massacre if an IO hired the contractors instead of a state. The International Criminal Court (ICC) could theoretically charge contractors in this situation, but their cases have more to do with leaders of crimes against humanity than subordinates who commit the violence.⁹ One reason double delegation is especially relevant to the UN is that the UN missions that hire PSCs operate most often in countries that can be defined as failed states; the organization also admits that it only uses contractors in situations where the state cannot provide protection, meaning a conviction or prosecution of offending actors in the state they are operating in is also unlikely. After all, if a state is receiving substantial assistance from the UN and has trouble enforcing its laws, it is difficult to conceive of a case where the troubled state can also enforce laws against security contractors acting with the delegated authority of the UN.

The second issue with the UN use of military contractors and double delegation is the lack of ability of UN personnel to enforce their directives. As stated previously, PSCs operate outside the chain of command and are thus relatively immune from answering for their mistakes. While the UN retains the power to terminate the contract, that is a relatively weak consequence when contractors operate in a position where they can kill, such as IDG Security’s armed guards protecting the UN’s Macca HQ in Afghanistan in March of 2013.¹⁰

A lack of accountability is not unique to the UN’s use of contractors. For example, Brigadier General Karl Horst told a reporter of the US contracted PMSCs in Iraq, “There’s no authority over them, so you can’t come down on them hard when they escalate force” (Rayburn, Sobchak, and (U.S.) 2019). It is essential to note the concept of *fragile authority* and its implications for delegation once more. UN authority derives from, among other places, the states and civilians that interact with the IO. The double

7. For example, in Haiti, the UN mission spread Cholera throughout the local population, and no UN employee/contractor was held accountable. See Pillinger, Hurd, and Barnett 2016.

8. <https://web.archive.org/web/20150403203430/http://www.icoc-psp.org/ICoCSignatoryCompanies.html>

9. <https://www.icc-cpi.int/Publications/otpENG.pdf>

10. “Salary of Two supervisors and 8 (Eight) armed guards to MACCA HQ in Kabul, during the month of March-2013.”. TendersInfo - Contract Awards. May 25, 2013 Saturday. *NexisUni*.

delegation of authority from states, to the UN, and then further to PSCs who have little recourse for force escalation inherently affects the fragile authority of the UN. Any loss of authority by local civilians and governments from the failure to try offenders thus results in the UN's deterioration of authority. Moreover, since the UN has no legal mechanism to hold contractors accountable, the principal-agent literature tells us that the organization can only terminate the contract as a form of punishment; yet, these armed contractors can escalate force to the point of murder. Beyond the normative argument that citizens should not have to worry about UN contractors murdering them, this is a clear example of the fragility of double delegation that exists with the UN use of PSCs.

Finally, double delegation amid the misrepresentation of who directly works for the UN has negative consequences for UN authority. When states delegate their authority to the UN, they implicitly delegate that authority to the symbols and imagery the UN presents. Part of giving the UN the power to represent its members is also the understanding that they are responsible for the image and symbols and an implicit assumption that the only people using the images and likeness of the UN are those directly in control of the UN. The US military does not give contractors US uniforms, nor do they bear any insignia that could indicate they operate as military members. Because the state is not directly controlling the contractors, they do not want any adverse action to reflect upon them.

