Commercial Military Actors and Civilian Victimization in Africa, Middle East, Latin America and Asia, 1980-2011

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Abstract

The current international normative order strongly condemns strategies of civilian victimization, and actors engaging in atrocities face material, criminal, and reputational sanctions. The growth of the market for force has raised concerns about clients outsourcing atrocities to commercial military actors (CMAs), such as Private Military and Security Companies or mercenaries, and thereby circumventing accountability under international norms. This investigation explores whether interactions on the market for force are associated with an increase in the likelihood of violence against civilians. We argue that there is a variance in market interactions. While some market actors will comply with international norms, others will take advantage and circumvent normative restrictions. The crucial factor determining compliance and non-compliance are costs of norm-violation, which vary across market actors. Those clients and CMAs with a higher exposure to sanctions, or an interest in the status quo of the normative order, are less likely to be associated with norm violations, and vice versa. We test our claims using a negative binomial regression, and by drawing on new data from the Commercial Military Actor Dataset which records contracting for force and force related services. Overall, we found that there is a market segment where actors use market relations to circumvent international norms, yet mostly market interactions appear to comply with international norms.

1.) Introduction

In the 1990s, an extensive debate emerged on potential shifts in the nature of civil wars. Proponents in the debate made prominent claims that the state was losing its monopoly of

force to other actors, and civilian suffering had increased substantially compared to earlier periods (Kaldor, 1999). While many claims about fundamental changes in civil wars, such as an increased victimization of civilians, i.e. the use of armed force against civilians, could not be corroborated by data, there was something to be said about new actors participating in hostilities (Melander, Öberg and Hall, 2009; Singer, 2003). Aside from the state and rebels, commercial military actors (CMAs), such as Private Military and Security Companies (PMSCs) and mercenaries, had become increasingly present in warzones. Although not an entirely new phenomenon, the frequency and scope of their presence substantially increased in the 1990s. Today, the presence of CMAs in conflicts is a normality, and they are active in a large proportion of civil wars (Akcinaroglu and Radziszewski, 2020, 60-63). Some welcomed this trend and considered it to be the solution to many protracted conflicts and potentially even a substitute for long-needed peacekeeping capabilities (Brooks, 2000). Others were less optimistic and were rather sceptical in the extent to which the market options could be effective in complex humanitarian crises (Pattison, 2014, 114). Frequently, actors fighting for monetary rewards were deemed to be driven by inferior motives and rather a cowboy attitude (Mockler, 1985; Carmola, 2010). If these concerns are valid, this trend may have an impact on civilian victimization. While overall civilian victimization may not have increased after the end of the Cold War, the actors committing such atrocities however, may have been extended to CMAs. Anecdotal evidence certainly underscores that CMAs have been involved in human rights violations (Human Rights First, 2008). However, the CMA and civilian victimization debate goes beyond the original debate of violence targeting civilians in civil wars. Civilian victimization certainly takes place in civil wars, yet they are also committed outside of such hostilities. Likewise, CMAs certainly are contracted to participate in fighting, yet they are also active in a large number of countries that do not experience a civil war (Petersohn, 2021b). In other words, CMAs can be involved in civilian victimization during and outside hostilities. However, the literature has not yet investigated the potential relation between CMAs and civilian victimization in a systematic manner.

Turning to the privatization literature, systematic investigations of this issue are lacking. Indeed, scholars have inquired about the influence of PMSCs on conflict dynamics. Akcinaroglu and Radziszewski investigated the impact of PMSCs on conflict duration; Petersohn explored their influence on conflict severity and onset. Lastly, Radzisewski and Akcinaroglu, and Faulkner researched the relationship between such companies and peace duration (Akcinaroglu and Radziszewski, 2013; Petersohn, 2014; Petersohn, 2017; Faulkner,

2019; Petersohn, 2021b; Radziszewski and Akcinaroglu, 2020). However, thus far only a few studies have looked into civilian casualties generated by CMAs. The most systematic study on PMSCs and human rights is provided by Akcinarogly and Radziszweski. They investigate the impact of ownership structure of companies on the frequency of human rights abuses in Iraq (Akcinaroglu and Radziszewski, 2020, 103-130). Petersohn, relying on U.S. Army field reports in Iraq, found that PMSCs do not generate on average more civilian casualties than regular forces (Petersohn, 2013). Likewise, Tkach identifies the type of contract structure as a crucial influence on the level of violence, while Fitzsimmons demonstrates the importance of operational culture (Tkach, 2017; Fitzsimmons, 2013).

Generalizing these findings is problematic as the focus of the studies is exclusively on Iraq. Moreover, the investigations focus almost entirely on a specific CMA: PMSCs. The market for force, though, is broader: it also involves groups or individual mercenaries (Dunigan and Petersohn, 2015). This is surprising as mercenaries are considered to be different from PMSCs[1], and it is often suggested that they produce different effects, i.e., more violence and instability (Zarate, 1998). In short, the full repercussions of the market for force on civilian victimization remain to be investigated.

The peace and conflict research literature, on the other hand, has extensively investigated this form of violence. A large and prominent body of the literature also deals violence against civilians in civil wars (Kalyvas, 2006; Valentino, Huth and Balch-Lindsay, 2004). In such circumstances, it is often a question of capability: the more capability, the more strategic alternatives the actor has and the less likely that civilian victimization will occur (Wood 2012, 2014). Beyond the capability arguments, the literature has extensively discussed the relationship between leaders and subordinates within the same organization to explain civilian victimization, while another strand focuses on the dynamics between organizations, i.e., the outsourcing of atrocities to agents, such as militias or civil defense forces (Carey, Colaresi and Mitchell, 2015; Clayton and Thomson, 2016; Mitchell, Carey and Butler, 2014). However, while the civil war literature has yielded important results, civilian victimization in civil wars is only a subset of the overall phenomenon. The focus here is not only on incidents that happen during civil wars, but also on incidents that occur when hostilities have ceased.

Accordingly, this investigation seeks to address the gap with regard to both literature strands. It aims to contribute to the privatization literature by investigating the relationship

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[1] The main difference is that PMSCs are legally registered and have a corporate structure, making them easier to regulate (Singer, 2003).

of market actors and violence against civilians, as well as complementing the peace and conflict literature by extending the debate beyond militias to CMAs. The core argument of the article is that the likelihood of CMAs engaging in civilian victimization depends on the costs of violating international norms. Costs vary across market actors and are determined by either the exposure to sanctions, or where the maintenance of international order ranks in the preference order. We propose that the higher the costs, the likelihood of norm violation, and in turn violence against civilians decreases. Likewise, if an actor ranks the status quo of the international order was highly, the likelihood of norm violation, and in turn violence against civilians decreases.

In the remainder of the article, we will introduce our argument in more detail and delineate hypotheses on how CMAs influence violence against civilians. Following the theoretical considerations, we will elaborate on our methodology. Most notably, we will introduce a new data source for our independent variable, the Commercial Military Actor Database (CMAD), which provides data on private security providers across all world regions with the exception of Europe from 1980 to 2016. In the third section, we test our hypothesis in a negative binomial regression.

