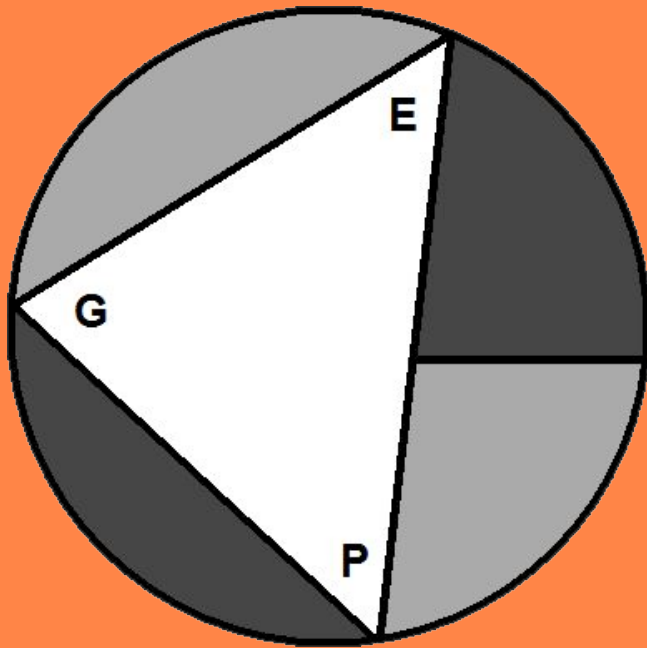


Forum of EthnoGeoPolitics

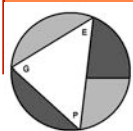


Vol.1 No.2
Autum 2013

A publication of the Association for the Study of EthnoGeoPolitics

Amsterdam The Netherlands

Print ISSN: 2214-3211 Online ISSN: 2352-3654



Forum of EthnoGeoPolitics

A publication of the Association for the Study of EthnoGeoPolitics (EGP)*

With contributions for analysis & debate

Kinkerstraat 73c, 1053 DG Amsterdam, Netherlands

Tel : 06-14410381 (Servet Sahin, treasurer)

ING Bank account 752458760 T. a. o. Servet Sahin, Amsterdam

Temporay website: <http://www.europeanreview.webs.com>

Email: europeanreview@gmail.com

Registered at the Dutch Chamber of Commerce, Nr. 53597257

Print ISSN: 2214-3211 Online ISSN: 2352-3654 Publication date: 30 October 2013

Brill Typeface: <http://www.brill.com/brill-typeface>

*: not to be confused with the journal *Ethnopolitics* (Routledge)

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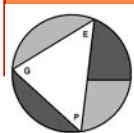
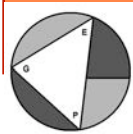


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Editorial

Towards Understanding the Nature of the Transformations in the Middle East

Babak Rezvani

The Middle East has been one of the most frequently reported regions of the world over the last decades. Yet it is now more volatile than ever, even more so than in its recent political history. Although the region indubitably is still very important for the world economy, recent and current reports have less focused on its huge reserves of fossil fuels, and much more on the recent political developments in the Arab countries, as well as in Turkey and Iran. Therefore, this second number of *Forum of EthnoGeoPolitics* is mainly dedicated to this region.

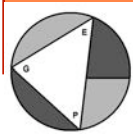
The so-called Arab Spring has initially caused much euphoria among politicians, political analysts as well as ordinary people—mainly people in the region itself. The initial euphoria, however, has been replaced by much skepticism to the extent that many mockingly call the Arab Spring the Arab Winter. The reality is, nevertheless, more complex and less black and white.

The democratization after the Arab spring has not proceeded as successfully as many had wished and hoped, and the emergence and revival of many extremist movements has caused a lot of concern. Yet it is very debatable whether democratization in the affected countries has definitely failed. Democratization, particularly in circumstances of experimentation, tension and even violent conflict, is not—and can hardly ever be—a smooth and easy process which can succeed in a few years.

On the other hand, the emergence of extremist and less extreme ideological movements and political parties evokes justifiable concern: genuine democracy is not only the rule of the majority decided by voting and other electoral processes, but it includes also respect for human rights, rights of minorities and opposition movements—in short, true tolerance and plurality in a country's political culture and political system.

The Arab Spring and other events in the Middle East are neither isolated incidences nor constitute a uniform process. They have been preceded by similar waves of revolutions in the post-communist countries such as Ukraine, Georgia and Kyrgyzstan. Similar to what happened to these countries, the revolutions and reforms in the Middle East and their outcomes are unpredictable and vary from one country to another.

In all these transformations—whether violent or non-violent—and conflicts, state as well as non-state actors are involved. Similar to the post-communist world, the cultural groups, i.e. ethno-linguistic and ethno-religious groups, are the crucial stakeholders in the transformations taking place. They are not only passive victims of these conflicts, but also



are agents of change. They defend their rights or try to shape a new equilibrium in which their rights and political positions will be safeguarded and strong.

One should not exaggerate the role of ideology in these conflicts, which to my distaste are sometimes misleadingly or erroneously called “sectarian conflicts”. Theologically informed hatreds and mobilizations against Alevites and Twelver Shi’ites, or Christians and Hindus, might play an important role among the Salafi/Wahhabite fighters, but they are unlikely to play an important role among the masses. Most ordinary people are concerned about their direct material and immaterial well-being. Human beings want to live in prosperity and would like their children to grow up in a safe environment.

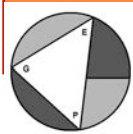
The role(s) played by international actors also should not be exaggerated either. It is true that Russia effectively prevented an American attack on the Syrian government. Nevertheless, it is not very likely that now the majority of Syrians would refrain from expressing their grievances against the Syrian regime, nor would it be likely that the Alevite, Ismaili, Druze and Christian ethno-religious groups in Syria would stop fighting and agree to live under a Salafi/Wahhabite Taliban-like regime if the proponents of such a regime came to power. Although the external actors play a certain role, the genuine power of the common people should not be underestimated in a conflict like the one in Syria.

Another important development has been the election of Hasan Rohani as Iran’s new president and the prospects of a resolution of the ‘Iranian nuclear technology’ crisis. Iran has been under very harsh economic sanctions, despite persistent statements by Iran that it has no desire to make atomic bombs, and despite the lack of sound evidence that Iran is making or about to make such bombs.

These sanctions have affected all segments of Iranian society, but have been harsh and even fatal for the weakest segments of Iranian society. In fact Rohani’s election has more to do with Iranian people’s desire for a better life than with anything else. Iranian people do not care as much for good relations with the West as they do about their own livelihood. They elected Rohani because he promised to solve these issues, and people hoped that the sanctions would be lifted. The fact that the poor peripheral regions chose *en masse* for him is a telling indication of this.

To recapitulate, the Middle East has been a scene of much transformation and ongoing remarkable developments in the recent past. Recently, the situation in the three largest countries in the region—that is, Egypt, Turkey and Iran—was the subject of numerous reports, political analyses and reflections. It is not easy to speak about, detect and confirm, a uniform process in the whole Middle East. Each country should be studied in-depth. Only then, and notably by sound and systematic comparisons, can we draw conclusions and learn lessons. I hope that the current number of *Forum of EthnoGeoPolitics* can—modestly—contribute to this goal.

Babak Rezvani Amsterdam, October 2013



Summary of EGP's Foundation and Activities

Caspar ten Dam & Babak Rezvani

The aim of the Association for the Study of EthnoGeoPolitics (EGP), or EthnoGeoPolitics in short, is to further the study of and teaching on the cultural, social, ethnic and (geo-)political characteristics, processes and developments in different areas of the world, at universities, institutes and colleges in and outside the Netherlands.

Our present focus is on the ethnogeopolitics in Eurasia, especially in Central Eurasia (Caucasus, near Middle East, Central Asia) and Southeastern Europe or the Balkans. However, the Association's research and teaching topics in principle cover all possible regions, countries and localities in the world where aspects of ethnogeopolitics are salient.

To this end the founders offer their expertise, and wish to expand the association (and its activities) with more members and contributions to *Forum of EthnoGeoPolitics*, to appear three to four times per year. We organise conference panels, (guest) lectures and symposia, develop teaching modules, and strengthen and deepen our research, with publications. We also cooperate with institutes like CERES (Center for Resource Studies for Development / Research School for Resource Studies for Development, <http://ceres.fss.uu.nl>), to undertake one or more of the indicated tasks.

Call for contributions

The association's *Forum of EthnoGeoPolitics* will include some of our own publications, but is above all intended to elicit analytic debate by allowing scholars to air their views, perspectives and research findings—with critical responses from others who may hold a different view or research approach (submit articles and responses to europeanreview@gmail.com).

Foundation

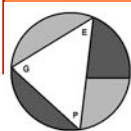
EGP's informal founding meeting was in congress center The Balie in Amsterdam on 11 May 2010 (present: founders B. Rezvani, C. ten Dam and S. Sahin). The Association has been formally established, by Statute, on 21 September 2011. Hopefully, more experts will join the Association, help fund its activities with gifts and donations, contribute in *Forum of EthnoGeoPolitics*, or become part of the Advisory Committee.

Activities



EPG's first activity was organising the 17 May 2010 symposium "Central Eurasia: Islam, Culture and Conflict" at the University of Amsterdam, with as main Globe Lecture speaker Prof. John Schoeberlein (Harvard). Babak Rezvani and Caspar ten Dam were among the speakers on this symposium.

The EPG subsequently organised Conflict Studies panels in the CERES



Summerschools on “Global Governance, The Crisis and Development” at the International Institute of Social Studies (IISS) in The Hague (23-24 June 2010) and on “Sustainability after the Crash” at the Utrecht School of Economics (30 June-1 July 2011); an Ethnogeopolitics panel in the CERES Summerschool on “International Development Studies” at the University of Amsterdam (Roeterseiland) on 25-26 June 2012; and a Roundtable in the CERES Summerschool on “Global Gloom, or Development Boom” (24-25 June 2013) in the same location as the preceding year. B. Rezvani and C. ten Dam were among the speakers and/or discussants on these panels.

At the last minute B. Rezvani became the discussant for the panel “National Identity in the European Past and Present”, in the 20th International Conference of Europeanists at the University of Amsterdam (multiple locations) on 25-27 June 2013. C. ten Dam was present as well; both he and B. Rezvani were able to inform the speakers and the audience about EGP.

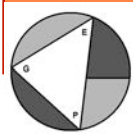
Last but not least, editors of and contributors to *Forum of EthnoGeoPolitics* talked about the journal and its association at other conferences as well (see for examples photos below).



Pawan Sen, a contributor to the very first issue of Forum EGP (Vol. No.1 2013), speaking at the “Young scientists – A uniting force of world science and culture” conference (3-5 September 2013) in Ashgabat, Turkmenistan; EGP-chairperson Babak Rezvani spoke at the conference as well.



EGP-secretary Caspar ten Dam (extreme right), at the “Autochthonous Peoples of the Caucasian-Caspian Region” conference (5-7 October 2012) in Yerevan, Armenia.



The political Change in Egypt and its Implications on Iran and Turkey

Mustafa El-Labbad

Introduction

The latest political change in Egypt, which occurred after ousting the former President Mohamed Morsy of the Muslim Brotherhood on 3 July 2013, not just influences the political scene in Egypt but has implications beyond its borders, effectively shaping a new constellation of power in the Middle East.

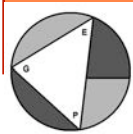
This paper does not take a position on one of the opposite sides, or gets mired in the heated discussion about whether to describe Morsy's ousting as a "second wave of the revolution", as Liberals and Leftists would have it, or a "Coup d' Etat" as Islamists would like to label it. The paper focuses on the implications of this event for the bilateral relations between Egypt and Turkey as well as Egypt and Iran, rather than on the nature and desirability of the domestic changes in Egypt.

Turkey and Iran are non-Arab regional powers in the Middle East, which lacks a stable regional system, a system which other geographical areas in the world happily possess. This paper argues that Egypt is a very important country in the Middle East, but can no longer play the role of the dominant regional power in the Middle East alone, as it has once played in the past (1955-1967), due to the lack of financial and economic resources.