Nonetheless, the UN's use of PSCs flies directly in the face of this principle. Contractors employed by the UN operate outside of the chain of command but often use UN symbols and colors to represent their authority. As discussed by Joachim & Schneiker, citing del Prado n.d., local populations often have trouble distinguishing between humanitarian NGOs and PSCs, and the contractors typically dress similar to that of the humanitarians, making it even more challenging to identify who's who (Joachim and Schneiker 2014). UN security contractors also wear militarized uniforms to increase their ability to deter attackers, and while they must be different from the uniforms worn by peacekeeping contingents, they wear the UN insignia despite operating outside of regular authority channels (Krahmann and Leander 2019; Tkach and Phillips 2020). The use of the UN insignia is a consistent occurrence, "Firms are hired to provide essential services yet are only partially integrated into DPKO operations, generating situations where PMSCs are outside the direct control of the mission but wear UN markings. Similar to DynCorp, whose equipment and personnel in Bosnia bore UN identification, Selex EX drones are painted in the familiar white and black UN color scheme," and those drones also have the UN insignia on the fuselage (Tkach and Phillips 2020: 114). While using these "humanitarian drones," the military contractors intentionally educated the local population that the PSC, and implicitly the UN, was watching them, even though the drones were technically there to give MONUSCO the ability to intervene in violent situations. However, as Krahmann & Leander point out, the drones were made visible to provide threat deterrence against the local population (Krahmann and Leander 2019). It is hard to imagine a situation where any UN member or the Secretariat would be okay with the UN logo used explicitly to scare

civilians, but that is the cost of double delegation. IOs like the UN implicitly accept this when doing business with private security providers under the authority of double delegation.

While PSCs derive much of their authority from expertise, in these instances they are also deriving their authority from that delegated to them by the UN and the state in double delegation. Deterioration of authority occurs as PSCs use the benefits of the logo and colors without reporting to or directly obeying the UN. PSCs operate in states where the UN gives them contracts while using the authority delegated from states to the IO. When locals and other actors cannot tell them apart, yet the contractors are not directly working within the UN's chain of command, the UN's delegation of authority, in the form of symbols, suffers. To put it another way, when the double delegation of authority occurs, as states delegate authority to the UN who then delegates it (the UN flag, colors, etc.) again to contractors, the authority that the local population and others afford them deteriorates, as the UN can no longer be trusted to maintain sole power over its symbols. This, combined with the fact that the UN has little legal authority to prosecute the contractors (and thus provide accountability for the victims of atrocities and retain power/authority) and that the UN cannot stop them from committing these atrocities, degrades UN authority.

When the UN does not have direct control over PSCs, cannot prosecute them for crimes or atrocities, and those PSCs are conflated with UN officials and thus UN authority, the UN may be seen as ineffective by its member states and the civilians that interact with UN contractors. This may lead to states degrading UN authority by refusing to sanction missions, lowering UN funding, or in extreme cases, even withdrawing from the organization. Over time, the loss of respect from the countries the UN operates in will appear as lower funding, fewer missions, and an overall more negligible impact by the UN on the global community. This is why the double delegation of authority to PSCs, on average, harms and degrades IO authority worldwide.

For example, take the case of UNESCO in the 20th century as described by Epstein & O'Halloran (Epstein and O'Halloran 2008). After a notorious report from UNESCO in 1980 offended officials in both the US and the UK, both states withdrew from the organization, drastically limiting its funding, power, and reach. In the decades following, the organization "toned down its rhetoric and reorganized itself," culminating in the eventual reentry from the US and the UK (Epstein and O'Halloran 2008: 77). This reorganization shows that when PSCs hired by IOs overstep their bounds, combined with an organizational inability and unwillingness to punish them, a mechanism exists that can drastically reduce the authority the organization has.

Applying Epstein & O'Halloran's game about sovereignty delegation to IOs to the cases of this paper makes this case clearer (Epstein and O'Halloran 2008). Epstein and O'Halloran argue that states delegate authority to achieve policy goals in the form of a trade-off, and if that trade-off is no longer as valuable as the initial sovereignty delegation costs to join the IO, then states will leave the organization. In the

case of double delegation, there is a negative return on investment (ROI) for states, as the authority they delegate is lost by the IO. If enough of this authority is lost, states will deem the sovereignty delegation no longer worth it and leave the organization, depriving it of authority, funding, and legitimacy.

It is also necessary to specify how this degradation of authority differs from when citizens and states see the UN as useless. Regarding outcomes, it is no different. In both situations, there is a very similar degradation of authority. Any time the public, and broadly civilians, lose respect and have less faith in the UN's effectiveness at accomplishing its job, it loses some of the authority granted by states and the public. Be that as it may, *double delegation* specifies a different theoretical pathway than the *useless degradation of authority*, which is outside the bounds of this research and should be explored in further research on the topic.