2.) Theoretical considerations

The scholarly literature has produced several theoretical contributions shedding light on the phenomenon of civilian victimization. Most authors consider violence against civilians as a strategy chosen by a rational actor (Wood, 2010; Arreguin-Toft, 2001). To pick a strategy, an actor ranks the available options and implements the one that maximizes utility in relation to pre-defined goals. Therefore, any choice reflects the actor's goals and the cost-constraints in the specific situation (Morrow, 1994, 17). This implies that rationality does not necessarily lead to actors uniformly choosing the same strategy to achieve the same goal. It rather implies that the strategy depends on the constraints in maximizing one's utility (Williams, 2013, 43). Accordingly, there are two types of actors: those for whom a strategy maximizes utility, i.e., the benefits outweigh the costs; and those for whom the strategy is suboptimal, i.e., the costs outweigh the benefits.

Whether targeting civilians actually is advantageous is a matter of debate in the literature. The literature largely agrees that the use of indiscriminate force is actually counterproductive (Wood, 2003). However, an increasing body of literature suggests that it is not as straightforward and that strategies of atrocities may also be beneficial (Downes,

2007; Lyall, 2009). For one, by employing excessive violence, an opposition group sends a strong signal to the government about the group's capabilities and resolve (Pape, 2003, 346-347). Likewise, indiscriminate force can also benefit the government. If the opposition group is fighting asymmetrically, the government forces have difficulties differentiating between rebels and the general population. Governments may therefore resort to brutal tactics to 'drain the sea' of the population within which the opposition is hiding (Valentino, Huth and Balch-Lindsay, 2004). However, while such strategies are certainly employed in war, it is not exclusively a wartime phenomenon (Eck and Hultman, 2007, 237). Governments, for instance, when dealing with non-violent opposition also benefit from unleashing excessive force to suppress such challenges. Davenport even goes as far to speak of a 'law of coercive responsiveness' (Davenport, 2007), which underscores the substantial benefits of such tactics throughout history. In short, government and opposition groups alike benefit from resorting to civilian victimization.

However, the literature has also pointed out different types of costs for employing such a strategy, e.g., loss of public or material support, and reputation (Wood, 2010; Salehyan, Siroky and Wood, 2014; Jo and Simmons, 2017). We argue that targeting civilians is a violation of international norms, which may generate substantial costs, since the current norms strongly condemn and disincentivize violence against civilians. For instance, in international conflicts the use of force is highly regulated, differentiating between combatants, legitimate targets, and non-combatants in international conflicts. While combatants can legitimately be the target of force, non-combatants are not legitimate targets. Although the regulatory density is less in non-international conflicts, violence against the non-fighting population is nevertheless prohibited (Malanczuk, 1997). Moreover, violence against the civilian population is not only condemned during times of conflict; since 1945 human rights have been increasingly institutionalized in international norms (Risse-Kappen, Ropp and Sikkink, 1999). While norms are important to set standards of behaviour, in case of an actor committing a violation, norms need to be enforced to actually generate costs for the actor. Enforcement mainly comes from international actors, such as states, international organizations, and non-governmental organizations (Panke and Petersohn, 2011). However, even with enforcement in place, costs of norm violations are not uniform, i.e., the same actions are associated with different costs for different actors. Cost differences are the consequence of varying cost exposures for actors, or varying preference orders, i.e., the preference that is being infringed upon by the norm violation may rank differently in the order (Kydd, 2015, 94-100; Williams, 2013, 61-68). As a result, norm compliance varies.

This logic does not change in market relations. However, compliance of market actors—clients and CMAs—depends on the costs they are facing when violating norms.

2.3.1.) Client costs

A standard conclusion in the privatization literature is that the market for force empowers non-state actors by providing them access to force and force-related services (McFate, 2014). While potentially anyone with sufficient means can contract as a client on the market, we focus here on the contracting of states and opposition groups. Norm violation is associated with different costs for both actors.

States, to a large extent, are exposed to potential sanctions. Tir and Karreth even go as far as stating that states are the 'natural targets' (Tir and Karreth, 2018, 61). Material sanctions, such as economic sanctions or at times even military intervention, impose enormous costs on certain goods in which states have an interest (Finnemore, 1996). While economic sanctions target the state's ability to generate wealth, a direct intervention infringes severely on its sovereignty. However, admittingly, material sanctions are rather rare as they are costly for the sanctioning party, as well. Approximately less than 30% of human rights violations are met with material sanctions (Erickson, 2020). However, while such extreme measures are rather rare, there are other sanctions that may turn out to be costly for the violator as well. States are members of international organizations, which provide the organization itself with leverage. In the case of norm violations, the member can, for instance, be deprived of voting rights or even membership status, access to resources, or financial aid. However, the most common sanctions in the cases of human rights violations are potentially naming and shaming as it is associated with low costs for the enforcer, and can be employed by state and non-state actors alike (Meernik *et al.*, 2012). Naming and shaming targets a state's reputation, which is valued highly as it directly impacts their interactions with other international actors (Murdie and Davis, 2012). For instance, when negotiating with other parties, one's reputation serves as an indicator for the willingness to adhere to agreements, treaties, or rules. If the actor has a reputation for norm-violating behaviour, this can have negative repercussions on future interactions (Guzman, 2008).

Opposition groups, in contrast, have a different exposure to sanctions. On the one hand, for opposition groups lacking the privileges of states, such as access to international organizations, a norm violation may be a powerful means to trigger beneficial change or responses (Finnemore and Sikkink, 1998). At the same time, the means to impose sanctions

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on opposition groups is less developed. While opposition groups can certainly be targets of material sanctions, such as travel bans, asset freezes, and embargoes on commodities, such measures are rare. For instance, in the post-Cold War era, only 26 rebel groups have faced UN sanctions. Likewise, even if such measures are put into place, they often suffer from a lack of effectiveness, as opposition groups are able to circumvent them (Radtke and Jo, 2018, 759 & 771). Similarly, the range of tools to sanction opposition groups is curtailed. While states are members of international organizations, oppositions groups do not enjoy the privilege of membership. This gives international actors at best indirect influence over such groups, e.g., withholding future benefits or recognition for opposition groups (Tir and Karreth, 2018, 61, 52). Lastly, the tactic of naming and shaming, which targets the actor's reputation has less leverage. Firstly, opposition groups resorting to violent means are already most often considered to be illegitimate actors, and lawful solutions have not been successful when applied. This is not to say that opposition groups are not susceptible to public opinion. Indeed, they care about their reputation, and they admit wrongdoing and even apologize for it (Matesan and Berger, 2017). This is particularly true when opposition groups are associated with civilian casualties as this has the most damaging effects on reputation. In extreme cases, opposition leaders can even face prosecution before the International Criminal Court (ICC) (Jo and Simmons, 2017).