Still Egypt remains a very influential, indeed crucial player in building a regional alliance in the Middle East. In other words, currently Egypt is not the main regional power, but it can prevent any other power in the Middle East from becoming so. Egypt can enhance the regional-power status for any one of the other four competing powers—Turkey, Iran, Saudi Arabia and Israel—by cooperating with it, as it was the case with Turkey during 2012-2013.

Thus, any ambitious regional power has to ally with Egypt in order to achieve the regional-power status. Egyptian regional policy endeavored during the last decades to prevent any potential regional power from becoming as such. In order to be able to act in this capacity, Egypt had four pillars for its regional policy: first, strengthening its alliance with the United States; second, its adherence to the Egyptian-Israeli peace treaty and taking on the role as mediator between the Palestinians and the Israelis; third, building an Arabic space in the region to prevent the non-Arab two regional powers, Iran and Turkey, from entering into the equations of the region; and fourth, building a special relationship with Saudi Arabia to ameliorate Egypt's financial disruptions.

These four pillars continued with slight changes through the period of President Hosni Mubarak (1981-2011), and the reign of the Supreme Council of the Armed Forces (SCAF), after the revolution of January 25, 2011; in that sense, these two periods were an extension to each



other with minor changes related to the form and the substance of the country's regional foreign policy. Then Egypt's regional policy witnessed some significant changes during the year Mohamed Morsy held power (2012-2013), in terms of the deterioration of relations with Saudi Arabia and the remarkably improving relations with Turkey and to a lesser extent with Iran.

The paper primarily offers an analysis of Egypt's relations with the two competing regional powers Turkey and Iran in the periods of Mubarak and the Muslim Brotherhood, and then tries to predict its shape in the near future.

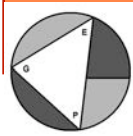
Egyptian-Turkish Relations

Since the advent of Mubarak's rule, Egyptian-Turkish relations were bound by two elements of convergence: the alliance with the United States, and the relations with Israel. The bilateral relations suffered however under the absence of two other elements: a shared vision on the future of the Middle East, and the presence of a "common threat". With the beginning of the new millennium, the Middle East saw two major geopolitical changes: the arrival of the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) or "AK party" and its coming to power in Turkey in 2002, and the occupation of Iraq by a US-led coalition of mostly Western countries in 2003.

Turkey mediated five rounds of negotiations between Syria and Israel during 2008, in order to expand Turkish soft power in the Middle East. Ankara's mediation challenged the traditional roles of Cairo as mediator and initiator of peace initiatives in the Middle East, which contributed to the steady cooling of relations between Cairo and Ankara. The Israeli military attacks and operations in Gaza during 2008-2009—which arguably constituted acts of aggression (*de jure* and *de facto*)—became a milestone in Egyptian-Turkish relations; the aggressions came at a time when Turkey emerged as a "defender of Palestinian people" in Gaza Strip.

Thus, Cairo sought to undermine the "Arab neighboring initiative", launched by the former Secretary General of the Arab League, Amr Moussa, about integrating Turkey and Iran in Arab affairs. And the situation was exacerbated by the rising popularity of AKP-leader and Turkish Prime Minister Recep Tayyip Erdoğan in the Arab street after the incident of the "Gaza Freedom Flotilla" of 31 May 2010 (whereby Israeli navy commando's entered the ships, killing nine Turkish activists during the subsequent struggle on one of the ships); since then it appeared evident to Cairo that Ankara has become a fierce opponent of Egypt under Mubarak.

The Muslim Brotherhood (*al-'Ikhwān al-Muslimūn*; English acronym MB) generally admires Turkey, especially under the rule of AKP. Economic cooperation was one of the key motives for improving relations with Turkey by the MB, since Turkey is the largest economy in the Middle East according to indicators like the Gross Domestic Product (GDP). This makes Turkey more qualified than any other Middle-Eastern country to help Egypt develop and



modernize its economy. However, the economic ties between Egypt and Turkey were monopolized by businessmen of the MB itself.

The similarity of key actors in the political systems of both Egypt and Turkey (the military institutions versus political parties with an Islamist reference), and the similarity of domestic political balances in both countries (AKP and MB versus secular opposition parties), gave ample motivation for improving bilateral relations. In other words, the MB became the main parameter in (re)defining Egyptian-Turkish relations. Turkey promoted the definition “strategic partnership”¹ to describe the bilateral relations between Ankara and Cairo.

With Morsy’s ouster and the fall of Egypt’s MB, Turkey’s losses appear to be multiple and multifaceted. Turkey’s tactical and strategic losses posed a major challenge to its decision-makers. Morsy’s fall ended the so-called “Turkish model” debate in the region, whereby the emerging elites of the “Arab Spring” countries were inspired by Turkey’s AKP.

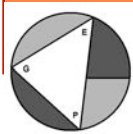
Therefore, another model or inspiring example needs to be adopted to become a true model for the Middle East. Egypt in 2013 is closer to Turkey in 1997 than to Turkey in 2002. By ending its experiment with the “Turkish model”, Egypt has effectively turned it into a mere theoretical idea. Ankara has benefited from the “Turkish model” mantra to raise its stature in the West, where Turkey is considered the most able power to “tame” the MB and its potential role in the region. And paradoxically the MB, in turn, used the “Turkish model” to build bridges with the West as a way to fight its political opponents in Egypt.

In short, during the MB’s rule, the “Turkish model” went from being an inspirational idea to a subterfuge by both Turkey and the Brotherhood so that each can achieve its aims through it.

Turkey’s attempt to help the MB—i.e. kindred Muslim Brotherhoods or direct branches of the Egyptian MB—gain power in Libya and Syria was greatly harmed by Morsy’s fall. Turkey lost its most important, and apparently irreplaceable, Arab ally in the region. Erdoğan’s dream to effectively enter Gaza and shape its future may have ended because the new Egyptian government will not allow him to use Egypt’s territory to enter Gaza. Worse, Turkey’s relations with Iraq and the Syrian regime are deteriorating. With the loss of its Egyptian partner, Turkey’s “zero problems” policy, as set by Turkish Foreign Minister Ahmet Davutoğlu, has effectively ended.

Turkey now has good relations with only two of its neighbors: Hamas in Gaza and Israel—a tragic end to the dream of the Turkish regional leadership.

According to realistic estimates, Turkey’s ability to influence events in Egypt have become very low because Ankara has no special relations with any force in the new Egyptian interim-government and political structure. Economically, Egypt can put pressures on Turkey, but the opposite is not the case, for the following reasons: First, there is a \$4.2 billion trade balance between the two countries. Turkey exports to Egypt \$3.9 billion worth of goods, and imports only \$0.3 billion according to 2011 estimates.² Thus, negative economic relations would harm Turkey a lot more than they would harm Egypt.



Second, Turkish goods are relatively non-competitive in general. Western goods are of better quality, and Chinese and Asian goods are cheaper. Thus, Egyptian importers can easily replace Turkish goods.

Third, Turkey can presently use only Egyptian ports to export its goods to the Gulf States and Africa, since Syrian territory has become unavailable to Turkish trucks heading to the Gulf States. The Turkish government will probably continue to denounce the “military coup” in Egypt for domestic Turkish purposes—to keep confronting and limiting the political power of the Turkish military.

Turkey will also continue its behind-the-scenes efforts to change the Egyptian policy of Turkey’s Western and Arab allies. But in the end, Turkey will be forced to bow to the new (if perhaps short-lived) status quo in the Middle East, and seek instead to limit its losses in Egypt.

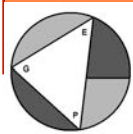
However, the author of this paper expects a continuing diplomatic escalation between Cairo and Ankara in the foreseeable future, since Turkish Prime Minister Erdoğan is ceaselessly attacking the new regime in Egypt and trying to delegitimize it regionally and internationally.

Egyptian-Iranian Relations

Iran suspended diplomatic relations with Egypt opposing the “Egyptian-Israeli peace treaty” of 1979. Since then, there have been many fluctuations in the relations between both countries. Since the eighties, Egyptian-Iranian conflictual relations exhibited many innovative features; thus it has become part of Egyptian politics to accuse Iran of supporting and funding political-Islamist groups.

Egypt clearly sided with Iraq in the Iraqi-Iranian war (1980-1988), and ceaselessly accused Iran of spreading Shiite Islam in the region. In the nineties Egypt tried to soften its stance toward Iran, especially after Mohammad Khatami became Iran’s President in 1997. Both countries opposed the atomic program of Israel, and Cairo launched the initiative of an atomic free zone in the Middle East, an idea which Iran supported. A meeting between Mubarak and Khatami was held in Geneva in December 2003, but full diplomatic relations with Iran were not restored. Egypt was keen to satisfy Saudi Arabia and Arab Gulf countries in their regional confrontation with Iran.

In the early years the new century, Cairo continued to take a softer stance toward Tehran, and adapted the relations with it seasonally in order to prevent potential pressures to escalate, or to collect regional benefits. The proof of this new pragmatism can be seen in the timing of the announcement of launching an air route between Cairo and Tehran in October 2010 ³, before the Egyptian parliamentary elections in November 2010, in an attempt to bargain with Washington. These elections were rigged and designed to bring loyalists to Gamal Mubarak, Mubarak’s ambitious son, into the Parliament. Cairo used Tehran as leverage to weaken American pressure. As for the purpose of collecting regional benefits, this



can be seen in the timing of the visit of Ali Larijani, head of Iran's parliament, to Cairo ⁴ and his meeting with Mubarak on 20 December 2009, one day before the start of Mubarak's tour to Saudi Arabia and Kuwait and the United Arab Emirates (UAE), to discuss economic cooperation with Egypt.

However, historical experience of Egyptian-Iranian relations in the twentieth century shows that there cannot be any developed and prosperous relations unless there is a common international umbrella in which both countries can participate.

Thus the Arab League is an unsuitable body—if only because of its very name—for a non-Arab country like Iran to join. The Organization of Islamic Cooperation (OIC), of which both countries are member, provides a much better 'organizational common ground' in that regard—though its scope and membership goes beyond the Middle East.

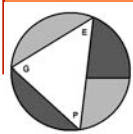
Inevitably, any regional or international organization draws boundaries and horizons of cooperation between member and non-member states, like the diverging memberships and alliances of Egypt and Iran as two regional powers with their own designs on the Middle East. Such divergent designs and policies, and divergent memberships and alliances, consequently hinder any substantive coalescence of their interests.

The Muslim Brotherhood (MB) had historical relations with Iran that date back to the times of Navab Safavi in 1951, up to the establishment of the Islamic Republic of Iran in 1979, the Iraqi-Iranian war and up to now. The MB used Iran as a "wild card" to pressure Arab Gulf countries and to create a space of its own in regional affairs, but was careful not to restore full diplomatic relations with Tehran. Here MB differs from Mubarak somewhat, as Iran nearly managed a restoration of full diplomatic relations with Egypt.

The visit of Mohamed Morsy to Tehran to attend the Non-Aligned Movement Summit at the end of August 2012 was the first visit of an Egyptian president to Iran since the latter's Islamic Revolution in 1979. Morsy exploited the platform offered by the Non-Aligned Movement to direct political messages to both international and regional actors. The aim of the visit was to widen Egypt's regional maneuverability and to gain popularity among Sunnis in the region at the same time.

The visit of then Iranian President Mahmoud Ahmadinejad to Cairo in February 2013 to attend a summit of the Organization of Islamic Cooperation (OIC) was the first such presidential visit to Egypt since 1979. During the visit Ahmadinejad met with Sheikh al Azhar, and was faced with demands focused on the Sunni-Shiite rift. Tehran achieved an important goal: showing the region that imposed economic sanctions did not prevent it from opening doors that had been locked for many years.

At the same time, the MB achieved a goal against its opponents across the Gulf: waving the card of improved relations with Iran. Tehran welcomed the Egyptian Initiative to solve the Syrian crisis by forming a commission consisting of representatives from Egypt, Iran, Turkey and Saudi Arabia. Cairo and Tehran moved a step forward and coordinated their regional initiatives, which constituted a significant improvement in bilateral relations. However, the



MB changed its position on Syria due to domestic and regional pressures, and at the end broke ties with the regime of President Bashar al-Assad in Syria. The initiative was dead and bilateral relations with Iran took a huge step back.