Finally, while double delegation does bring several costs, proper research should also address the benefits, and thus reasons, for the UN use of security contractors. Drawing again from principal-agent theory, Hawkins notes that “All delegation is premised upon the division of labor and gains from specialization” (Hawkins et al. 2006: 13). In other words, PA theory tells us that the UN uses contractors because maintaining security via UN employees is likely too difficult to justify the costs, especially since security has a high level of specialization costs that local actors easily fill. Moreover, the UN likely delegates its authority because contractors often have the “expertise, time... or resources to perform a task” (Hawkins et al. 2006). Thus, the UN does not use contractors lightly and does use PSCs to fill a need, mainly when operating in dangerous environments. However, the costs of double delegation quite possibly exceed these benefits.

3 The UN use of PSCs

3.1 Skeptics & Supporters of UN PMSCs

After establishing how and why the double delegation of authority from states to IOs and then to PMSCs results in deteriorated authority, this paper now zooms in to a specific instance of double delegation. There are four reasons why focusing on the UN use of PSCs makes sense to document. First, as the literature below shows, the practice is hardly transparent. Despite online entities from the UN existing to document UN contracts,¹¹ there are relatively few contracts in the databases vs. what various evidence would suggest, such as Stoddard et al.'s survey covering the UN use of PSCs (Stoddard et al. 2008). Second, as various others in the literature show, the UN is documented as repeatedly using PSCs. This suggests a more extensive potential data source with more variation than if the database examined other IOs. Third, the UN is the world's largest IO, both in terms of membership and funding. This makes it arguably the most essential IO to study, and it likely has more funds to hire contractors than other IOs.

11. e.g., the UN Global Marketplace and the UN Procurement Division

Finally, while more research is necessary to examine how often all IOs use PSCs and thus parse out the effects of double delegation, that research is necessarily outside the bounds of this paper due to time and resource constraints.

There are three sub-sections of the literature on the UN use of PSCs. The first is the international legal arguments. These examine and debate whether it is legal, via international law, for the UN to use PMSCs.¹² While interesting, they do not necessarily factor into this specific discussion on authority. International law is necessary for the institutional and delegated authority enjoyed by the UN. Whether the UN has the technical and legal authority to hire PSCs, it has long been established that the IO uses PSCs. Furthermore, while those discussions are meaningful, this paper focuses on the double delegation of sovereign authority rather than legal authority. Future work could use double delegation as a framework to examine the authority loss by the UN potentially violating international law, but that authority needs to be distinguished from the delegation of sovereign authority discussed here.

The other two sub-sections of the literature are defined by whether they advocate for or against the UN use of PMSCs. Of the eleven articles discussing the uses of PMSCs by the UN, seven argue against the use, while four argue for it. There is broad disagreement on whether the UN should use PMSCs, yet very little empirical work occurs on the practice for practical reasons of data availability.¹³ Indeed, many of the articles listed identify a need for empirical research on the practice. The IO is notoriously secretive around these practices. Part of the dearth of data comes from the UN's opaque process for hiring and contracts for PSCs, and the other is their proclivity for not making any data publicly available.

Other skeptics argue that the contradictions and hypocrisy of the UN threatens UN authority due to the hypocritical nature of one branch using contractors while another branch decries PMSC use on the international stage (Bures and Cusumano 2021). Organizational hypocrisy also threatens the UN's credibility as a norm entrepreneur, typically defined as an organization leading the way in the definition of norms, and "may cast doubts over the organization's genuine commitment to a variety of other norms, thereby hindering its ability to serve as a vehicle for norm socialization and diffusion" which invariably threatens the organization's ontological security (Bures and Cusumano 2021: 22). The UN acknowledges this hypocrisy in a way, as justifying their use of PSCs as a last resort suggests an understanding that the UN use of contractors is a threat to the legitimacy the IO enjoys (Bures and Meyer 2019).