In short, while international norm violations are associated with higher costs of exposure for the state than for opposition groups, the strategy is by far not cost-free for the latter. Those contracting with CMAs seem to provide a way out for both actors to have their 'cake and eat it'. Accountability requires that the norm violation can be associated with the perpetrator. However, contracting can be used by clients to conceal their involvement and avoid being clearly identified with the deed (Thomson, 1994). Several authors have shown that the market is used in this manner and the 'dirty work' is simply outsourced (Leander, 2011, 2261; Singer, 2004, 537). The market therefore changes the cost that governments and opposition groups face. Contracting on the market permits them to implement the beneficial strategy of civilian victimization without the usually associated costs.

Accordingly, *hypothesis 1 therefore proposes that government and opposition groups alike are less likely to comply with international norms when contracting on the market for force, and hence the likelihood of violence against civilians increases.*

However, interactions on the market for force are not only focused on the exchange of illegitimate services, such as deliberately targeting civilians. Zarate, for instance, argues that

PMSCs often act in an often quasi-official capacity, enforcing norms and stabilizing the international system by supporting weak governments (Zarate, 1998, 115, 150). In any case, there seems to be a variance in the state client category, i.e., at times PMSCs are contracted for dirty work and at other times to enforce norms. International relations scholars have often pointed out that states vary in their satisfaction with the current international rules and norms (Tammen, Kugler and Lemke, 2017). From a rationalist perspective, the level of satisfaction of an actor is determined by the benefits one receives within the current order, i.e., whether its current status is associated with its position in the international order, privileges, and material benefits. Satisfaction therefore influences the decision on whether to comply with international norms (Petersohn, 2021a). Accordingly, the status quo of the international order ranks highly in the preference order of satisfied actors and undermining the order by violating norms would generate costs affecting the highly valued good. Moreover, since they receive substantial benefits, any sanctions curtailing such benefits would be particularly detrimental to the actor. In particular, satisfied states look out for their reputation as their benefits depend on good relations with other satisfied members. Any norm violation would have negative repercussions on future interactions (Guzman, 2008). Dissatisfied actors, in contrast, do occupy a less beneficial position in the system and receive less material benefits. Maintaining the status quo therefore does not rank highly in the preference order and norm violations may even be a means to improve the current position and receive more benefits. Likewise, sanctions are less associated with costs as dissatisfied actors do not hold privileged positions and do not receive substantial benefits. Likewise, a loss in reputation is less associated with costs as the actors rely less on the interaction with satisfied actors. In short, satisfied states have a stake in the current order and norm violations are associated with substantial costs, and therefore we expect them to adhere to international norms. Less satisfied actors do not care much about the current order and are therefore less associated with it. As such, these actors are expected to undertake actions to circumvent rules. Accordingly, the violation of international norms is associated with substantial costs for satisfied states, while less so for dissatisfied states.[2]

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[2] For satisfied actors, an additional incentive to comply is that international events are assessed by a domestic audience, which may result in political pressure if the country's international reputation suffers or existing benefits are lost (Fearon, J. D. (1994) 'Domestic Political Audiences and the Escalation of International Disputes', *The American Political Science Review,* 88(3), pp. 577-592.) For dissatisfied actors, the costs are less as their reputation is less tied to compliance and they receive less benefits in the first place.

A good indicator for satisfaction, and hence whether the current order ranks high or low, is membership in specific normative regimes. From a rational actor perspective, it would be contradictory for a government dissatisfied with international norms to invest in costly negotiations and regime maintenance. This is particularly true if the actor did not have any interest in adhering to the norm in the first place (Chayes and Handler Chayes, 1993). With regards to PMSCs there are several national and international regulatory initiatives (Avant, 2016). However, on the international level, the two most prominent are the UN mercenary convention and the Montreux agreement. While the legally binding initiatives of the UN mercenary convention has not garnered support, the Montreux agreement is a non-binding multi-stakeholder initiative that proposes guidelines and identified state obligations when contracting with PMSCs. This includes best practices about licencing and oversight, but also compliance with human rights law when contracting. It was initially signed by 17 states, and has today a membership of 54 states (Federal Department of Foreign Affairs and International Committee of the Red Cross, 2008). In short, *if a state is a member of the Montreux agreement, then the likelihood of compliance with international norms is higher, and it is expected to be less associated with violence against civilians (hypothesis 2).*

Similarly, the client category 'opposition groups' is more heterogenous than hypothesis 1 suggests. Opposition groups, at times, comply to international norms, while other groups defect. For instance, the Lord's Resistance Army in Sierra Leone committed atrocities against the civilian population, while the FMLN in El Salvador worked hard to win over the civilian population. Like states, opposition groups appear therefore to vary similarly in their cost-benefit calculations. According to Salehyan et al. (2014), a determining factor in the behaviour of opposition groups towards civilians is whether they rely on local support or have other means to acquire resources necessary for their struggle. Foreign support is a crucial factor in this regard as it reduces the reliance on the local population. The less the opposition requires local support, the less costly is the strategy of civilian victimization (Salehyan, Siroky and Wood, 2014). However, foreign supporters vary in their tolerance of gross human rights violations. While democracies are sensitive to human rights violations, autocracies are less concerned (Salehyan, Siroky and Wood, 2014, 640). We therefore argue that foreign financing by a human rights sensitive sponsor increases the costs of violating international norms, and hence the likelihood of compliance increases (Jo, 2015, 60). This argument can be extended to opposition groups contracting

CMAs. In many cases opposition groups directly contract CMAs and consume their services. Since the CMA makes the opposition group less reliant on local support, pursuing a strategy of civilian victimization becomes less costly. However, at times, a sponsor pays for the CMA services, while the opposition groups consume it. For instance, in 2011, the UK contracted PMSCs to support the Libyan rebels against the Gaddafi regime (Pattison, 2014, 148).

In such cases, we differentiate between sponsors who have expressed an interest in norm compliant market interactions, i.e., members of the Montreux document. Such sponsors are likely to withdraw their support in cases of gross human rights violations, increasing the costs of the strategy for opposition groups. We therefore hypothesize that *if the service consumed by an opposition group is paid for by a Montreux member sponsor, the group is more likely to be compliant with international norms and, in turn, the likelihood of violence against civilians decreases (hypothesis 3).*

2.3.2.) CMA costs

In market relations it is not only the clients who conduct cost-benefit analysis, but also the agents, i.e., the CMA. The privatization literature has frequently argued that PMSCs are fundamentally different actors from mercenaries. At the core of the argument is the difference in its organizational structure. PMSCs are legal corporate entities, mercenaries are either individuals or ad-hoc groups without any legal or corporate features (Avant, 2005, 29). This fundamentally changes their cost-benefit analysis as to whether to comply with international norms.

While PMSCs are highly intertwined and dependent on states, as legal entities, they rely on the state to provide the infrastructure to conduct legal business. Although PMSCs exchange force and force-related services, they are not employing force in their business relations. Hence, they rely on the state to enforce and adjudicate if contracts get broken. Accordingly, PMSCs actually have an interest in the domestic and international order status quo as they benefit from the legal infrastructure. The close association with and reliance on states expose PMSCs to potentially costly sanctions when violating international rules, and norms may therefore come at a substantial cost. For one, PMSCs are subject to regulation and legal procedures. Legal sanctions can range from a loss of licencing, increased scrutiny by oversight bodies to actual criminal charges (Percy, 2006). Second, PMSCs aim for long-term corporate profits and are therefore sensitive to reputational losses (Singer, 2003). If

PMSCs have a poor reputation, as aggressive actors or as being involved in illegal activities, they run the risk of clients not contracting with them anymore.