The Muslim Brotherhood never became a strategic partner of Iran, as it has once been to Turkey; still the Muslim Brothers were conducive to the interests of Iran. Tehran lost a potential partner in Egypt and the whole region, after Morsy's ouster in Egypt.

Strategic and regional losses for Iran after the ouster of the Muslim Brotherhood

1- Arab-Persian divide: Iran wanted to become the leader of political Islam in the region for both ideological and strategic reasons, because political Islam is an excellent tool to neutralize the Arab-Persian divide that emerged over a thousand years ago.

2- Sunni-Shiite sectarian tension: The Muslim Brotherhood is considered the largest Sunni political organization in the world. And its importance from the Iranian perspective comes from the theoretical capacity of the Muslim Brotherhood in Egypt to achieve Sunni-Shiite reconciliation, in order to soften the pressure on Iran.

3- Saudi Arabia: The mutual aversion between the Muslim Brotherhood and Saudi Arabia suits Iran, because it is an effective way to divert the attention of Saudi Arabia from the mobilization of the regional media against Iran.

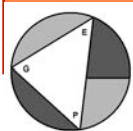
4- The return of the "axis of moderation": The direct result of the "Arab Spring" was regional realignment, since Egypt's transition toward a new Turkish-Egyptian-Qatar axis, which made Saudi Arabia and the Gulf Arab states lose clout vis-à-vis Iran.

The latest change in Egypt created a new impetus, one that is unpleasant for Iran.

5- The demise of the narrative of "Islamic awakening": The fall of the Muslim Brotherhood represented the fall of this narrative; this weakened the moral and ideological arsenal of Iran.

Iran has developed common relations with the Muslim Brotherhood, and saw it as the most suitable partner in Egypt instead of the army and Mubarak's state apparatus, or the Salafis and liberal and leftist parties. The restoration of better relations with Iran will probably not be high on the agenda in Egypt in the light of the new structure of power in Egypt: an odd political alliance consisting of the army, the remnants of the old regime, the Salafis and the democratic and revolutionary forces.

Most probably, Egyptian-Iranian relations will linger in its current limited status for some time to come. Neither Cairo nor Tehran is interested in a new escalation, but the conflicting interests of both countries in the Levant draw sharp limits to their eventual cooperation. Cairo would try to keep bilateral relations with Tehran on an even if low keel, and above all prevent escalations; at the same time there is no frame for real cooperation between both parties.



Conclusion

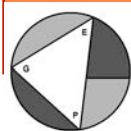
It is evident that Turkey under Erdoğan would be the most critical regional opponent to the new power constellation in Egypt. Egyptian-Turkish relations will likely deteriorate further in the near future. Regarding Iran, bilateral relations will probably remain pragmatic if cool, which means neither full diplomatic ties and nor open hostility as it was under Mubarak. It is hard to predict exactly the new regional policy of Egypt after the ousting of Morsy, since it would depend to a large extent on the internal stability of Egypt, i.e. its success in achieving the goal of stabilization according to the “road map” announced by General Abdel Fattah Al Sissi, Egypt’s current defense minister.

Egypt’s regional policy has focused over the last decades to prevent any regional power from emerging as the predominant one. We can assume that the four mentioned pillars of Egyptian foreign policy would remain so in the near future, with relatively slight alterations in Egypt’s relations to the other competing powers in the Middle East.

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Endnotes

1. “Turkey propose strategic partnership with Egypt”: <http://stratsisincite.wordpress.com/2011/10/02/turkey-propose-strategic-partnership-with-egypt/>
2. Trade volume between Egypt and Turkey: <http://www.youm7.com/News.asp?NewsID=956307> or: <http://www.sis.gov.eg/Ar/Templates/Articles/tmpArticles.aspx?CatID=2335>
3. That was on October 2010: <http://weekly.ahram.org.eg/News/2100/17/Politics-up-in-the-air.aspx>.
4. The meeting was on 20 December 2009: <http://www.almasryalyoum.com/taxonomy/term/7363>



Ataturk Center banners

© Thomas Goltz, 2013 (same © all photo's in this article)

The Gezi Park Uprising, the Taste of Tear-Gas and Compressed Pepper Spray

Thomas Goltz, in Istanbul, 12 June 2013

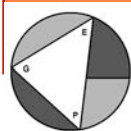


Guy on crutches blocks approach to a barricade

*"Oh, what times are these
When a discussion about trees
Is nearly a crime..."*
—Bertolt Brecht, 1938

Although I have been up in Istanbul's Gezi Park every day for the past ten days, I only got my first taste of Turkish tear gas (twice) yesterday afternoon, and my first blast of pepper spray through the high-pressure nozzle late last night.

Relatively speaking, I prefer the tear gas. I was sort of parallel to the scores of police who had "re-conquered" the iconic statue of Mustafa Kemal Ataturk in the middle of Istanbul's Taksim Square when they launched their missiles across the 50-yard no-man's-land toward a knot of hard-core demonstrators, who were hurling rocks and cherry bombs at them. Then the wind changed and blew the nausea-inducing cloud of gas right toward me.



Pepper spray from canon hitting me



My sunglasses and bandito mask made from a restaurant napkin were not up to the task of protecting me, and I was obliged to beat a hasty retreat to wash away the tears in my eyes and raw itch in my throat—and I was not even the target. That was the stone throwing, slingshot-hurling youth on the far side of no-man's-land—and despite

the clearly unequal battle, they were prepared to repel anything that Turkish Prime Minister Recep Tayyip Erdogan's police could throw at them.

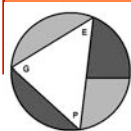
Still, it was a cat & mouse game all afternoon, the twelfth day of mass protests that have ranged from a carnival atmosphere to pure urban rage, and all sparked by a stand of sycamore trees slated for destruction along with Gezi Park, a place previously frequented mainly by drunks.

Street fighting men behind burning barricades



The plan was to demolish the park as part of a much grander urban renewal project that would enhance Istanbul's chances of winning the bid to host the 2020 Olympic games. That seems to have catastrophically backfired on Mr Erdogan: the original environmentally-motivated protest to save the Gezi Park trees has now swollen into a Medusa-headed uprising across the width and breadth of this nation of 73 million, and is threatening to destroy not only the reputation of Mr Erdogan, but many of his outstanding achievements accomplished during his ten-year tenure in power.

Although his conservative, Muslim base remains the outright electoral majority (and which he has called upon to mount counter demonstrations over this weekend), what is now arrayed against him is a truly bizarre, amorphous coalition of young, previously apolitical but social-media savvy middle class youth, various dyed-in-the-wool Maoists, tree-hugging environmentalists, Kurds, extreme Turkish nationalists, lesbians and even cross-dressing



transvestites (as well as a curious group who call themselves the “Anti-capitalist Muslim Society”).

Erdogan promised to meet with “representatives” from among the protestors today (Wednesday, June 12) but the exception of one individual, the group he received consisted mainly of well-meaning artist types not directly associated with the self-styled “Taksim Platform”/Gezi Coalition, and the most significant concession Erdogan could come up with was to offer a “neighborhood” referendum on the future of the park—if the central committee of his AK party were to agree to this measure.

Two cops reload teargas at Gezi Park



As for the other demands of the protestors—the release of all arrested during the course of the riots, the banning of pepper spray, and the sacking of the Minister of the Interior, the Governor and Mayor of Istanbul, (etc)—Erdogan did not budge, and only increased the vitriol of debate in recent days, when he used gutter terms to describe the protestors (such as “looters,” “bums,” and even

“terrorists”).) Notably, he also did not retract his order to his riot police not only to clean up Taksim Square, but Gezi Park, too: “It will be over within 24 hours,” he assured the Shop-owners Association, whose members are growing increasingly irritated by losing a week of the high tourist season.

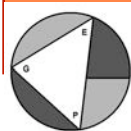
But if anything, the sheer arrogance of the Prime Minister (as well as the violence used by his police yesterday) has only resulted in the curious coalition holding together even more tightly.

Two Drunks Grandkids



Last week, after the initial police assault of May 31, the protestors managed to erect barricades all around the perimeter of Gezi Park, which effectively meant closing down Taksim Square—the Time’s Square of Istanbul—and declared it to be some sort of “Free Istanbul.” A carnival atmosphere of street food, yoga and even an open air-library prevailed. The symbol of the uprising was the beer bottle (or can), as part of a popular pushback against Erdogan’s Islamist AK Party-dominated

parliament recent decision to restrict the sale of alcohol by banning its sale between the hours of 10 PM and 6 AM (and thus perhaps keep late night drunks out of places like Gezi Park).



This followed a whole series of laws or Islam-inspired ordinances on personal behavior over the past years—admonishments about noodling on subways and other public places; restricting abortion rights; calls for three children per family, and even for Turks to eat less white bread—and when criticized for the No Booze Around Midnight law, Erdogan further infuriated his secular detractors with the following phrase:

“What two luses want has nothing to do with religion, but only the law.”

The actual term he used was *Ayyash*, instead of the standard (and lighter) term *Sarhosh*, meaning ‘just a drunk.’

For Erdogan critics, this was a direct slur against the founder of modern, secular Turkey, Mustafa Kemal Ataturk (known for his addiction to the Turkish version of pernod, called *raki*) as well as to Ataturk’s comrade-in-arms Ismet Inonu, who was not even known as a drinking man. The “two luses” slur was immediately seized upon as an anti-Erdogan battle cry. Perhaps one of the most telling graffiti statements scrawled on wall and post-board I saw was the rather elaborate “We Are The Grandchildren of the Two Luses,” coupled with “We drank your ayran and look where we fell.”

Erdogan had recently declared *ayran*—a yoghurt and water drink—the ‘national drink,’ a title previously claimed by Ataturk’s favored *raki*.

Another slight seized by the protestors in the happy, even giddy days of last week was the Prime Minister’s use of the word “Chapulju” to describe the Gezi Park occupiers. In Turkish, it means “looter” or “marauder.” Immediately, it became a proud badge of identification, with graffiti swirls declaring “I am the father of a looter, and proud of it!” to the creation of a “Chapulju” dance and even several open air (and thus totally illegal) “Chapulju Bars” in Taksim Square

Difference between being drunk and ugly

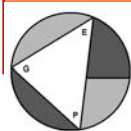


I had an obligatory shot of vodka at one. Then wandering back to Gezi Park, in addition to the usual array of street merchants (“Chapulju” T-shirts, travel bags, gas-masks, general kitsch and several rows of wandering Ecuadorians selling random trinkets), I ran into a grinning man holding up his hand-drawn protest poster, a Turkish paraphrase of the famous

Churchill remark to a woman (Mrs Astor, I believe) who called him a drunk:

“Yes, I am drunk—but I will be sober tomorrow. You, in contrast, are now ugly and will be ugly forever.”

He was referring to Mr. Erdogan, and it was truly funny: the people had been stripped of their fear of mocking the pious premier.



The beer bottle as icon of the Gezi Park Uprising has now been replaced by the gasmask.

This coming weekend, Mr Erdogan has “allowed” his pious supporters to rally in Istanbul and Ankara, almost begging a confrontation with the Gezi occupiers and their numerous allies.

Burning Taksim



The police action on Tuesday (June 11) that turned Taksim into a running battle that only seemed to lack live ammunition completely reversed the giddy dynamic: now Erdogan’s riot police encircle Gezi Park, but the protestors have now thrown up barricades outside that rim, creating a three or four circle ring of remnant protestors inside Zone One; police controlling Zone Two, and highly agitated protestors controlling immediate Zone Three. Zone Four, arguably, is the rest of Turkey, which is boiling in response to the Gezi Park/Taksim affair.

And by boiling, I mean mass demonstrations of support across the country, and even hushed murmurs of a pending civil war—and all started with a couple of to-be-cut-down trees.

We are far, far, far beyond that now.