Østensen also warns against the UN use of PMSCs, as their use during peacekeeping operations (PKOs) and various forms of security allow the contractors to influence and shape UN operations (Østensen 2013). Østensen notes that using PMSCs "diffuses authority over peacekeeping into the commercial market" without disclosing anything (Østensen 2013: 33). Others in this literature identify alternative reasons for why the UN should not use PMSCs, including the IO's lack of disclosure resulting

12. For a good discussion on this, see Crowe and John 2017 and Janaby 2015

13. As mentioned in Bures and Meyer 2019 and Bures and Cusumano 2021, the UN has only released two sets of data on the UN use of contractors.

in a likely dishonest narrative that PSCs are needed to fill the quantity and quality gaps (Tkach and Phillips 2020), the emergence of a security economy in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo or MONUSCO (Krahmann and Leander 2019), an over-reliance on self-regulation of PMSCs resulting in the hiring of potentially problematic firms (Pingeot 2014), and an over-reliance on the free market as a way to draw together the best-combined force for operations (Spearin 2011).

Meanwhile, supporters advocate for the use of PMSCs by the UN in various ways. Two of the four argue for a neoliberal approach, highlighting the importance of letting the market determine what security actors are most appropriate. Patterson points out that states have always used contractors, just under a different name, as mercenaries (Patterson 2009). To list a few of a dozen reasons, Patterson argues that PMSCs can significantly improve the effectiveness of peacekeeping and peacebuilding through the free market, release states of their obligations while reducing costs, and rid PKOs of overt state control peacekeeping forces. Kwaja comes to a similar conclusion with a case study approach to UNAMID, saying PSCs became part of the norm when national militaries failed to tackle the logistical and security-related challenges that are critical to the success of their operations” (Kwaja 2015: 159). Østensen explicitly warns against the assumption that market solutions are inherently better than state interventions, mainly due to the neoliberal assumption present (Østensen 2013). Riley is cautiously optimistic compared to Patterson and argues that the UN should deploy PMSCs to protect vulnerable populations while simultaneously creating an international legal framework to regulate security contractors that could theoretically spread across the world (Riley 2013; Patterson 2009). Finally, Swed & Crosby take a sociological approach to point out that the literature on contractors shows them not as blood-thirsty, combat-oriented mercenaries (Swed and Crosbie 2017). Instead, they seem to enjoy peacekeeping and generally want to help people. While these arguments of whether the UN should use PMSCs are interesting, many note the need to complete empirical work, and they do not address the delegation of authority present when the UN uses PMSCs.

3.2 Database Construction and Coding Methodology

The first article to mention some form of data around PMSCs and the UN was Stoddard et al., and the second identifiable data originated from the UN Working Group on Mercenaries and an Advisory Committee report (Stoddard et al. 2008). According to Bures & Cusumano, the latter was published in December 2012 buried in a report annex and an August 2014 report from the UN working group; the data contained is hardly extensive and omitted plenty of possible data points (Bures and Cusumano 2021). Bures & Meyer also point out that the data from these reports is understandably skewed and contradicts itself (Bures and Meyer 2019). Importantly, Bures & Cusumano analyzed several reports from the UN Procurement Division and found that “there has been an overall 486% increase in the

UN's total expenditures on security services and security equipment contracting between 2009 and 2018" (Bures and Cusumano 2021: 13).

To answer my research question and generate descriptive data on the UN use of security contractors, I constructed a database on the UN use of private security providers. First, I created the most extensive list of private security companies possible. This entailed gathering names from one of four sources. The first list, and primary data source, comes from the International Code of Conduct for Private Security Providers (ICoC). While their website list was challenging to find, using an internet archival tool¹⁴ I was able to find the original list with all company signatories, a total of seven hundred and eight names. Next is a list created by a non-profit on the web domain PrivateMilitary.org. Although relatively basic, they provide a list of private security and private military contractors, giving a few more names to add to the list. Third, I isolated the contractor names from the publicly available Private Security Events Database (PSED) from the University of Denver's Sié Chéou-Kang Center (Avant and Neu 2019). Finally, I identified contractors' names through the UN Procurement Division (UNPD) Awards Database and the UN Global Market (UNGM) Database. Compared to the first three sources, this one contributed the least to the names list due to the sheer lack of data available to the public. Furthermore, many of the contracts did not have any company's name attached, making it even harder to identify PSCs.