Mercenaries, in contrast, are either individuals or loose groups without a permanent legal structure. Instead of long-term company profits, such actors seek individual short-term profits (Singer, 2003). Mercenaries therefore do not require the same legal infrastructure as PMSCs. Likewise, a poor reputation is less problematic as it can be escaped by simply dissolving the mercenary group. Accordingly, mercenaries are at best indifferent about the international order, and at times can even earn money by aiding in attempts to overthrow incumbent governments (Zarate, 1998). At the same time, mercenaries are less exposed to sanctions. There are less means to regulate the actions of individuals or control where they provide services as opposed to companies.

Overall, mercenaries face less costs than PMSCs when violating international norms. *Hypothesis 4 therefore claims that PMSCs are expected to be more compliant with international order than mercenaries, and hence decreases the likelihood of violence against civilians.*

The literature, however, suggests that there is actually a variance of compliance within each actor category. Fitzsimmons, for instance, has highlighted that PMSCs employ different operational approaches (Fitzsimmons, 2013). These approaches comply to different extents with international law and professional standards, suggesting a compliance variance in the PMSC category. A crucial factor in explaining this variance is consumer demand. Since PMSCs are profit driven they respond to consumer demand. "In a competitive market, consumers signal dissatisfaction with specific products and standards through choice, that is, by selecting specific suppliers, and exit by shifting their custom to competitors or by ending client-supplier relations" (Krahmann, 2016, 34). If consumers therefore consistently contract only with PMSCs with a good human rights reputation, engaging in escalatory strategies becomes too costly for market actors. However, there is a variance in the consumer demand and some consumers are willing to contract with the company despite, or because of, the inappropriate behavior. This, in turn, offers the opportunity for market actors to build their reputations on their willingness to break the rules and thereby gain a "competitive advantage" (Leander, 2005, 614). While this solves the risk of being punished for norm-violations by the loss of future revenue, PMSCs as legal entities also have to worry about their exposure to potential regulatory and legal sanctions. In other words, PMSC compliance depends on the regulatory environment, which varies across countries (Dunigan and Petersohn, 2015). Some PMSCs are headquartered in countries, which have implemented

international human rights standards to a high degree, while others reside in countries with a low degree of implementation. [3] Since the implementation of human rights is highly associated with regime type, i.e., democracies have higher human rights standards than autocracies, PMSCs headquartered in democracies are more likely to be exposed to domestic regulatory sanctions if they are involved in transgressions. In short, the level of implementation of human rights in the home state also explains the level of compliance by PMSCs. Depending on where a company is headquartered, norm violations may be exposed to no or only little costs, while in other locations the same behaviour may be associated with high costs. Accordingly, we expect *PMSCs from countries with high human rights standards will be more compliant with international norms than PMSCs from countries with low human rights standards, and hence the likelihood of violence against civilians will be reduced (hypothesis 5).*

Like the PMSC category, the mercenary category is as heterogeneous as the corporate one. What has been said about PMSCs and the variance of consumer demand is also applicable to mercenaries. Some mercenaries may see an advantage in serving those who demand illegitimate services, basically amounting to the infamous 'contract killers' (Musah and Fayemi, 2000, 6). Other actors choose to fight only for a good cause, and are reluctant to use force beyond what is necessary (Lynch and Walsh, 2000). While mercenaries have to worry less about the regulations applying to corporate entities, individuals can nevertheless be held accountable by the court system, which may impose substantial costs (Cole, 2020). The laws governing human rights in the country of origin of the mercenary are therefore crucial. Similar to the argument above, we expect, if the home country has implemented international human rights standards in domestic law, it also would enforce crimes against humanity, such as genocide or war crimes. Under universal jurisdiction, such crimes can be prosecuted by domestic courts regardless of where or when the crime was committed (Hawkins, 2003). As a consequence, such prosecution for gross human rights violations may impose substantial costs. However, if the country is lacking implementation of international human rights standards in domestic law, the mercenary has little to fear from the domestic court system. Accordingly, *we expect mercenaries from a country with high human rights standards to be more compliant with international norms*

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[3] Implementation of high human rights standards is highly associated with liberal democracies (Howard, R. E. and Donnelly, J. (1986) 'Human Dignity, Human Rights, and Political Regimes', *American Political Science Review,* 80(3), pp. 801-817.)

than mercenaries from a country with lower human rights standards, and hence less associated with violence against civilians (hypothesis 6).

3.) Methodical considerations

The investigation combines two datasets. First, the data on civilian victimization is based on the Uppsala Conflict Data Program (UCDP), which contains data on civilian victimization from 1989 to 2018. Second, the Commercial Military Actor Dataset (CMAD) recorded any force or force-related exchange events. The CMAD is a new dataset that we developed covering exchange events in all countries experiencing a civil war in Africa, Latin America, the Middle East, and Asia between 1980 and 2016.[4] For countries that experienced a civil war in the period of investigation, data is not only collected during times of civil war, but across the entire period. This means that violence against civilians outside civil wars is included in the investigation, yet only to the extent that the country had at any point in time a civil war between 1980-2016. Countries with violence against civilians that did not meet this criterion are excluded from the investigation.[5]

3.1.) Dependent Variable: Civilian victimization

Research on violence against civilians takes place in a "conceptual minefield" (Kalyvas, 2006, 19). Some authors investigate mass killings, while others focus on massacres, genocide, and atrocities (Schneider, Bussmann and Ruhe, 2012; Harff, 2003). The positions overlap at times or describe different phenomena. One of the most crucial differences in the field is whether to include actions that affect civilians negatively and whether to focus on lethal actions. For the purpose of this investigation, we follow the definition put forward by the UCDP one-sided violence dataset. Accordingly, civilian victimization is the deliberate and direct use of armed force by the government of a state or by a formally organized group

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[4] Avant and Neu have developed another large dataset project on PMSCs: the private security event dataset (PSED) Avant, D. and Neu, K. K. (2019) 'The Private Security Events Database', *Journal of Conflict Resolution,* 0(0), pp. 0022002718824394. However, the two datasets differ. For example, the PSED focusses on newsworthy events generated by PMSCs, while the CMAD covers contracts. Moreover, the PSED limits itself to PMSCs, while the CMAD includes PMSCs, as well as mercenaries.

[5] To test the hypotheses, four theoretical combinations needed to be permitted to occur empirically: CMAs present and presence of civilian victimization; CMAs absence and presence of civilian victimization; CMA present and absence of civilian victimization; and absence of both. If all possible cases of the latter possibility are included, this would inflate the number of "zeros" (Harff, 2003). Accordingly, the rule for exclusion and inclusion of a case is as follows: a country is *not included if it did not have any CMA presence and it did not experience civilian victimization*, and it is *included if it experienced CMA presence or civilian victimization or both* in the period under investigation. If a case is included, all country years in the period of investigation are included, e.g., if CMAs were present in Congo in 1990, all country years from 1980 to 2011 are included.

against civilians that results in at least 25 fatalities per year (Pettersson, Högbladh and Öberg, 2019; Eck and Hultman, 2007). In total, our investigation includes 1,255 observations (country years). It is important to note that violence against civilians is different from armed conflicts or civil wars. While violence against civilians may occur in civil wars, it is a distinct phenomenon. In our dataset, out of the 652 observations of civilian victimization, only 178 took place in civil wars.