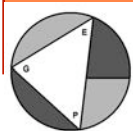
Thomas Goltz at camp



Thomas Goltz at Looters’ Bar with slogans



Prof. Thomas Goltz is an “academic adventurer” (own description at www.thomasgoltz.com) and author of Azerbaijan Diary (M.E. Sharpe, 1998), Chechnya Diary (St. Martin’s Press/Thomas Dunne, 2003) and several other books. He is Professor of Political Science on the Caucasus and the Middle East at Montana State University, the United States



Private Military Contractors: Deplore or Deploy?—Lessons from the ‘Blackwater Scandal’ in Iraq ¹

Caspar ten Dam



It was a deadly concoction: cascades of money, high-powered weapons, legal indemnity, [and] a war against a ruthless and culturally alien enemy

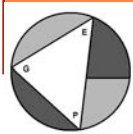
John F. Burns, ‘Q and A: Private Military Contractors’ — At War Blog *New York Times* 19 October 2009

Old and new Blackwater logos

Abstract *The so-called ‘Blackwater scandal’ – a reference to the seventeen Iraqi civilians killed on Nisour Square by security guards of the private military company (PMC) Blackwater in September 2007 – puts into question the proposition that private military contractors or ‘mercenaries’ could be relied upon to act effectively and responsibly in peacekeeping and other international operations. Arguably, Blackwater’s frequently observed callousness, if typical of other Private Military Companies (PMCs), gravely undermines this proposition. After closely analysing the Nisour Square incident and the Blackwater company in a wider context of revealed patterns of violence by the personnel of multiple PMCs, the article concludes that the use of ‘mercenaries’ is in principle still possible, doable and defensible – after the necessary reforms and improvements have been made. Yet it remains doubtful whether a sufficient number of PMCs and their personnel are or will become (self-)disciplined, well-trained and trustworthy enough for large, complex and dangerous operations. One certainly should strengthen the (pre) conditions for deploying these ‘contractors’ in both international military missions which involve combat duties and operations, and international civilian missions with a military component focused on (body)guard and sentry duties only.*

Introduction

The so-called ‘Blackwater scandal’, if characteristic of other Private Military Companies (PMCs), puts into question the proposition that private military contractors or ‘mercenaries’² could be relied upon to act effectively and responsibly in peacekeeping and peace-enforcement operations, and in humanitarian interventions with or without UN Security Council approval to rescue defenceless people. Despite the International Peace Operations

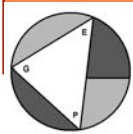


Association (IPOA) established in April 2001 to self-regulate and improve the image of the private military industry, 'private military firms' often "walk a fine line of legality, with potentially illegitimate clients, business practices, and employees with dark pasts".³ The hope of some analysts that the 'shadowy' PMCs would become part of a "mature branch" with "possibilities for control and thus prevention of excesses" through "registration, supervision, controlled training, [and] transparency of operations" has yet to materialise.⁴ On the other hand, moral imperatives may clash with legal ones: thus helping without any UN or state approval defenceless people or lightly armed rebels against repressive and murderous regimes easily crosses the 'fine line of legality' in current international law.

To some, humanitarian interventions by states—let alone by non-state volunteers and mercenaries—in another state to prevent or stop genocide and other mass atrocities already violate international law—certainly so if the UN Security Council gives no approval for such intervention under Chapter VII of the UN Charter. Thus to many analysts, the initial intervention in March 2011 with air sorties and attacks against the military forces and infrastructure of Colonel Muammar el-Qaddafi's regime in Libya, by a "coalition of the willing" led by France and the United Kingdom, helped the rebel forces of the Libyan National Council—and thereby violated international law. By 'taking sides', the interveners supposedly went far beyond the remit of UN Security Council Resolution 1973, which called on member states to use "all necessary measures" short of ground invasion to protect civilians in Libya. However, even if humanitarian intervention is 'illegal' in the sense of violating international law (i.e. state sovereignty), it still may be morally defensible and practically doable. This paper deals with the related question whether humanitarian intervention by or with the use of mercenaries is or can be legal, moral and/or doable, in cases like the current uprising and civil war in Syria.⁵

Clearly, the rebellion in Libya—which according to some sources began as early as 15 February 2011 with peaceful protests, which only weeks later morphed into an armed uprising in reaction to the brutal crackdown by Qaddafi's regime—and the later uprising in Syria—which also started after peaceful protesters were gunned down by forces of Assad's regime—are both part of the so-called "Arab Spring" of either largely peaceful or violent civic movements against dictatorial regimes across the Middle East. The Arab Spring started in Tunisia, when people took to the streets to demand the resignation of President Zine el-Abidine Ben Ali and the removal of his entire regime, after the suicide of the fruit-seller Mohamed Bouazizi in December 2010 due to relentless harassment and humiliation by the police, who made his livelihood impossible. After numerous protests and over 300 fatalities, Ben Ali's regime fell in January 2011, followed by free elections in October of the same year.⁶

The largely peaceful "Revolution of Dignity" in Tunisia quickly became a powerful example to others, fuelled and sustained by quick and easy communication through mobile phones, social networking websites and blogs on the internet. It thus ignited the fuse in the socio-political powder-keg of the Middle East. Now we face the question whether any military intervention—including sincere humanitarian intervention to save people's lives—could (ever) do more good than harm in such a sensitive, explosive, easily sectarian powder-keg. This paper deals with the 'subsidiary' question whether any mercenaries could do more good



than harm—could do any good at all, for that matter—in other words, could and should participate in such humanitarian and/or geostrategic interventions, or even play leading roles in these military missions. A good place to start on this question is by analysing one private military company, and its involvement in an atrocious event in Iraq six years ago.

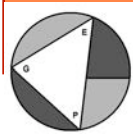
Blackwater and the Nisour Square killings

On 16 September 2007 security guards of the private military company *Blackwater U.S.A.* (est. 1997, renamed *Blackwater Worldwide* in October 2007), hired by the U.S. State Department to protect diplomats, killed seventeen and injured twenty-four to twenty-seven Iraqi civilians, including children, at a traffic intersection on Nisour Square in Baghdad. Believing it to be a suicide attack on their convoy carrying American diplomats (evacuated from a meeting after a bomb went off near them, thus the tension), they fired at a car which reportedly refused a stop sign, killing a man and his mother. In the ensuing chaos—the guards threw non-lethal sonic bombs to disperse a crowd—nearby Iraqi soldiers and Blackwater personnel in helicopters covered the intersection with gunfire, killing bystanders and passers-by; Blackwater guards even shot some of those fleeing in the back of their heads. After the convoy continued north, the same contractors reportedly fired at other cars, killing one and wounding two people. Blackwater and the State Department claimed that a roadside bomb went off, the convoy came under gunfire (damaging one car), and so on. These diverging, misleading and unconvincing accounts, even if containing a kernel of truth, cannot justify the killing spree. Iraqi and American investigators found credible Kurdish and other Iraqi witnesses saying that the firing was unprovoked, and found damning evidence, like exclusively American-made bullet casings on the scene.

Blackwater was a small player with never more than one thousand personnel in Iraq. Yet the State Department was so dependent on it for protecting its diplomats, that the company resumed its operations in a low-key manner less than a week after the Nisour Square killings—and got its contract renewed in early April 2008.

The private military industry has become a big player overall, as post-Cold War “downsizing and increased deployments have left U.S. forces stretched thin”.⁷ The same is true for the Dutch armed forces, whose 1,200-strong force in the Afghan province of Uruzgan has relied on private contractors for logistics, supply and convoy-protection of fuel and food; during 2007 as many as 250 Afghan contractors guarded the outer rings of its bases there.⁸ Defense expert J.M.D. van Leeuwe—who also refers to the “250 individual Afghans (the *Afghan Security Guard*)” guarding the “outer ring of the Dutch bases in Uruzgan”—is worried about this “relatively large deployment of private companies” in the Dutch military’s logistical concept, with possibly “serious political, military as well as judicial and ethical risks” as a consequence.⁹

Outnumbering its own troops there, the Pentagon hired 137,000 of the 180,000 foreign and local civil and military contractors in Iraq, many of whom fell under the Military Extraterritorial Jurisdiction Act (MEJA), including those involved in intelligence gathering



and hostage negotiations. The largest defense contractor with forty-thousand employees in Iraq was *Kellogg, Brown & Root*, a subsidiary of *Halliburton* once led by U.S. Vice President Dick Cheney. However, just 7,300 of the Pentagon's contractors, and twenty- to thirty-thousand contractors overall, did security and combat duties. Between 2003 and 2008 the United States spent a whopping \$ 100 billion (a conservative estimate) on all its contractors in Iraq, a fifth of their overall costs in occupying the country. Reportedly the Bush Administration decided on 'privatising' the occupation in order to avoid the draft. This strategic decision seems to have been made without fully anticipating the military, political and moral drawbacks.

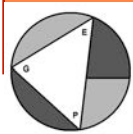
Last drop in the bucket

The Iraqi government under prime minister Nuri Kamal al-Maliki had had enough: it cancelled Blackwater's license, and demanded a trial of its personnel involved in the Nisour Square shootings, preferably in Iraq; the company's removal from the country; and \$ 8 million in damages to the victims' families. An interior ministry report recommended replacing all fifty foreign security companies with Iraqi counterparts (forty already active and registered). Half of those, including Blackwater, already had failed to renew their licenses due to Iraqi officials deliberately slowing down the process. For the first time, the authorities arrested on 19 November 2007 forty-three contractors of the Dubai-based company *Almco* (ten Iraqis, two Americans and thirty-one other foreigners) involved in a shooting incident wounding one Iraqi woman.

A year later Baghdad revoked the June 2004 immunity law for foreign contractors and military personnel, first decreed as 'Order No.17' by American administrator L. Paul Bremer III of the Coalition Provisional Authority. A new law holding them accountable under domestic criminal law came into force on 1 January 2009 as part of the new Iraqi-American security accord regulating the continuing presence of American troops.

It must be said that the United States responded swiftly to the Iraqi anger. On 4 October 2007, Congress voted 389 to 30 for a law making it possible to prosecute 'civilian' contractors hired by the State Department in both civil and military criminal courts, for violating humanitarian and human rights laws or any rules of engagement (ROE). Until then 'civilian' mercenaries hired by 'civilian' bodies had been virtually immune, falling outside American, Iraqi or any other military jurisdiction. Yet even the Pentagon had prosecuted few if any misbehaving 'mercenaries' on its payroll—not even after Congress in 2006 brought them firmly under the Uniform Code of Military Justice.

Nevertheless, the Blackwater scandal's uproar forced Washington DC to deal head on with 'mercenary accountability'. The United States was strenuously seeking a victory or a way out of Iraq. Yet the damage Blackwater and other contractors inflicted was "incalculable, in terms of engendering a fear and loathing of the American occupation".¹⁰ The Bush Administration could hardly afford to antagonise Iraq's government or its people with any more mistakes and excesses by people in its employ. The abuse by some American personnel in Abu Ghraib



prison, a scandal which broke in April 2004, had already damaged its standing in Iraq and across the world. The insurgents milked these scandals through propaganda messages; their effect was dampened only by their own, more blatant terrorist outrages against civilians.

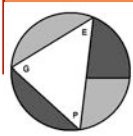
History of excessive force by Blackwater—and others

Whatever the consequences of the Blackwater scandal for the American-led mission in Iraq, it seems to represent endemic, wanton callousness by self-proclaimed 'professionals' of private military companies, at least among their rank-and-file. This undermines their bosses' claim that they have progressed far beyond the amateurish, unreliable and brutal 'soldiers of fortune' of old.

Blackwater's trigger-happiness certainly typified its Iraq and Afghanistan operations, for which it was paid nearly \$ 1 billion since 2001. The Nisour Square killings typify a rather common overreaction to imagined attacks when on duty. Since 2005, Blackwater's private contractors fired first in 84% of 195 'escalation of force' incidents in Iraq, leading to at least sixteen fatalities. The contractors usually fired from moving vehicles, without stopping to secure the scene and verify the results of their barrage, let alone help injured bystanders. To its credit, Blackwater provided these unsettling figures in its own incident reports. These figures help to explain why its personnel managed to kill dozens, perhaps hundreds, of civilians. The company was notorious for questionable or prohibited use of force, weaponry and riot-control agents like CS gas just to force traffic out of the way, and for ill-prepared, badly armed and organized operations.