The second step in creating the database was cross-referencing the list of private security providers with internet and news sources to confirm the UN's employment of various PSCs. This work is modeled off the work of the PSED. The Private Security Events Database "provides information on events related to private military and security companies" on several continents.¹⁵ To make the database, Avant & Neu searched through LexisNexis for events from 1990-2012 and hand-coded the data, creating an incredibly versatile dataset in the process (Avant and Neu 2019). I replicated this process while slightly modifying it.

I searched through the NexisUni database (formerly LexisNexis) for any instance of the UN use of security contractors. However, instead of an event-based database, mine uses articles or contracts as the unit of analysis. While the UN does provide information on some contracts through the aforementioned UNGM and UNPD Awards database, both databases can hardly be considered extensive and only go as far back as 2007, and many researchers described in the literature review section have questioned the authenticity of the data provided.

During my investigation, I used the following search string: "UN" w/p "contractor name" or "UN" w/p "contractor name" or "United Nations" w/p "contractor name." I intentionally did not search for the full contractor's name during the search. For example, searching for a contractor named "Thule Global Security International" with the modifier w/p in the search term was unlikely to return anything of significance since the full names of companies are unlikely to be mentioned multiple times in a single

14. Special thanks to the US Archives and their assistance in helping me locate the list using web.archive.org.

15. <https://www.du.edu/korbel/sie/research/psed.html>

article, especially within a paragraph of the various UN terms. So, for companies with a specific first name that appeared unique, I included only the first word in the search as the company name.

However, this would sometimes result in 1000s of articles returned, since the company's name coincided with a popular surname or another popular word, such as searching for the first word of the company Euro Tactical Ltd. To get around this issue, if the first ten articles returned by NexisUni did not discuss the company in question, I added to the end of the string: and "full company name." This way, the name of the company would show up in the article at least once, while also ensuring either the short name or the long name came within forty-five words of the UN terms; this enabled me to filter out lots of irrelevant results that mentioned the company and the UN once but not about each other. In other words, the "w/p" filter let me search for more relevant articles that drastically lowered my search load.

Because my work is modeled after Avant & Neu, I must also address any pitfalls and data issues. Accordingly, this paragraph focuses on my research's most significant methodological issue: missing data bias. Since I cannot examine the UN records on their use of PSCs, it is impossible to claim that my database is exhaustive. Only the UN has that data, and the public and member states will only ever know if the IGO decides to release it. However, this research needs to be done, even if it is incomplete in some respects. This is not intended to be an exhaustive list of every time the UN has used PSCs. In fact, it is hard to know how extensive the database is compared to the total sample of potential data. However, it needs to be done. Without direct intervention from member states within the UN, this will be the only collection of data available for researchers and the general public to understand the practice.

The UN PSC database is distinguished from Avant & Neu in three ways. First, rather than an event based database, my coding focused on the contracts themselves (when available) and tried to quantify every time the UN was documented using a PSC. Second, while Avant & Neu examine all private military and security contractor use, the data they find has very little to do with international organizational use of PSCs, and rather focuses on any use of PMSCs with a documented event. Finally, a significant amount of the units in the Avant & Neu data do not contain any named entities, whereas my database necessarily has a name for every observation. The supplementary files for this article contain both the UN use of PSCs database and a list of approximately 800 private security and military contractors and many of their websites. This can serve as a good base for future research looking at individual PMSCs.

3.3 Database Findings

After going through the NexisUni Database, I have several conclusions. The first is that of a relative dearth of data available. In the discussion and conclusion, I go into further details about what that means, but it likely comes from the repeated use of contractors, inconsistent naming conventions, or just a lack of reporting.