3.2.) Variable of interest: Compliance with international norms

The investigation is interested in exploring the impact of CMAs on civilian victimization. The independent variable are the costs associated with the violation of international norms by implementing such a strategy.

Hypothesis 1 claims that on the market for force there is little difference in norm compliance between governments and opposition groups. We constructed two variables 'government' and 'opposition' by drawing on the CMAD. The CMAD contains a variable permitting to identify different types of clients, including governments and opposition groups. Both variables are dummy coded indicating absence or presence of the respective client.

Hypothesis 2 focuses on the variance in compliance in the client category 'government'. The argument is if governments are members of the Montreux agreement, their market interaction is expected to be compliant with international norms, and therefore the likelihood of violence against civilians decreases. To construct our variable, we rely again on the CMAD and identify government clients. This variable is then amended with the information about whether a country was one of the initial signatories of the Montreux document. We take the membership in the Montreux document as an indication for satisfaction with the current order, which renders norm violations costly. Accordingly, such actors are expected to comply in their market interactions with international norms. The variable Montreux is dummy coded: 1 indicating membership, and 0 non-membership. However, it is noteworthy that the Montreux document was signed in 2008 and therefore was only in place for several years at the end of our period of investigation. This may raise the issue to what extent is it actually relevant. We argue that signing the document is the last step in a long process. The discussion about the document started long before 2008, approximately around 2005. We assume therefore that at this point the to-be Montreux members were already committed to complying in their market relations with international norms, yet we do not assume that they exercised such a commitment prior to the start of the

discussion process. Since this assumption is linked to the beginning of the Montreux process, we include a variable "Montreux 2005" to account for the different time periods (pre- and post-2005). The variable is dummy coded: to-be Montreux members were coded 1 in the time period post 2005 only; all other observation pre-or post-2005 were coded 0.

Hypothesis 3 takes into account the variance in the opposition category. The claim is that external support by a Montreux member sponsor decreases the likelihood of violence against civilians. The procedure to assign membership is the same as for hypothesis 2. We constructed the variable 'opposition support' based on the CMAD, which records whether a service was paid for by a third party. We then assigned a 1 for sponsors who are Montreux members, and 0 for non-Montreux sponsor or no sponsor. To test hypothesis 3, we included the variable 'Montreux 2005' for the same reasons as discussed above.

The fourth, fifth, and sixth hypothesis focuses on the CMA's association with the international order. Hypothesis 4 argues that there is a variance in the organizational structure between companies and mercenaries, which is associated with different costs of norm violations. The operationalization is based on the CMAD variable 'agent structure', which differentiates between companies and mercenaries. For our purposes here, we created two dummy coded variables: 'PMSC' and 'mercenary'. The investigation then turns to analyse the variance within each of these categories. Hypothesis 5 starts with the company category and claims that there is a variance to the extent a company complies with international norms. The assumption is that the company's cost of norm violation is shaped by the domestic regulatory environment. Accordingly, if a company is headquartered in a home state with higher human rights standards, then it is expected to comply with international norms. We employ regime type as an indicator for the level of human rights in the home country. Democracies usually have a higher human rights standard than autocracies. Accordingly, we argue if the headquarter of a company is in a democratic country, it is expected to display compliance with international norms, and, in turn, to be less associated with civilian victimization. In contrast, companies that are located in non-democracies are expected to have a lower likelihood of compliance to international norms. To determine the location of a company's headquarter, we draw on another variable in the CMAD, which records the origin of a company. However, often there are numerous companies from different countries present in the same host nation. We therefore calculated the proportion of companies from democracies of the overall PMSCs presence (variable: Democracy Company Ratio). The variable ranges from 0 to 1. The larger the number, the larger the share of companies from democratic countries. We expect the larger the share of

such companies, the less likely violence against civilians is to occur. Hypothesis 6 sets out to investigate the variance within the mercenary category. We employ the same indicator as above. If a mercenary comes from a democratic country, he is more likely to comply to international standards as costly prosecution may be imposed.[6] However, while this may be the case, there may be multiple operators from different countries in the same location. We therefore calculated the proportion of mercenaries from democracies of the overall mercenary presence (variable: Democracy Mercenary Ratio). The variable ranges from 0 to 1, and the larger the number, the larger the share of mercenaries from democratic countries. To calculate the ratio, we draw on the CMAD, which records origins of operators. It needs to be noted that the construction rests on the assumption that if more nationalities from democratic backgrounds are recoded, than these nationalities exert a predominant influence among the mercenaries. However, this is not necessarily achieved through numerical dominance. In fact, it may be that there a few mercenaries from multiple democratic countries, which are outnumbered by those from a single non-democratic country. The CMAD only determines the countries of origin, not the actual number of mercenaries holding this nationality. However, operators from democratic countries are frequently in leadership positions. This may be due to a higher professionalism, better networks, or racism (Chisholm, 2015, 104; Petersohn, 2018). In any case, their leadership position within the group gives them substantial leverage to influence behaviour. Hence, we assumed that the greater share of nationalities from democratic countries among the mercenaries, the lower the likelihood of civilian victimization.

3.3.) Control Variables

Selecting control variables often follows the conventions of the discipline. However, in separate works, Achen and Lee Ray provided helpful advice on how to select control variables more formally. Both suggested limiting the number to three because a meaningful interpretation of models is otherwise not possible (Achen, 2005; Lee Ray, 2003). However, relying exclusively on methodological considerations as guidance might generate other problems. In contrast to Achen and Ray, Oneal and Russett argued that this runs the risk of missing important relationships between variables. Hence, theoretical considerations should be prioritized (Oneal and Russett, 2005). We seek to follow Ray's advice in so far as we

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[6] Under universal jurisdiction, an individual can theoretically be trialled anywhere. However, it is almost exclusively democracies which initiate trials. A norm violator from a non-democratic state therefore has less to fear.

only include a control variable if there is potential to affect both the variable of interest and the dependent variable. As a consequence, variables that may be included by convention but are associated only with the dependent variable or the independent variable will be excluded.

Regime type has been found to be a crucial factor in explaining the dynamics of violence. For instance, regime type has regularly been included in studies on conflict severity or, to a lesser degree, to explain conflict termination (Lacina, 2015; Getmansky, 2013). However, regime type is also considered critical when it comes to violence against civilians. Harff found that violence by autocracies has a higher likelihood of resulting in genocide or politicide (Harff, 2003, 66). At the same time, different regimes may have different propensities to hire CMAs. Democracies may seek to reduce casualties in the ranks of their armed forces, while dictatorships may seek to avoid strengthening internal rivals, such as the military, to reduce the possibility of a coup (Schooner, 2008). The variable regime type is, therefore, associated with the independent and dependent variable and is included as a control. Data on the regime type is drawn from the Polity IV dataset, more specifically the variable Polity2 (Variable: Political Regime). Regimes are operationalized on a scale from -10 (strongly autocratic) to +10 (strongly democratic).