The most fateful operation led to the lynching of four Blackwater employees escorting a convoy in Fallujah on 31 March 2004, triggering a spiral of escalating violence between occupation and insurgent forces: two of their bodies were hung from a bridge, shocking the American public and triggering a large-scale assault by U.S. forces on Fallujah.¹¹ Conceivably, this incident may have contributed to excesses by Blackwater personnel against the local population, out of revenge for their killed comrades. A drunken Blackwater contractor, later identified as Andrew J. Moonen, even killed a bodyguard of the Iraqi vice president Adil Abd-al-Mahdi on 24 December 2006. He was fired yet not prosecuted; the victim's family received just \$ 15,000 in compensation. From February till August 2007 he worked on logistics for *Combat Support Associates*, under the Defense Department, in Kuwait.

Also Blackwater's involvement with the Central Intelligence Agency (CIA), at least since 2002, raises serious questions, particularly its role in the agency's 2004 assassination programme against *Al-Qaeda* leaders (cancelled by the Obama Administration in June 2009) and Predator drone attacks on them and their Taliban counterparts. Former Blackwater and CIA operatives also revealed in December 2009 that the private company had participated in CIA's secret raids against insurgents in both Iraq and Afghanistan, particularly between 2004 and 2006. Even though CIA's assassination programme reportedly failed to capture or kill a single terrorist leader (officials claimed it was never implemented), other secret operations and the drones have killed 'targets' and innocent bystanders, probably violating the laws of

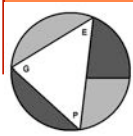


war against them both in these incidents. Thus drone attacks may constitute 'extrajudicial executions' if military necessity is lacking, or if the targeted individuals could have been apprehended instead.

The American military, and contractors like those of the British *ArmorGroup International*, distanced themselves from their Blackwater colleagues, claiming that the latter were amateurish and brutish, not reflecting the overall quality of the private military sector. Some American officers already said so well before 2007. However, *DynCorp International* and *Triple Canopy*, two other PMCs hired by the State Department, fired first in 62% and 83% of their 'escalation of force' incidents respectively. They thus were nearly as trigger-happy as Blackwater. Though "Blackwater reports more shooting incidents than the other two contractors combined"¹² this may be due to it operating in more dangerous areas than its competitors—and these incidents, it must be said, were a relatively small part of its 1,800 'escort missions' in 2007 alone. Other contractors behaved equally badly, as the following examples show:

- In August 2007 a *Triple Canopy* supervisor was accused in a Virginia civil court of shooting randomly into two civilian cars in Baghdad the previous year, after telling his mates he wanted to 'kill somebody' before going on vacation.
- On 9 October 2007 contractors from the Australian *Unity Resources Group* (URG) killed two 'suspicious' Iraqi women in a car nearing their convoy; they turned out to be Christians.
- The *Special Operations Consulting-Security Management Group* (SOC-MG), recruiting Namibians and other 'Third Worlders' for as little as € 500 per month, less than five percent of the salaries for British, American and other Western mercenaries, had 1,500 Ugandese contractors in Iraq accused of cruelty and trading in drugs.¹³
- In September 2009 whistleblowers revealed that *ArmorGroup North America* had for years understaffed and otherwise shirked its duties while 'guarding' the U.S. embassy in Afghanistan, hiring prostitutes and forcing recruits into lewd hazing rituals. Sixteen guards and supervisors were fired or resigned, which the State Department deemed sufficient to renew its contract (it hung in the balance for many months). Only by mid- June 2012 had *Aegis Defense Services LLC*, an American branch of *Aegis Ltd.*, taken over security duties at the embassy.

Blackwater's bad track record merely exemplifies the widespread lack of professional restraint among 'mercenaries'. Some senior American officers have acknowledged this, yet with little effect. One could go on and on recounting dubious actions by private military companies other than Blackwater—also beyond Iraq. Thus many of the fifty-nine registered and twenty-five unregistered PMCs in Afghanistan during 2007 alone were suspected of armed robbery, murder and excessive force; Kabul expelled at least a dozen of those companies. All these scandals expose a private military industry gone astray, with few internal and external oversights and sanctions.



Blackwater and their employers in the dock—sort of

Early reactions from Blackwater—apart from some former and active employees admitting anonymously to the press that something went ‘horribly wrong’ at Nisour Square—hardly indicate a willingness to acknowledge errors and discipline its members, despite its assurance at the time that it “supports accountability and transparency” through the *International Peace Operations Association* (IPOA).¹⁴

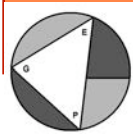


Blackwater’s founder and CEO Erik D. Prince, a former Navy Seal, claimed on 2 October 2007 before the U.S. House of Representatives’ Oversight and Government Reform committee chaired by Democrat Henry A. Waxman, that on 16 September his men acted appropriately in a ‘complex war zone’. Soon after the hearing his company started an unsuccessful propaganda *blitzkrieg* with lawyers, lobbyists and public-relation firms to clear its name before the public, body politic, and the court against lawsuits by families of killed employees lacking protective armour (and since 2009 against lawsuits by families of the Iraqi victims). Yet the committee’s Blackwater Memorandum contains reliable witness accounts that ‘Prince’s men’ fired without provocation, without any attack on the convoy. This debunks Prince’s claim. Worse, this makes a mockery of the company’s ‘core value’ to protect “*under all circumstances .. the defenseless and provide a safe environment for all*”.¹⁵

Waxman’s committee (barring its Republican members) accused the State Department of frustrating its investigation and belittling, even covering up, the incidents, helping contractors to avoid prosecution and minimise compensation payments. Thus State Department investigators promised, prematurely and on dubious legal grounds, immunity to Blackwater personnel involved in the September 2007 killings.

Nevertheless, the Federal Bureau of Investigation (FBI) took charge of the investigation, without offering immunity, though it is unclear whether they interviewed the American diplomats in the convoy. In late October 2007 U.S. Secretary of State Condoleezza Rice promised to implement the committee’s recommendations to create a common oversight with stricter rules for PMCs, including obliging them to give their personnel ‘local culture and sensitivity’ training, and allow Department monitors and Arabic translators on their patrols.

In mid-November 2007 the FBI concluded that at least fourteen of the Nisour Square fatalities were victims of disproportionate force which violated already extensive contractor ROEs; indictments were still a long way off given the legal complexities of prosecuting contractors under American criminal law. The FBI’s investigation was yet incomplete, barred access to the State Department’s original Blackwater interviews. Still, a few days later federal prosecutors issued grand jury subpoenas to some Blackwater employees on the Nisour case.



Eventually, in early December 2008, the Justice Department charged (under MEJA) five other Blackwater guards—all decorated military veterans—of manslaughter and misuse of firearms against unarmed civilians on Nisour Square. A sixth (former) guard pleaded guilty; his testimony underpinned the case against the others. Blackwater itself escaped prosecution, partially because it eventually cooperated with the FBI. The actual trial was set to begin in February 2010, whereby prosecutors intended to prove a ‘pattern of reckless behaviour’ including widespread intention to harm and kill Iraqis ‘for sport’.

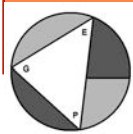
However, on 31 December 2009 a federal judge in Washington DC dismissed the case, as prosecutors had violated the defendants’ constitutional rights by relying on statements that the guards had been compelled to make before the very State Department investigators who had offered them immunity (carrot). Crucially, the latter threatened to fire them if they did not talk, as contractors were obliged to fully report to their employers (stick).

In January 2010, during a visit to Iraq when its government started preparing with American lawyers a lawsuit against Blackwater, U.S. Vice President Joseph R. Biden Jr. announced that the Obama Administration would appeal the judge’s decision through the Justice Department. Eventually, in April 2011 an appellate court reinstated the charges against the five former Blackwater guards who had not pleaded guilty in the first trial. In June 2012 the U.S. Supreme Court refused a final appeal by four of the defendants to dismiss the charges against them, so that the retrial could finally go ahead. Even so, the first trial’s dismissal shows how difficult it is to prosecute mercenaries under current law and rules on admissible evidence.¹⁶

Why Blackwater and other ‘Mercs’ went on the rampage

Blackwater’s achilles heel has been its overzealous expansion into activities beyond its expertise and experience. Originally it was specialised in training American law enforcement and military personnel in ‘bodyguard’ duties at home. After *Al-Qaeda*’s ‘9-11’ attack and the consequent War on Terror, the U.S. State Department urgently sought its services to protect its and ‘allied’ diplomats abroad, culminating in the first ‘indefinite quantity’ contract in June 2004 (renewed two years later). Blackwater’s bodyguards—each paid on average over \$445,000 per year—found themselves doubling as combat soldiers in Afghanistan and Iraq. Most of them, even former soldiers, lacked up-to-date ‘urban counter-insurgency’ training. Most of the Blackwater employees emptying their guns on Nisour square were young former U.S. Marines with little ‘crowd control’ and combat experience.

In some operations, like the one on 24 November 2004 to secure a mosque—Blackwater assisted the U.S. military especially during that year, in apparent violation of their State Department contract—its contractors exhibited professional restraint, firing warning shots at a suspect vehicle rather than riddling it with bullets. Unfortunately, such rare accomplishments derived from individual qualities rather than overall policy and training. Thus at Nisour square a couple of guards tried to stop their colleagues from continuing firing on civilians, even pointing their weapons at the former; yet their disciplining attempts were



in vain. Still, just five or six of the convoy's nineteen guards fired their weapons according to FBI investigators, not the picture of a 'gun culture' completely gone haywire. Between 2005 and 2007 Blackwater fired (though protected them from prosecution) 122 personnel for brutalities and lesser misdeeds, a sizable chunk of its personnel in Iraq.¹⁷

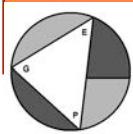
A possible, almost incredible contributor to Blackwater's excesses was the alleged rightwing 'Crusading' ideology expounded by Prince and other leading company executives, pressuring the rank-and-file to share their zeal. On 3 August 2009 a former Blackwater employee, and a former U.S. Marine who worked as a freelance operative for the company, anonymously submitted sworn affidavits to a Virginia federal court, accusing Prince of murdering or facilitating the murder of former employees cooperating with federal authorities investigating Blackwater. The former employee also alleges that Prince "views himself as a Christian crusader tasked with eliminating Muslims and the Islamic faith from the globe," and that Prince's subsidiary companies "encouraged and rewarded the destruction of Iraqi life".¹⁸ In other words, Blackwater guards were ordered to kill Iraqi civilians once in a while in order to destabilise Iraqi society—and thereby Islam in the region. This could explain why some people fleeing from Nisour square were deliberately shot, execution-style. Obviously, Blackwater spokespersons dismissed these allegations as ridiculous slander.

Prince and his associates certainly are Neoconservatives who had close links with the Bush-Cheney Administration; some former government officials now work for the company, nicknamed the 'Republican Guard'. However, one should be careful about the Crusader allegations; it remains uncertain whether this 'conspiracy theory' has any merit.

External influences certainly undermined Blackwater's ethos. Particularly excesses by some American and Allied military gave a bad example. Think of the excesses in prisons, like Guantanamo Bay, Abu Ghraib, and Bagram in Afghanistan. Think of the excesses in active engagements, like the 12 July 2007 attack by Apache helicopters that killed two Reuters reporters (a photographer and a chauffeur) and at least seven other, apparently unarmed people in Baghdad. This spurred an American intelligence officer in Iraq, U.S. Army Private First Class Bradley Manning, to funnel a cockpit-video of this incident and a massive amount of over 700,000 secret documents (diplomatic cables, operations in Afghanistan, etcetera) to the whistleblower group Wikileaks.org which released the video in April 2000 and many of the documents at different points in time.

Subsequently the U.S. military authorities arrested, indicted, and eventually sentenced Manning on espionage and related charges—but not on the most serious charge of aiding the enemy—in late July 2013 for up to 136 years in prison (precise number of years still to be determined) minus 112 days due to "unduly harsh treatment" during his detention.¹⁹ To my eyes, this presents an unbalanced, unfair state of affairs: military and civilian whistleblowers receive relatively harsh sentences, while soldiers proven to have committed atrocities, typically receive relatively light sentences—if at all.