Second, while data generally existed from reports of contracts PSCs had with the UN, most articles were incredibly vague on details and provided little information beyond brief descriptions of what the PSC was contracted to do for the UN. The information was often so vague that I created an entire column titled `service.security` to code for when articles only described the PSC as providing security without designating the type of security and whether it was armed or unarmed. This column made up most of the observations in the data. Another note on the vagueness of the data is how rarely specific contract provisions were given, such as the number of contractors or the length and duration of the contract.

Third, the database shows how often contracts are given vs. published in the UNGM or UNPD. Of the ninety-five observations in my database, only fourteen come from official UN sources at the UN's global marketplace or procurement division awards database. The divisions of NexisUni articles versus UN sources also show the value of my database and search, as I found almost six times more articles than published by the UN. The number of articles publishing more data than the UN is likely an even higher proportion than those in my database. My search was not as exhaustive as possible and does not cover all possible data sources. To finish the database, one would go through every state's government and find every contractor name that has been used or approved by various governments. To narrow that search for a more reasonable project, it would be necessary to assume that the UN would hire more PSCs from the five permanent members of the UNSC and start the search there while repeating the steps I took.

Beyond the various examples of organizational hypocrisy described below, other interesting cases are recorded in the database. A few articles provide considerable detail of the company's contract with the UN, such as DynCorp international receiving a contract to provide law enforcement and corrections officers to MINUSTAH of up to one hundred police officers and ten corrections advisors in a contract worth \$48.6 million.¹⁶ However, most others are incredibly vague, such as an article pointing out that Defence Systems Ltd. provided security for MONUC in the 1990s,¹⁷ or that DynCorp had 600 employees providing undisclosed "hi-tech" services for UN troops in Croatia and Bosnia.¹⁸ Another fascinating example comes from Mali, where the Erys Group provides security for the United Nations Multidimensional Integrated Stabilization Mission (MINUSMA) to protect its activities and facilities.¹⁹ This is unique from many other UN missions covered in the database since those missions do not have built-in security like a peacekeeping operation with troops does. This may indicate a zealotry by the UN to use PSCs, even in the office of the Secretariat that oversees peacekeeping missions.

An intriguing example of what my database provides is cases of organizational hypocrisy similar to Cusumano & Bures (Cusumano and Bures 2021). While searching for the UN's connections with G4S

16. "US military company gets \$48.6 million contract in Haiti to staff officers for UN mission; US military company gets contract in Haiti". *Canadian Press*. April 9, 2013 Tuesday. *NexisUni*.

17. David Isenberg. "Dogs of War: Outsourcing peacekeeping". *UPI*. February 27, 2009 Friday. *NexisUni*.

18. By PETER GRANT. "SAVED BY 'THE HAND OF GOD'". *Daily News (New York)*. April 04, 1996, Thursday. *NexisUni*.

19. "Erys Group". *Intelligence Online (EN)*. October 7, 2015. *NexisUni*.

in NexisUni, I discovered some UN organizations breaking ties with the contractor. In 2015 and 2016, the Boycott, Divestment, and Sanctions (BDS) movement in Jordan discovered that G4S ran prisons for Israel that contained Palestinian prisoners and ran several security checkpoints in contested areas like the Erez checkpoint.²⁰ BDS demanded the UN and its various organizations divest from G4S and terminate current and future contracts with the contractor. While the UN eventually ceded to the demands of BDS and cut ties with G4S, several entries in the database show UN contracts with G4S well past 2016, such as a contract from April of 2021.²¹ While the UN as a whole never directly recused itself from using G4S, it shows how one arm of the organization may cede to particular demands while others continue to use controversial contractors to accomplish their mission.

Regarding the expected versus the actual number of observations in the database, there are three possibilities for why the observation count is in the double digits when a complete database of every possible observation may very well be in the triple or quadruple digits. First, the UN could use the same companies repeatedly; in this instance, it would likely result in news companies (i.e., the sources in the database) not covering the contract renewal. News and journalists have a publishing bias towards events and typically towards novel events, something not present in contract renewals.