Political instability is an important factor in explaining the outbreak of violence. One strand of the peace and conflict research literature has found that political change, such as regime change or democratization, increases the risk of civil wars (Hegre *et al.*, 2001). Another strand focuses on the strength of state institutions. Fearon and Laitin, for instance, argued that weak states provide opportunities to challengers (Fearon and Laitin, 2003). In extension, politically unstable situations may also be associated with civilian victimization. At the same time, instability is precisely the business in which CMAs are engaged, either by seeking to improve stability on the client's behalf or by providing protective services. Accordingly, the variable political instability is associated with both the dependent and independent variable and is, therefore, included as a control. Data on instability was taken from the Polity IV dataset. The variable political instability contains information on the number of years since the last regime change (Marshall, Jaggers and Gurr, 2011).

Civil War: Violence against civilians is highly associated with civil wars (Eck and Hultman, 2007). Indiscriminate violence has been found to be a deliberate strategy undertaken by

parties involved in civil wars (Vinci, 2005; Schneider, Bussmann and Ruhe, 2012). Similarly, parties involved in armed conflicts need military capabilities. Governments under pressure, or rebels seeking to compensate for their weaknesses are likely to turn to the market for support (Branovic, 2011; Akcinaroglu and Radziszewski, 2013). In short, the variable of "civil war" is therefore associated with the independent and dependent variable, and is, accordingly, included as a control. The data about civil wars is drawn from the UCDP's most recent conflict dataset (Pettersson, Högbladh and Öberg, 2019).

Relative strength: The relationship of capabilities between opponents is a crucial factor in determining civil war dynamics and strategy (Buhaug, Gates and Lujala, 2009; Kalyvas and Balcells, 2010). Likewise, a relationship between civilian victimization and capabilities has been identified. For instance, Wood argues that the threat of defeat and competition for resources incentivizes targeting civilians, while opponents with substantial capabilities have fewer incentives to target civilians (Wood, 2010). At the same time, government and rebel clients alike turn to the market for force if they want to improve their capabilities. This may either involve directly substituting their own forces for contractors, by propping up weak capabilities through training and expertise, or supplementing certain areas where military expertise is lacking (Kinsey, 2007). The data for the relationship between governments and rebel forces is taken from the non-state actor dataset (Cunningham, Gleditsch and Salehyan, 2009). The variable is dummy coded and receive a score of one if rebels are stronger than the government forces, and zero if it is weaker.

Natural resources: Since Collier and Hoeffler triggered the debate on the relationship between natural resources and conflict dynamics, the variable is widely included in the study of civil war (Collier and Hoeffler, 1998). Some have also drawn a connection between the presence of lootable resources and violence against civilians. Jeremy Weinstein argues that the presence of natural resources has repercussions on how rebel organizations are organized, membership and strategies of leaders (Weinstein, 2006). Likewise, natural resources have long been considered a crucial driver for the presence of CMAs. Chojnacki et al. find that CMAs are more likely to operate in countries where natural resources such as diamonds are present (Chojnacki, Metternich and Munster, 2009). The variable is therefore associated with the dependent and independent variable. Data is being taken from Salehyan et al. dataset (Salehyan, Siroky and Wood, 2014).

4.) Analysis

To investigate our hypotheses, we employed a negative binomial model. The casualties of civilian victimization are not normally distributed, but they are right skewed with a large standard deviation. Given this distribution, an OLS regression is inefficient, while a negative binomial model is more efficient.

Table 1: CMA influence on Civilian victimization

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Government	-0.18 (0.21)					
Opposition	0.51** (0.18)					
Montreux		0.9*** (0.24)				
Montreux 2005		-1.31*** (0.2)				
Opposition Support			-0.1 (0.5)			
Montreux 2005			-0.36 (0.26)			
PMSC				-0.81*** (0.23)		
Mercenary				-0.94** (0.43)		
Democracy Company Ratio					-0.41** (0.2)	
Democracy Mercenary Ratio						0.35 (0.3)
Relative strength	1.52*** (0.47)	1.00*** (0.37)	0.64* (0.58)	1.47** (0.49)	1.49** (0.48)	1.48** (0.51)
Regime type	-0.09*** (0.02)	-0.1*** (0.03)	0.02 (0.03)	-0.12*** (0.03)	-0.1*** (0.02)	-0.1*** (0.02)
Civil War	2.56*** (0.39)	2.07*** (0.58)	1.09** (0.36)	2.56*** (0.41)	2.56*** (0.4)	2.42*** (0.4)
Political Instability	0.00 (0.00)	-0.01 (0.00)	-0.02 (0.01)	0.01** (0.00)	0.01** (0.00)	0.01 (0.0)
Natural Resources	1.17*** (0.2)	1.01*** (0.2)	1.12*** (0.32)	1.34*** (0.21)	1.34*** (0.19)	1.13 (0.21)
Constant	3.77*** (0.21)	3.93*** (0.19)	4.45*** (0.37)	4.33*** (0.21)	4.33*** (0.2)	3.76*** (0.19)
N	1,224	1,224	228	1,224	1,224	1,224
Pseudo R2	0.04	0.04	0.03	0.04	0.04	0.04

*$p<.1$ **$p<.05$. ***$p < .001$.

Model 1 sets out to test hypothesis 1, which claims that government and opposition groups are less likely to comply with international norms when contracting on the market for force. The results of model 1 show that government clients seemed actually to be associated with a decrease in violence against civilians, while the coefficient for rebel clients indicates an increase in the likelihood of violence against civilians (Table 1). However, only the coefficient for rebel clients is statistically significant, while the state-client coefficient remains insignificant. Due to the insignificance, nothing can be said about the association of civilian victimization and government contracting. However, the findings for opposition contracting provides partial support for hypothesis 1. As expected, opposition contracting is associated with an increase in the likelihood of violence against civilians. To be more precise, if CMAs work for the opposition, this is associated with an increase in the incidence rate of civilian victimization by 66%[7], given the other variables are held constant. While the market does not reduce the costs for opposition groups to the same extent as it does for states, they nevertheless appear to draw on CMAs to reduce costs even further. The findings of model 1 are partly in accordance with previous findings in the literature. Most importantly, Eck and Hultman find in their study on violence against civilians that rebel violence is in general higher than that of governments (Eck and Hultman, 2007, 239). Other studies find the opposite. For instance, Fjelde et al. conclude that in ethnic conflicts the government engages more in civilian victimization than rebels (Fjelde *et al.*, 2021, 122). However, both results may suffer from a potential confounding factor. Stepanova argues that the lesser involvement of governments in civilian victimization may merely be the result of an increased reliance on militias to carry out atrocities (Stepanova, 2009). The findings here demonstrate that both actors employ CMAs. In the case of opposition groups, it could be corroborated that this increases the likelihood of atrocities.