Crucially, Blackwater's rules of engagement (ROE) were an almost exact replica of the 'shoot-first-ask-later' ROEs of American soldiers during Iraq's early occupation years, born from the priority assigned to 'force protection' through quick 'escalation of force' even if that leads to



'collateral damage'. Stricter rules came into force after U.S. Marines reportedly massacred twenty-four civilians at Haditha in November 2005—but not for the contractors. All this made them believe that they could get away with almost anything. Uncertain jurisdiction over and hazy liability of mercenaries solidified this belief and made it a reality, at least until September 2007. In contrast, enlisted soldiers committing (war) crimes can be court-martialled, and occasionally were, like in the Abu Ghraib scandal—while contractors hired by the CIA to carry out 'robust' interrogations in that prison went scot-free.

End game: back to base?

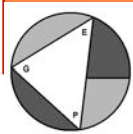
Alarmed by the fallout of the scandal, Blackwater announced on 21 July 2008 that it would refocus on its old expertise of private security training and assistance. It received hardly any new 'soldiering' contracts anyway. On 30 January 2009 the U.S. State Department, exasperated by the company's excessive use of force, overcharging, arms smuggling and other fraud²⁰, communicated to Blackwater that it would not renew its contract in Iraq. It also had little choice as Baghdad revoked the company's license a few days earlier. However, in late March most of the company's local employees went over to Triple Canopy, which kept its license and got an enlarged contract to take over the rival's security tasks. It seems that nothing much has changed, though the contractors now have to operate under stricter rules.



On 23 February 2009 Blackwater announced it would rename itself *Xe* ('Xe Services LLC' in full), eager to get rid of the negative associations attached to the word 'Blackwater'. In December 2011, it changed its name again to *Academi*, reportedly in order to have a more "boring" (and thus more reliable) image—and thereby help it to regain an operating license in Iraq.²¹

Perhaps in an attempt to help the company to revamp its image and reputation, Erik Prince already had relinquished his CEO position in early March 2009, and gave up his Chairmanship in December 2009. Intriguingly, Prince then reportedly established a PMC called *Reflex Responses* based in the United Arab Emirates (U.A.E.) in early 2011, to set up amongst other things a foreign battalion to aid the U.A.E government in its internal security tasks—though the *New York Times* later had to retract the 'allegation' that Prince was the founder of that company.²²

Prince continued to stir controversy with his alleged undertakings and public comments. Thus he openly supported and allegedly mediated, with financial backing from the U.A.E. government, for the plan by the South-African PMC *Saracen International* (effective successor of *Executive Outcomes*, active in the 1990s—see next section) to expand its operations in Somalia, by protecting government leaders, training government troops and security personnel in their fight against the Islamists, and battling the pirates.



Reportedly, Saracen was already present and active in Somalia, like training a 1,000-strong antipiracy militia, the *Puntland Marine Police Force* (PMPF), in the autonomous region of Puntland since early 2010.²³

This training programme seems to have been quite effective – since then, piracy has been practically absent in or from Puntland (but whether Saracen can be credited for this remains disputed). Yet Saracen was forced to rebrand itself as *Sterling Corporate Services* (SCS) in early 2012, due to reports that Puntland's government used its expertise and presence—which according to the UN already violated the 1992 arms embargo on Somalia—against the domestic opposition, against infiltrations by *Al-Shabab*, the *Al-Qaeda* affiliated Somali Islamist group, and against Somaliland regarding a border dispute. These reports compelled the U.A.E. to withdraw its funding for Puntland's anti-piracy militia PMPF in June 2012, whereafter the SCS became effectively bankrupt and had to dissolve—though a skeleton crew of former SCS-contractors stayed behind to support the militia, quietly funded by the U.A.E from November 2012 onwards.²⁴ Prince's role in all these subsequent developments remains murky; he seems to have kept his distance.

Be as it may, one should be sceptical of *Xe*'s claim at the time that it recruits “highly qualified .. personnel”, looking for “people of the utmost caliber” with “accountability, integrity, and respectability” as “mandatory requirements”.²⁵



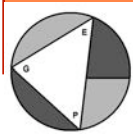
**International Stability
Operations Association**

For one thing, it was not listed as a member of IPOA, nor when IPOA renamed itself as the *International Stability Operations Association* (ISOA)²⁶ in October 2010—until the beginning of August 2013, when ISOA welcomed *Academi* (Blackwater under its second new name) as a new member.²⁷

Generally, determining a PMC's real name, ownership and associate memberships are difficult undertakings, given the industry's notorious labyrinth of overarching, affiliate and subsidiary companies. One should monitor the future operations of the former Blackwater company so as to determine whether the company finally takes seriously Blackwater's old 'core value' to protect the 'defenseless and provide a safe environment for all'.²⁸ For some reason, *Xe* failed to reiterate these and other core values on its website.²⁹

Fortunately, *Academi*'s website today prominently stresses 'guiding principles' like “integrity in every aspect of what we do ... instilling professional and ethical behavior in all our employees, teammates and associates”, and to “honor the rights and beliefs of our fellow associates, our customers, our employees and the communities in which we operate”. The company's repeated insistence that “we treat others with dignity and respect” could be a (over)compensation and implicit *mea culpa* for its past sins, with a burning desire to become (or just seem?) the most decent kid on the block in the mercenary community.³⁰

However, one should beware of taking these 'guiding principles' at face value. In the final analysis, one must judge the company—any private military company—on its actions, not its words.



Preconditions for employing 'mercenaries'

Despite the worrying findings about Blackwater and their counterparts, one should not give up on the idea to employ and deploy mercenaries or private contractors for peacekeeping—and enforcement missions and humanitarian interventions, for two basic reasons:



First, some major companies seem to operate professionally and decently. Thus Lt. Col. Tim Spicer's *Aegis Defence Services* (ADS), at least in 2005 the largest private military contractor in Iraq, contributing up to 20,000 personnel ranging from bodyguards to intelligence gatherers, seems to have upheld a good reputation.

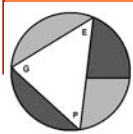
Stricter contractor ROEs introduced after the Nisour incident already resulted in "a more professional security operation and .. curtailment of overly aggressive actions".³¹ In the future one may urgently need private military companies that are not just morally and operationally reliable, but also capable to operate independently from large state armies. Alas, apart from brutal civil wars like the one in Syria nowadays, there probably will be genocides like the one in Rwanda in 1994, as outside states refuse to intervene to rescue people from misery and annihilation, due to perceived geostrategic complexities and risks and the consequent reluctance to put one's own soldiers in harm's way.

Second, mercenaries are willing to take risks and pay with their lives, often more so than many soldiers sent to do peacekeeping or peace-enforcement in countries without sufficient understanding of their mission or the country they are in. Many Dutch soldiers in the Dutchbat contingent were woefully unprepared (lacking the required insights and training), numerous individual exceptions notwithstanding—as tragically revealed during the July 1995 massacre in the UN-designated 'safe area' of Srebrenica, Bosnia, of 9,210 men and boys (estimate of the Yugoslav Tribunal in The Hague) by the Bosnian-Serb army.

One may well ask oneself whether the "to-be expected scale of the crimes is essential for one's judgment on the actions of the UN-battalion" in that enclave; certainly many experts disagree with the conclusion in the 2002 Srebrenica report of the Netherlands Institute for War Documentation (NIOD) that the genocidal massacre was "atypical of the Bosnian war, and thus an unforeseeable event for the 'Dutchbatters' and other military and decision-makers involved".³²

Even if the military sent abroad do grasp their mission and environment, and are willing to fight, they are hampered by the home state's and public's "intolerance for casualties in conflicts that do not directly threaten the core of the nation".³³ Consequently, when the going gets tough, or seems going to get tough, there is no guarantee that states who claim to uphold peace and international security will embark upon humanitarian intervention, indeed any military mission, in cases that seem to require it. They hesitate to send their own troops beyond their own borders—even if the horrors of impending or actual war and genocide elsewhere are self-evident, and/or the geostrategic interests are obviously endangered by such calamities.

By the time of the Nisour Square tragedy in September 2007, over a thousand contractors (at least a hundred on security and combat duties) had lost their lives in Iraq, their deaths often



unreported and uncounted in casualty figures. There is “no avoiding the fact” that they “do work that is both extremely hazardous, and indispensable”—no American diplomat has ever been killed while under Blackwater’s protection or that of its competitors.³⁴ The challenge must be to maintain this achievement without resorting to premature and disproportionate force. Therefore, mercenaries or private military contractors can help to save a people or a country, or even help to safeguard regional and international security, but only under the following four preconditions and circumstances:

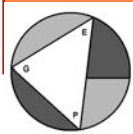
1. Strengthen and clarify the definition, rights and duties of mercenaries under international law

One should not perceive mercenaries as actors occupying a ‘grey area’ between combatants and non-combatants, as so many experts seem to do.³⁵ Mercenaries, i.e. private contractors engaged in security-protection and direct-combat tasks and operations, are combatants, just like the military and other armed actors. It is deplorable that a “mercenary shall not have the right to be a combatant or a prisoner of war” (art. 47.1 Protocol I Geneva Conventions), giving it as few rights as ‘enemy combatants’ in the so-called War on Terror. Geneva’s well-structured yet misconceived definition (art. 47.2) presumes that all mercenaries are motivated by a “desire for private gain”. The 1989 Convention Against the Recruitment, Use, Financing and Training of Mercenaries reflects the same biases and erroneous assumptions.

A more objective definition would be that mercenaries are *combatants paid through a contract by one or more state or non-state parties for whatever reason, and accept this pay to fight or otherwise assist their employer for whatever reason, for as long as the contract counts or lasts; private gain may not be the sole or primary motivation, yet the pay is such that this can be satisfied.*

Probably most mercenaries are motivated by private gain, yet that can be said of many soldiers, rebels and other fighters as well. True, the former may endanger the state’s monopoly of violence or at least the state-military’s prerogative to apply it. Yet that can be no reason to withdraw from them the “legal protections that soldiers enjoyed in warfare”.³⁶ Rebels and other non-state armed actors endanger this monopoly just as much, if not more so. Yet Common article 3 and additional Protocol II of the Geneva Conventions still grant the latter combatant status, with full rights and obligations. *One should extend these provisions to mercenaries as well.*

Blackwater’s security guards squarely are combatants. State and non-state employers should be able to discipline, hold accountable or prosecute contractors for *jus-in-bello* (justice-in-war) violations, and be judged themselves for any *jus-ad-bellum* (justice-of-war) violations. Unfortunately, international law is largely mute on the responsibilities of mercenaries and their employers, and by whom they can be tried if in they commit war crimes.



2. Strengthen the disciplining powers of accredited Private Military Companies

Blackwater's chief Eric Prince had a point when he argued before Waxman's investigative committee, in response to a question why the man who killed the bodyguard of Iraq's vice-president on Christmas Eve 2006 was ferreted out of the country, that "we, as a private company, cannot detain him. We can fire, we can fine, but we can't do anything else".³⁷ In principle, the self-regulating International Peace Operations Association (IPOA) and its later incarnation the International Stability Operations Association (ISOA) should have given the assurances one needs. After all, IPOA's one-time yet diminished focus to alleviate the suffering of "innocent civilians" in "low-intensity conflicts", and "bringing long-lasting solutions to these conflicts", seems just what the doctor ordered. Unfortunately, many observers dismiss the trade association as an ingenious, self-serving lobby firm for the private military industry, despite its claim that it was founded by "individuals .. in the non-governmental, academic and business sectors who recognized the benefits brought by the private sector to the victims of conflict".³⁸

Even if its founders were and are selflessly motivated, and even if presentday ISOA could contribute to "international peace, development and human security", subscribed companies like Blackwater repeatedly have flouted its Codes of Conduct. IPOA's founding member and president Doug Brooks initiated this Code with lawyers and aidworkers, all impressed by how between 1997 and 2000 mercenaries from especially *Executive Outcomes* (EO) and *Sandline International* held together the UN peacekeepers in Sierra Leone and beat back the atrocious Revolutionary United Front (RUF).⁴⁰

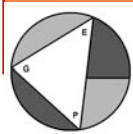
However, neither IPOA's Code of Conduct nor its non-binding enforcement mechanism (art. 11.2) for complainants could punish violators beyond dismissal, fining, and judicial cooperation and referral to "relevant authorities". The association's sanctions could hardly go beyond expulsion of a member company (enforcement section 5); it is up to the latter to discipline its own personnel if they wish to keep their membership.⁴¹

Nowadays, ISOA's Code of Conduct still refers the most "serious infractions" to the "relevant authorities", though the Signatories should take "legally appropriate action if their personnel engage in [lesser] unlawful activities", implying at least dismissal and other disciplinary measures.⁴²

Generally, private military companies and their associations should be able and willing to discipline their own, including temporary confinement for extradition to a proper court. One should bring the worst cases before the International Criminal Court (ICC) even if this requires treaty adaptations in mandate and judicial procedure.