Second, in reality, names could be very different from the list. Due to their presence in security situations, PSCs are especially prone to controversies since their employer gives them authority to commit violence. Because of that, companies are partial to rebranding efforts after controversial events, such as Blackwater's name change to Xe Services in 2009 after the Nisour Square massacre and again to Academi in 2011 (Ukman 2011). I aimed to address this possibility during my research by searching for each name, former and current, if I was aware of it. Nevertheless, it would be nearly impossible to find every company name, both past and present, so data from companies with different names is also missing.

Finally, general missing data likely contributes to the smaller than expected number of results. It is unlikely that a news organization would record every instance of every contract. Frequently, these events are not necessarily newsworthy, and that is assuming the news knows every time a contract is negotiated and signed. So, as stated before, it is essential to point out that this is necessarily an incomplete dataset that should be added to in future work.

4 Conclusion

My research contributes to the UN PSC and principal-agent literature in two distinct ways. First, my framework of the double delegation of authority contributes to the discussion on IO authority and clarifies the authority costs from IO use of security contractors. Second, my database provides a novel and

20. "After fire erupts in a settlement, Israeli army turns nearby Palestinian village into 'a prison'". *Mondoweiss.net*. December 8, 2016 Thursday. *NexisUni*.

21. "South Sudan peacekeepers rescue deminers". *defenceWeb*. April 21, 2021 Wednesday. *NexisUni*.

relatively expansive collection of data points that addresses the gap in the empirical literature of UN PSC use. Importantly, this is a *preliminary* data collection effort. The database is not exhaustive, nor does it claim to be. Instead, my research provides a novel dataset for future researchers to examine the UN use of PMSCs amid double delegation. Beyond the specific implications of my data for future researchers, double delegation provides a new framework to examine the delegation of authority in international politics. Much theoretical work has been done on the divisibility of sovereignty and authority, and there has been plenty of research done on the single delegation of authority and how that impacts the transfer of authority. However, my framework gives both a new terminology to discuss delegation of authority, single and double, while also providing different avenues to explore the deterioration of authority. This framework clarifies the differences between delegating authority to an actor outside the chain of command and simply delegating a task to a subordinate inside the chain of command. Double delegation also lays out a rudimentary structure for identifying symbols of authority and the state, and future work should further explore these theoretical ties.

We can also use single and double delegation to compare the deterioration of authority. For example, when Russia uses the private military contractor known as the Wagner Group, and they commit atrocities such as the human rights abuses UN experts accuse them of in the Central African Republic (Harding and Burke 2021), this provides a noticeably different deterioration of authority than in double delegation. The Wagner Group's operation in foreign countries and possible human rights abuses deteriorates Russian authority, as they act with Russian leaders' money and authority. However, because UN-employed PSCs are simply fulfilling a contract while wearing UN markings and insignia, the deterioration of authority occurs from a lack of UN control while the contractors present themselves as a representative of the UN's authority. Exploring this more will help to flesh out the differences between the single and double delegation of authority while providing more research avenues to explore. Double delegation tells us that as institutional rules diverge, such as in the case of institutional hypocrisy by the UN further (Bures and Cusumano 2021), states will be less likely to delegate their authority to the UN (Hawkins et al. 2006: 23). Thus, as the UN increases its use of PSCs in field offices while arguing against PSCs from far-away headquarters, states will lose their trust in the organization and hasten the IO's loss of legitimacy and authority.