Model 2 assess the variance in demand within the state-client category. Hypothesis 2 claims that members of the Montreux agreement have a higher likelihood of compliance with international norms. The findings clearly show that states engaged in regulatory initiatives are associated with a lower likelihood of violence against civilians. If governments that were involved in the Montreux process contracted on the market for force, the incidence rate of civilian victimization decreased by 72%, given the other variables are held constant.[8] The result is in accordance with previous findings about regulation and

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[7] Calculation of the incidence rate: (IRR-1)*100%.

[8] The 13% result from the coefficient of Montreux variable being added to the coefficient of Montreux 2005 variable.

restraint. For instance, Legro shows that international norms have a restraining effect in warfare and the use of force, and Morrow demonstrates that membership in regulatory regimes increases restraint (Legro, 1997; Morrow, 2014). While this underscores the findings overall in model 2 about the influence of regulation, there is an additional implication. The reduction in the incidence rate of violence against civilians is associated with those governments involved in the regulation, yet a large group of states remain outside the Montreux framework. Findings in the literature have revealed this bifurcation of the market before and indicated that those not interested in regulation contracted for illegitimate services (Petersohn, 2021a).

Model 3 puts hypothesis 3 to the test which claims that if the services are consumed by an opposition group and are paid for by a Montreux member sponsor, then the compliance with international norms is more likely, and the likelihood of violence against civilians decreases. While the coefficient actually indicates a decrease incidence rate, the findings in the model are insignificant.

Model 4 turns to investigate hypothesis 4, which deals with the variances across agent types, i.e, mercenaries and PMSCs. The claim is that PMSCs are more compliant with international norms than mercenaries. The analysis corroborates this expectation: if PMSCs are present, the incidence rate is reduced by 44% as opposed to if they are absent. This provides support for the argument that PMSCs refrain from actions which may incur costly sanctions or reputational costs. However, the analysis further suggests that not only PMSCs, but also mercenaries reduce the incidence rates of violence against civilians. To be more specific, mercenary-presence decreases the incidence rate by 39% as opposed to when they are absent. Although the rather positive results with regards to PMSCs were expected, hypothesis 4 cannot be confirmed as the prediction about mercenaries turned out to not be supported by the data. The result about mercenaries is surprising. For one, it negates much of the effort by PMSCs to differentiate itself from mercenaries by drawing on their legal structure, and regulation as a factor in compliance to international norms. It seems that mercenaries are equally able to perform to a similar standard without regulation and legal structure. Moreover, it contradicts those who considered mercenaries as brutal, and in the worst case 'contract killers' (Musah and Fayemi, 2000, 6). The findings rather suggest that PMSCs and mercenaries are alike in a rather positive sense, i.e., on average they do not increase incidents of violence against civilians. This raises the question how the surprising result in regards to mercenaries can be explained? For one, the reputation may play a more constraining role in the mercenary segment than previously assumed. The boundaries

between mercenary segment and operators of a PMSC are rather fluid. Operators change contracts frequently and they may work one day on a company contract, and the next day they may work in a rather 'self-employed' manner within a network. This suggests that mercenaries and PMSC-operators come from the same labour pool. In any case they are strongly reliant on their reputation to receive future employment (Petersohn, 2018). If they are associated with gross human rights abuses, they are unlikely to be hired by a PMSC as this would tarnish the company's reputation. Moreover, while individuals are less exposed to sanctions, Jo and Simmons have shown how the regulatory environment has improved and become denser. In particular the threat of prosecution and sanction by the ICC is able to deter gross human rights violations (Jo and Simmons, 2017). This deterrence effect does not only include states, but also extends to individuals and leaders of opposition groups. This increased risk of sanctioning may also constrain individual mercenaries operating on the market for force.

Models 5 and 6 continue to investigate the variance within each agent category. Hypothesis 5 claims that PMSCs from countries with high human rights standards will be more compliant with international norms than those from countries with low human right standards, and the likelihood of violence against civilians will be reduced. Indeed, the findings suggest that the larger the proportion of PMSCs headquartered in democratic countries operating in a country, the more the incidence rate decreases. To be more specific, for a one unit increase in the proportion of PMSCs, the incidence rate decreases by 66%. This is in accordance with earlier findings about the relationship between regulatory environments and PMSC behaviour. For one, Petersohn finds that an increase in regulation in Iraq, led to substantial improvements in PMSC use of force (Petersohn, 2011). Likewise, Akcinaroglu and Radziszewski, provide indirect support of how regulations influence PMSC behaviour. According to their findings, membership of companies in a professional association decreases the likelihood of human rights violations (Akcinaroglu and Radziszewski, 2020).

Hypothesis 6 applies a similar rational to individuals. Accordingly, mercenaries who are from a country with higher human rights standards are expected to be more compliant with international norms than those from a country with lower human rights standards, and the likelihood of civilian victimization will be reduced. However, the findings suggest that a higher proportion of those who are from countries with high human rights standards is associated with a higher incidence rate. While the direction of the effect contradicts the hypothesis, the result is not significant.

To increase confidence in our results we ran several robustness checks (see appendix). First, we used a slightly differently coded dependent variable. The PRIO dataset offers different estimates of the casualties of civilian victimization. The models in the analysis employed the 'best estimates of the casualties', while the robustness check employed the more conservative 'low estimates'. The alternative models provided similar results to the original models, at times with improved significance. Second, to avoid the results being driven by civil war violence, we ran the robustness checks by excluding all cases of civil war. The results were similar to the original models. The third robustness check we implemented was to test for endogeneity. It may simply be that CMAs are there because of violence against civilians, and not vice versa. We lagged all our independent variables by one year as the scores on the dependent variable cannot influence the scores on the independent variable backwards in time. The results turned out to be similar to the original models, with just two exceptions: model 1 and 3 turned out to be insignificant. However, overall, the results of our robustness checks provided additional credibility to our main models.

Lastly, the results of our control variables are as expected and mostly in accordance with previous findings. The variable relative strength is significant in all models and associated with a higher incidence rate. This means if rebels are stronger than the government, then the incidence rate of violence against civilians increases. The results on relative capacity and civilian victimization in the literature are ambiguous. While Wood finds that rebel capacity is negatively associated with civilian victimization, Salehyan et al. finds "that rebels enjoy at least a moderately high level of fighting capacity are more likely to engage in high levels of violence against civilians" (Salehyan, Siroky and Wood, 2014, 650-651). Overall, the decision to pursue a strategy of civilian victimization may depend on the rebel group's desire for legitimacy and acceptance of international rules (Jo, 2015). The variable "natural resources" was significant across all of our models and indicated that the presence of resources was associated with an increase in violence against civilians. Again, the findings on resources and violence against civilians in the literature are ambiguous. Some find a positive relation, others a negative relation (Jo, 2015, 132; Wood, 2010). The difference may be due to the fact that some actors are reliant on lootable resources, while others are not (Weinstein, 2005).