3. Use mercenaries as auxiliaries only—unless there is no other way

In any true peace-keeping mission or humanitarian intervention to rescue defenceless people, the main force should preferably consist of either soldiers, insurgents or outside volunteers – think of the *International Brigade* in the Spanish Civil War of 1936-1939: even



though “many volunteers” apparently “went to Spain partly in search for excitement, .. the selflessness of the International Brigaders’ motives cannot be doubted”.⁴³ Mercenaries should form the force’s nucleus only if other combatants can insufficiently be found—and certainly if they happen to be the best and most decent fighters available. Obviously, all humanitarian combatants should behave impeccably. Cruel, disproportionate and other immoral means will blemish the most hallowed ends, especially in humanitarian interventions.

4. Create, recruit and deploy ‘humanitarian warriors’ for lower yet decent wages

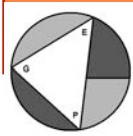
The questionable track records of Blackwater and so many other PMCs make one despair that one could ever rely on them fully—especially in humanitarian interventions. If necessary, one should create separate companies for humanitarian tasks and purposes. This conceivably could be done, if one can establish a new type of warrior, an amalgam of the traditional mercenary and volunteer: the man or woman willing to fight the ‘good war’ not just for “material compensation .. in excess of that .. paid to combatants of similar ranks and functions” (Geneva art. 47.1, Protocol I).

This *humanitarian warrior* fights not for any state, nation or group per sé, but for the best cause imaginable: the protection of *any* defenceless people against slavery, other grave humiliations, and pain, torture and death. Admittedly, this proposition may seem to the reader far-fetched, downright utopian, even positively hair-brained. Nevertheless, this revolutionary proposition should be made, if only to offer food for thought and elicit further debate. Personally, I deem it thinkable and defensible to ‘violate’ the state’s monopoly on violence in extremely exceptional cases.

Non-state actors like PMCs may be able to prevent or stop genocide and other atrocities—even or especially when intergovernmental organisations (IGO’s) are unable or unwilling to timely and forcefully intervene. Unfortunately there is no space here to discuss this sensitive, controversial issue more extensively, but I will do so in future publications.⁴⁴ Suffice to say here that humanitarian intervention by mercenaries and/or volunteers independent from any state support is not totally unprecedented: think again of the International Brigades in the Spanish Civil War (admittedly unsuccessful in the end)⁴⁵, and of *Sandline International*, apparently dormant since April 2004.

Almost uniquely, Sandline did have the guts to offer its services to “genuine, internationally recognised and supported liberation movements” (company profile 2004), a line which is auspiciously absent from its more mainstream successor *Aegis Defence Services* (ADS).⁴⁶ The challenge is to contact any of Sandline’s founders and former employees⁴⁷, or any company like it, to ascertain whether they would ever contemplate any such interventions in the foreseeable future.

If it ever becomes reality, humanitarian warriors must be decently provided for in order to fight wholeheartedly, without them having to worry about how to feed themselves and their kin. They deserve a decent wage beyond the pittance given to both traditional volunteers and



mercenaries from poor countries (apparently in violation of IPOA code art.6.8, yet perhaps not of ISOA code art.6.1).⁴⁸ Incidentally, mercenaries usually lack health-care benefits and pensions, though ISOA code art.7 demands health and life insurance.

Decent pay is not such that private gain is satisfied or replaces the humanitarian cause as a prime motive. Obviously, any state or rebel actor can recruit such warriors—even outside non-governmental organisations (NGOs) can do so. International and humanitarian (aid) organisations already have been hiring mercenaries outside “the portal of a national authority”⁴⁹, mostly from IPOA-accredited companies in accordance with article 9.3 of its February 2009 Code of Conduct, and nowadays ISOA-accredited companies in accordance with article 10.2 of its October 2011 Code of Conduct. Yet they primarily protect the former’s personnel, property and aid materials to endangered people—not the endangered people themselves.

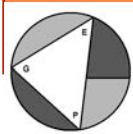
Sooner or later, someone in the ‘aid industry’ will take the ‘small’ step from protection of aid workers to protection of aid recipients. A hybrid of these possibilities is a standing United Nations army. Yet such an army can intervene only even-handedly, and where and when most needed, if UN decision-making is drastically reformed so that spurious, self-interested and partisan vetoes become rare or impossible. Such reform is so far-off that NGO-organised intervention may happen before the former ever does.

Currently, private military companies, even the most reliable ones, are ill-suited to provide humanitarian warriors. Their profit motive and commercial outlook drive them to recruit personnel for much higher wages, and make their employers pay much more than strictly necessary. Last but not least, they remain dependent on host governments. Indeed, IPOA “does *not* seek to have the current leadership role of international and government organizations supplanted by private sector entities”.⁵⁰

Crucially, contracts “shall not be predicated on an offensive mission unless mandated by a legitimate authority in accordance with international law” (IPOA code art.8.2).⁵¹ Currently, ISOA formulates this condition in even stricter terms: operations—not just offensive missions—“shall be predicated on missions mandated by a legitimate authority in accordance with international law” (ISOA code art.8.2).⁵² Presently, the association would never allow its members to intervene independently or be contracted by non-state actors to save ‘other’ people.

Conclusion

Private military companies have come under renewed scrutiny, criticism and wholesale condemnation. At the very least, the Blackwater and other contractor scandals suggest that private companies are often unable or unwilling to regulate themselves regarding proper conduct in and out of combat. State entities like the U.S. State Department and the Pentagon often fail to control them and punish misdeeds, like that of private contractors in the Abu Ghraib prison.



Measures like requiring contractors to adopt less trigger-happy ROE—as the American government soon did after the Nisour Square incident—are welcome to help engender a culture of restraint and proportionate violence in combat missions. One must create transparent jurisdiction over the privateers, i.e. establish who can discipline and persecute them for violations of humanitarian and human rights law. Non-state entities should gain more disciplining powers as well. Yet there should be balance and fairness: the more mercenaries i.e. private military contractors can be held accountable, the more rights and recognition they should get in return.

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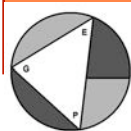
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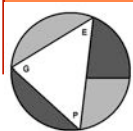
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J.M.D van Leeuwe, 'De inhuur van private militaire bedrijven in operatiegebieden (The hiring of private military companies in operational areas)' *Militaire Spectator* Vol.177 No.4, 2008, pp.240-245.

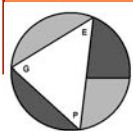
Peter Warren Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* Ithaca, NY/ London: Cornell University Press, 2003.

Endnotes

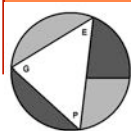
1. Earlier versions of this paper are available at <http://europeanreview.webs.com> (February 2010 version), and since the beginning of 2013 at www.academia.edu (June 2010 version).
2. Though the term 'mercenary' is a pejorative term—especially nowadays, which accounts for the objection by PMCs to be labelled as such—I occasionally apply it so as to stress the controversy surrounding the phenomenon.
3. Peter Warren Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* Ithaca, NY/ London: Cornell University Press, 2003, pp.viii (IPOA), ix (quote). Singer prefers the term 'Privatized Military Firms' (PMFs), as PMCs just refer to combat and other 'tactical' services (p.8, note 19). I stick to the widely used PMC term, however.
4. R.R.K Hiemstra, 'Krijgsmacht in Krijgstreep: Implicaties van de private militaire industrie voor westerse krijgsmachten (Soldier in Stripesuit: Implications of the private military industry for western armies)' *Militaire Spectator* Vol.174 No.7/8, 2005, p.308; quote translated from Dutch.
5. See further my forthcoming paper 'Actual and Possible Interventions in Libya, Syria and Mali: Assessing the Pro's and Con's of Outside Interference in the Arab Spring to Save Civilian Lives, Fight Terrorists, Induce Regime Change or Realise other Humanitarian and/or Geostrategic Objectives'.
6. Lisanne Groothuis, 'La Révolution de la Dignité? (A Revolution of Dignity?)' *Amnesty in Actie* (Amnesty in Action), a publication of Amnesty International Netherlands for active members (contact: amnestyinactie@amnesty.nl), Vol.14 No.3, March 2013, pp.4-5 (in Dutch).
7. P. W. Singer, *Corporate Warriors* Cornell University Press, 2003, pp.15(quote)-16.
8. Frank Kuitenbrouwer, 'Onder wie valt het schaduwleger?' (Under whom falls the Shadow army?) *NRC Handelsblad* (New Rotterdam Courier—Trades' Paper, Dutch quality newspaper) 5 Aug 2008 (kuitenbrouwer@nrc.nl). NRC, 'Missie in Uruzgan leunt op privéhulp ([Dutch military] Mission in Uruzgan [Afghan province] depends on private military contractors)' *NRC* 14 Dec 2007.
9. J.M.D van Leeuwe, 'De inhuur van private militaire bedrijven in operatiegebieden (The hiring of private military companies in operational areas)' *Militaire Spectator* Vol.177 No.4, 2008, pp.240,241 (Afghans guarding Dutch bases),242; quotes translated from Dutch. Van Leeuwe was secretary of the Commission on Peace and Security within Holland's Advisory Council on International Peace Issues (AIV; Dutch acronym), which issued the report *De inhuur van private militaire bedrijven: een kwestie van verantwoordelijkheid* (The Hiring of private military companies: a question of responsibility) No.59, December 2007 (www.aiv-advies.nl).
10. John F. Burns, 'John Burns Q and A: Private Military Contractors' (part I)—At War Blog *New York Times* (NYT) 19 Oct 2009 (www.nytimes.com).
11. Congress of the United States, House of Representatives, *Memorandum—Additional Information about Blackwater USA* Committee on Oversight and Government Reform, Democratic Majority Staff report 1 October 2007 (www.oversight.house.gov), pp.1-2,6-7,9-12 (Dec 2006 incident). The



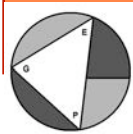
- same committee investigated the Fallujah incident, with a hearing in February 2007. At the beginning of 2012, families of the four Blackwater men killed at Fallujah settled their lawsuit against Blackwater (by then renamed Academi) for putting the men at risk without proper protection like armoured vehicles, for an undisclosed amount of damages in return for not pursuing a public investigation: *BBC*, 'Falluja lawsuit: Blackwater families settle case' 7 Jan 2012 (www.bbc.co.uk).
12. US Congress, House of Representatives, *Memorandum Blackwater USA*, 1 Oct 2007, pp.2(quote),7.
 13. NRC, 'Namibië zet ronselaars VS land uit (Namibia deports US recruiters)' *NRC* 15 Oct 2007.
 14. <http://www.blackwaterusa.com> (accessed 16 March 2007). Blackwater: "we conduct ourselves .. with honor and integrity. As members of and partners with the International Peace Operators Association, we accept and daily abide by our collective Code of Conduct" (ibid). Yet its operations rarely honoured this impressive clause.
 15. Ibid; italics added. Variant in 'Mission': "protect those who are defenseless and provide a free voice for all".
 16. The Blackwater defendants and their superiors conceivably could be charged with 'obstruction of justice' by giving false or misleading information—even in the former's original, 'inadmissible' statements.
 17. Esp. *Memorandum Blackwater USA*, 1 Oct 2007, pp.8-9,13-4 (2004 incident description from a Blackwater report).
 18. Jeremy Scahill, 'Blackwater Founder Implicated in Murder' *The Nation* 4 Aug 2009 (www.thenation.com).
 19. For an interesting analysis on the chilling effects of Manning's treatment and sentencing on future whistle-blowers, and the consequences for present fugitive whistle-blowers like Edward Snowden, former analyst at the National Security Agency (NSA), and Wikileaks-founder Julian Assange, see Elias Groll's 'With Manning Trial Over, Assange Sees Himself as the Target' *Foreign Policy* (FP) 26 Jul 2013; and 'What Does the Manning Verdict Mean for Edward Snowden?' *FP* 30 Jul 2013 (www.foreignpolicy.com).
 20. Blackwater and (former) employees were indicted on such fraud charges throughout 2009 and 2010, while in subsequent years the former Blackwater company settled most of these charges by paying hefty fines in return for not facing criminal prosecution on these charges; these cases are not discussed here.
 21. Nathan Hodge, 'Company Once Known as Blackwater Ditches Xe for Yet Another New Name' *The Wall Street Journal* 12 Dec 2011 (www.wsj.com). The renamed 'Blackwater' company evidently believed it had realistic chances to re-enter Iraq, as the "demand for security contractors in Iraq has surged" (ibid) by late 2011 due to the progressive withdrawal of U.S. regular forces from that country.
 22. Mike Baker, 'Erik Prince, Blackwater Founder, Cutting Ties With Company' *The Huffington Post* 2 Dec 2009 (www.huffingtonpost.com). Emily B. Hager & Mark Mazzetti, 'United Arab Emirates Confirms Hiring Blackwater Founder's Firm' *NYT* 15 May 2011; "Correction: June 7, 2011: An article on May 15 about efforts to build a battalion of foreign mercenary troops in the United Arab Emirates referred imprecisely to the role played by Erik Prince He worked to oversee the effort and recruit troops. But Mr. Prince does not run or own the company Reflex Responses, which has a contract with the government of the U.A.E. to train and deliver the troops". See also Reuters, 'UAE prince hires Blackwater founder to set up foreign force' *Washington Post* (WP) 16 May 2011.
 23. Mark Mazzetti & Eric Schmitt, 'Blackwater Founder Said to Back Mercenaries' *NYT* 20 Jan 2011.
 24. James Bridger & Jay Bahadur, 'The Wild West in East Africa' *Foreign Policy* (FP) 30 May 2013 (www.foreignpolicy.com).