Beyond that, the database provides an empirical way to test the deterioration of authority from the UN use of PSCs. With the database, there are nearly one hundred documented cases of the UN using various security contractors in roles spanning a wide array of services. Future qualitative work should explore the UN's authority on a local level, while exploiting the variation present in the various roles fulfilled by contractors. For example, the double delegation framework predicts that armed contractors have greater latitude to hurt civilians directly than intelligence or de-mining contractors. Exploring whether authority deteriorates across these different contractor groups can also promote our understand-

ing of the different types and services of PSCs. Other analyses may consist of exploring the difference in outcomes when the UN uses large, international PSCs such as G4S or DynCorp versus smaller and localized contractors such as Jordan's "Shark" PSC.²² PSCs comprised of local contractors that know and have personal connections with the community should have a lesser outcome on UN authority deterioration than multi-national companies comprised of contractors foreign to where they are deployed. Theorizing further, it seems plausible that the UN's authority may not be lost when using local PSCs, as the money paid to locals should go back into the economy, stimulating development and potentially improving the organizations local authority. An exploration of this with the database and the double delegation framework should further our understanding of the UN's authority, at least at a local level.

The UN-PSC database also provides more evidence of the UN's organized hypocrisy from Bures & Meyer (Bures and Meyer 2019). A striking example comes from the IAEA facilities in Austria. Despite the UN insisting that it only employs PSCs when the host-state cannot provide for their protection, the organization appears to use PSCs wherever convenient. In Seibersdorf, Austria, the UN utilizes a private contractor known as P Dussmann GesmbH (seemingly a subsidiary of notorious PSC the Janus Group) to protect its IAEA facilities.²³ While the UN use of security contractors in security-insecure states such as Rwanda,²⁴ Mali,²⁵ or Jordan,²⁶ it would be difficult to justify their use in a country as secure as Austria.

Future work could also directly contact the private security providers themselves to ask what information they are willing to provide about any contracts with the UN. That data can be supplemented with searches on the contractors' websites to see if they advertise any connection to the UN, such as DynCorp International's website mentioning their partnership with the UN mission in Haiti.²⁷

Another important distinction is in the way that principals control agents like IOs. States have five mechanisms to control IOs: rules, discretion, screening, checks & balances, and sanctions, but PSCs are not agents in the same way as IOs (Hawkins et al. 2006). They are not bound by vast rules and do not suffer the same costs from misbehaving that an IO does. For example, an IO like the UN or World Bank with many member states may suffer significantly if it did something widely criticized. However, a small PSC has many hundreds if not thousands of potential clients, and while losing the UN would be losing a consistent client, it would not spell the end of a contractor. Contrarily, it is difficult to imagine a world where the UN or World Bank retains the same legitimacy and authority without the principals' support that created them. Furthermore, IOs inherently rely more on reputation than contractors do,

22. Shark took over services from G4S after the Palestinian-prison controversy explained earlier in this paper.

23. The UN has established multiple contracts with P Dussmann GesmbH, starting in 2014 with the most recent appearing in 2020. See: <https://www.ungm.org/Public/ContractAward/113619> & <https://www.ungm.org/Public/ContractAward/101265>

24. "Rwanda; KK Dragged to Court Over Delayed Arrears". *Africa News*. May 25, 2009 Monday. *NexisUni*.

25. "Engility to train African nations for UN peacekeeping mission in Mali". *Progressive Media - Company News*. August 6, 2014 Wednesday. *NexisUni*.

26. <https://www.ungm.org/Public/ContractAward/105040>

27. <https://web.archive.org/web/20201031082609/https://www.dyn-intl.com/inside-di/minustah-honors-dyncorp-intl-members/>

thus making any costs that impact their reputation more salient for IOs.

To further understand how widespread the use of the UN insignia by contractors operating outside the chain of command is, future researchers should consider replicating the work done by Stoddard et al. (Stoddard et al. 2008). Stoddard et al. directly contacted and interviewed the members of UN field offices for humanitarian missions. This research can be replicated by contacting the field offices of every UN mission and distributing an online survey asking about the mission's use of contractors and how widespread their use of the UN logo/color schemes is. Of course, specific surveys distributed to various workers should be anonymous to help address concerned UN employees worried about their employer retaliating for answers it does not like. Responsiveness is much harder to address, as it is likely to be hard to distribute the survey and convince UN employees to participate. Missing data bias is also a possibility since the field offices and missions with a lower or zero response rate could correlate with higher use of PSCs, as they could be prohibited from discussing it.

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