"Political instability" was insignificant in two models, and significant in the other models. Moreover, the direction of the effect varied across the significant models. In model

2, the variable was associated with a very slight decrease, while in models 4 and 5 it was associated with a very slight increase in civilian victimization. "Civil war" was statistically significant in all models and is associated with an increase in the likelihood of atrocities. This is in accordance with previous findings (Azam and Hoeffler, 2002; Schneider, Bussmann and Ruhe, 2012). Likewise, the variable "regime type" is significant in most categories and is associated with a decrease in violence against civilians. Again, this is in accordance with earlier findings (Azam and Hoeffler, 2002).

5.) Discussion and Conclusion

This investigation explored the extent to which CMAs impacted on civilian victimization. Our overall argument was that the cost of violating international norms determines whether actors implement a civilian victimization strategy. Costs vary across market actors and are determined by either the exposure to sanctions, or where the target of the sanctions ranks in the preference order. Overall, we found the general trajectory of this argument to be confirmed. The higher the cost, the likelihood of norm violation, and in turn violence against civilians decreased. Likewise, if an actor ranked the status quo of the international order highly, the likelihood of norm violation, and in turn violence against civilians decreased. Table 2 shows a summary of our results.

The first hypothesis suggested that the market for force would be used by clients to systematically circumvent costs of norm violations and implement atrocities. While the investigation did not yield any conclusions about states practices, the findings show that this is a regular practice by opposition actors.

Hypothesis 2 argues that the market interaction requires a more nuanced investigation about each client's categories. Although hypothesis 1 has not yielded results about states, previous case studies have revealed that states use the market for force to circumvent the costs of norm violation and to gain leeway of action (Thomson, 1994). However, the finding here suggests that there is a variance among states. While states certainly contract for atrocities on the market, there is also a rather large group that contracts within normative boundaries. The initial members of the Montreux agreement have all made a clear statement about which services can be legitimately traded on the market and, as a result, their contracting practice are less associated with violence against civilians.

Table 2: Summary of the results

Hypotheses	Results
Hypothesis 1: Government and opposition groups alike are less likely to comply with international norms when contracting on the market for force, and hence the likelihood of violence against civilians increases.	Partially confirmed (opposition associated with increase; state result insignificant)
Hypothesis 2: If a government is a member of the Montreux agreement, then the likelihood of compliance with international norms is higher, and it is expected to be less associated with violence against civilians.	Confirmed
Hypothesis 3: If the service consumed by an opposition group is paid for by a Montreux-member sponsor, then the likelihood of violence against civilians decreases.	No significant results
Hypothesis 4: PMSCs are expected to be more compliant with international order than mercenaries, and hence decreases the likelihood of violence against civilians.	Rejected (both actors reduce violence against civilians)
Hypothesis 5: PMSCs from countries with high human rights standards will be more compliant with international norms than PMSCs from countries with low human rights standards, and hence the likelihood of violence against civilians will be reduced	Confirmed
Hypothesis 6: Mercenaries from a country with high human rights standards are expected to be more compliant with international norms than mercenaries from a country with lower human rights standards, and hence less associated with violence against civilians.	No significant results

Hypothesis 3 investigated a potential variance within the client category 'opposition' as well. The argument was that opposition groups that consumed services that were paid for by a Montreux-member state, would be less associated with atrocities. While the direction of the coefficient in the regression model supported the argument, the results were insignificant.

Hypothesis 4 turned then to the investigation of CMAs providing services on the market for force. In this regard, PMSCs were considered to be more compliant with international norms than mercenaries. The results yielded by the regression model were surprising. Both PMSCS and mercenaries actually reduce, on average, violence against civilians. Although PMSCs overall reduced the likelihood of incidents, the difference to mercenaries was just around 5%. It seems therefore that the overwhelming majority of CMAs do not offer 'atrocity' services and are not associated with violence against civilians. Moreover, the results seem contradictory to the findings of hypothesis 1. How can the result

that opposition-CMA contracts are associated with an increase of atrocities be reconciled with the findings that the presence of CMAs decreases atrocities? Opposition-CMA contracts are a subset of all contracting. While this subset is on average associated with an increase, this does not contradict the finding that all CMA contracts, on average, are associated with a decrease.

Hypothesis 5, which investigates the variance in the PMSC category, provides further information. The results show, that PMSCs from countries with higher human rights standards are less associated with violence against civilians. Hypothesis 6 suggested that mercenaries from countries with high human rights standards would be more compliant with international norms than mercenaries from other countries. However, the result turned out to be insignificant (hypothesis 6).

The results of the investigation provide novel insights into the market for force. The most surprising result is the association of CMAs with the likelihood of civilian victimization decreasing. While there is an assumption in the literature that PMSCs are less prone to violence against civilians than mercenaries, surprisingly this turned out to be incorrect. PMSCs and mercenaries alike are associated with a decrease the likelihood of violence against civilians. CMAs in general are therefore not inherently driven by bloodlust and a cowboy attitude (Mockler, 1985; Carmola, 2010), nor will human rights inevitably suffer if informal groups are employed (Mitchell, Carey and Butler, 2014, 830). It also calls into question the widespread assumption that structural differences between PMSCs and mercenaries are crucial for restraint (Percy, 2006; Holmqvist, 2005). At least when it comes to atrocities, the legal structure of PMSCs is not a necessary criterion. Furthermore, the general assumption that the market for force leads to rational actors systematically circumventing costs of norm violation and engaging increasingly in atrocities requires qualification. A large group of clients will contract in accordance with international norms, and in turn they are less associated with violence against civilians. If one accepts a higher margin of error (35%) then this is also true for opposition groups. However, while it is good news, at the same time this indicates that the market is segmented as there are also those who seek illegitimate services. This underscores Leander's concern that private firms will satisfy "'illegitimate' demand" (Leander, 2005,614). PMSCs who do not suffer sanctions by the loss of future contracts and are able to make a profit with such services will engage in such activities.

Two implications follow from these findings. First, it puts the size of the problem of CMAs and violence against civilians in perspective. On average PMSCs from countries with

high human rights standards comply with international norms and are associated to a lesser extent with civilian victimization. If it is taken into account that the majority of internationally operating companies are located in the United States and the United Kingdom, this supports the claim further that a large part of the PMSC industry on average is not engaging in illegitimate activities. In addition, corporate structure does not seem to be a necessary condition for more restraint behaviour as mercenaries on average are also associated with a decrease in violence against civilians. Second, the findings demonstrate the limits of regulation. There is a smaller segment of PMSCs, which engage in atrocities. Those PMSCs tend to be headquartered in countries with weakly institutionalized human rights. Given the lacking enthusiasm about international norms of their home countries, it seems unlikely that regulation could be extended to such PMSCs. One way of reaching such actors would be to apply the legal tools of the ICC and bring charges against individual PMSCs. The possibility of prosecution has a clear deterrent effect on violent non-state actors (Jo and Simmons, 2017).

Overall, the strategy of civilian victimization is traded, yet the scope of the problem of the market for force as a crucial facilitator of gross human rights violations is limited. However, independent of the size of the problem, efforts have to be undertaken to prevent the exchange of 'atrocity services'. Regulation may however not be a promising tool in this regard and extending the scope of the ICC seems more promising.

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