25. <http://www.xecompany.com>, link 'professional resources' (accessed 2 October 2009). Its retreat from combat operations at the time is evident: "Xe operates in nine countries delivering critical assistance to clients focused on post conflict and post disaster stabilization efforts" (link 'About us'; italics added).
26. IPOA changed its name to ISOA in order to "better represent the broad mission and clientele of the industry as a whole": *PRNewswire-USNewswire*, 'International Stability Operations Association: IPOA's New Name', 25 Oct 2010, www.prnewswire.com (acc. 23 July 2013).
27. Xe was not shown among the 61 IPOA members: <http://ipoaworld.org/eng/ipoamembers.html> (accessed 23 October 2009). Whether it left IPOA voluntarily, was 'disbarred', or hid under another name remains unclear. Neither was it shown among the 41 ISOA members as Xe or later *Academi*: <http://www.stability-operations.org> (link 'Membership', acc. 23 July 2013)—until 1 August 2013: <http://www.stability-operations.org/news/134965/-ISOA-Welcomes-ACADEMI-to-the-Membership.htm> (acc. 2 August 2013).
28. <http://www.blackwaterusa.com> (acc. 16 March 2007); not active anymore—its shows only its original logo (access-attempt 22 July 2013).
29. <http://www.xecompany.com>, 'professional resources'; the 'core values' and 'ethics' paragraphs of the old 'blackwaterusa' website were entirely absent.
30. <http://academi.com>, homepage & link 'About us' —'guiding principles' (quotes) & an extensive, downloadable 'code of conduct' (acc. 22 July 2013): *Code of Business Ethics and Conduct*, Revised March 2013, s_800_13_en_t_-_code_of_cond.pdf. One of the services it offers, "high-threat protection" (link 'Protect', acc. 22 July 2013), appears to potentially involve combat operations once more.
31. Harold W. Geisel, State Department's acting inspector general, in: Scott Shane, 'Iraq May Ban Blackwater' *NYT* 18 Dec 2008.
32. Erna Rijdsdijk, 'Srebrenica, genocide en de reterritorialisering van de internationale verantwoordelijkheid (Srebrenica, genocide and the reterritorialisation of international responsibility)' *Vrede en Veiligheid* (Peace and Security) Vol.32 No.3, 2003, p.316; translated from Dutch. Rijdsdijk: the Bosnian war was a "genocidal war—of which the signs were observed long before the fall of the enclave" (p.317; *ibid*).
33. Singer, *Corporate Warriors*, 2003, p.58. Intervention "requires the willingness to make real sacrifices, but such readiness is no longer in ready supply. This opens greater leeway for PMFs [private military firms]" (*ibid*).
34. John F. Burns, 'Risky Business: The Deadly Game of Private Security' *NYT* 23 Sep 2007.
35. Eg. Frank Kuitenbrouwer, 'Controleer militaire 'uitzendkrachten' (Curb military 'temps') *NRC* 13 Dec 2007.
36. Singer, *Corporate Warriors*, 2003, p.42; loss 'public monopoly of war': pp.6-8,18. I disagree that combat mercenaries only fight for "economic gain" and for "employers other than their home state's government" (p.40). One should just stick with the provision that they are "recruited locally or abroad in order to fight in an armed conflict" (Geneva art.47.2(a) Protocol I). Otherwise one could not call Blackwater's American employees as such!
37. J. M. Broder, B. Knowlton a.o., 'Blackwater Chief Defends Employees Before House Panel' *NYT* 2 Oct 2007.
38. Quotes from <http://ipoaonline.org>, 'Mission' and 'History' (acc. 17 Mar 2007). IPOA speaks obliquely of "enhancement of international peace, development and human security", having dropped emotive claims to help protect 'innocent civilians': <http://ipoaworld.org/eng/aboutipoa.html> (acc. 23 Oct 2009).



39. Quote from <http://www.stability-operations.org>, 'Mission Statement' (acc. 2 Aug 2013).
40. <http://ipoaworld.org/eng/codeofconducthistory.html>. See further David Shearer, *Private Armies and Military Intervention* Adelphi Paper 316: International Institute for Strategic Studies (IISS) – Oxford University Press, 1998.
41. <http://ipoaworld.org/eng/codeofconduct/87-codecodeofconductv12enghtml.html>, artt.3.2-3. IPOA is "not a .. judicial organization, and will not attempt to prove the guilt or innocence of a member company in a criminal or civil legal case": <http://ipoaworld.org/eng/enforcementvo1eng.html>, Preamble.
42. <http://www.stability-operations.org/?page=Code>, art.3.3 (acc. 2 Aug 2013). The same webpage has a link to a downloadable "printable version" of the *ISOA Code of Conduct*, version 13, 20 October 2011 (original version, 1 April 2001): *Academi_CodeofConduct_03.01.2013.pdf*. The "ISOA Enforcement Mechanism, the complaint system available to the public at-large" (ibid, art. 14.2) may be a beefed-up version of its IPOA predecessor, yet is unclear if and to what extent this is the case (I was only able to locate the relevant webpage by using its search engine).
43. Antony Beevor, *The Spanish Civil War* London: Cassell & Co, Cassell Military Paperbacks edition 1999 (first edition and publication by Orbis Publishing, 1982), p.182.
44. See further the November 2009 version of this paper titled *Mercenaries in muddled waters: Lessons from the Blackwater scandal* at <http://www.ichuminterv.org> (link 'Current humanitarian catastrophes'—or 'Reports' at the refurbished website). My analyses as chairperson of the International Committee for Humanitarian Intervention (ICHI) are (even) more radical and polemic than those in the present paper.
45. Due to their frequent amateurism and political bickering (worsened by the increasing grip of Soviet advisers), and their relatively small size—never more than 18,000 foreign volunteers in total at any one time (and less than half that number by mid 1938)—the International Brigades were incapable of altering the course of the Spanish civil war. Their story and role "became distorted in many ways", not only "exaggerating their role out of all proportions to that of Spanish formations", but also, amongst other things, creating the impression that the Brigades primarily "consisted of middle-class intellectuals and ideological Beau Geste". Thus "almost 80 per cent of the volunteers from Great Britain were manual workers who either left their jobs or were unemployed": A. Beevor, *The Spanish Civil War* London: Cassell & Co, 1999 (1st ed. Orbis Publishing, 1982), pp.180 (numbers of volunteers), 181 (quotes). Still, the size, impact and example of the International Brigades were nearly unprecedented, and without them the Republican government would have lost the war much quicker—and might not have had any chance of winning it at all without these volunteers.
46. See on ADS: www.aegisworld.com (acc. 24 July 2006; revisited 6 Aug 2013). See on Sandline: <http://www.sandline.org> (no longer active; can be revisited through search-engines like Google). Apparently, only *Cosmos*, a shady February 2000 merger between the onetime *Executive Outcomes* (or part of it) with *Minotaur Information Systems*, obliquely offered "personnel skills audits to corporates, governments and parastatals" (emphasis added).
47. Think of the famous (or notorious) Lt. Col. Tim Spicer, chief executive and founder of ADS in 2002.
48. ISOA's statement that "payment of different wages to various nationalities shall be based on merit and national economic differential, and shall not be based on racial, gender or ethnic grounds" (<http://www.stability-operations.org/?page=Code>, art.6.1.3 (acc. 2 Aug 2013)), seems somewhat contradictory. After all, low wages due to a "national economic differential" may result from discriminatory practices in the personnel's home countries. Moreover, individual contractors from poor countries frequently operate outside their home countries, and carry the same risks and



- burdens as their colleagues from rich(er) countries: why should the former then receive much lower wages than the latter?
49. R.R.K. Hiemstra, 'Krijgsmacht in Krijgstreep (Soldier in Stripesuit)' *Militaire Spectator* Vol.174 No. 7/8, 2005, p.307; quote translated from Dutch. Hiemstra deems it "desirable to limit direct contracting by NGO's and .. even .. IGO's", whereby "only (national) military organisations are allowed to hire PMC's" (p.307; translated).
 50. <http://ipoaworld.org/eng/ipoafaqs.html>, FAQ 16. Rather, IPOA's goals were "better supervision of private companies operating under the umbrella of UN or government-led operations and better coordination between private organizations, government, NGOs and international organizations" (ibid).
 51. <http://ipoaworld.org/eng/codeofconduct/87-codecodeofconductv12enghtml.html>. Signatories "shall only work for legitimate, recognized governments, international organizations, non-governmental organizations and lawful private companies" (art. 4.1). See also art. 2.3 against any disclosures violating "applicable law". One could argue that art. 9.4.3 against violating UN arms embargos is morally questionable; such embargos on Bosnia and Sierra Leone in the 1990s benefited the worst aggressors in these conflicts.
 52. <http://www.stability-operations.org/?page=Code>, art. 8.2. ISOA art.4 is the same as IPOA art.4.1; ISOA art.2.3 is the same as IPOA art.2.3 regarding "applicable law"; and ISOA art.12.3 prohibits the violation of UN arms embargos, just like IPOA art.9.4.3 (see preceding note).

First Critical Response to Caspar ten Dam's "Private Military Contractors: Deplore or Deploy?"

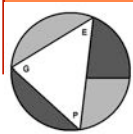
Are private military contractors the way to go?

The real question in Caspar Tristan ten Dam's comprehensive review of the pros and cons of private military contractors (PMCs) is: are they sufficiently effective and efficient to justify the takeover of certain functions of the military in situations of conflict and are the inevitable risks entailed worth the government's potential savings?

Ten Dam's response to the question is a qualified yes, provided international law clearly defines their rights and duties and strengthens their regulatory and disciplinary regimes. He argues further that PMCs should be used exclusively as auxiliary forces and, interestingly, suggests their deployment as 'humanitarian warriors' in emergency situations.

To be fair, the absence of those definitions and regimes and the resulting PMC excesses rooted in a belief that they have a blank check to do whatever they deem necessary is the result of short-sighted, not thought through policies and politicians' expediency. One immediate solution might be subjecting PMCs to existing military code.

In arguing for a legal and regulatory environment, Ten Dam however is attempting to come up with a practical solution to an otherwise intractable problem. It would be tough to reason in favor of the eradication of a significant sector of the economy in an environment in which the economic focus is job creation and reduction of public expenditure and in which the



public post-Iraq and Afghanistan has grown war-weary and more critical of what constitutes national interest. Those considerations may shape responses, but hardly allow for an impartial answer to the question.

Yet, the very nature of the type of personnel PMCs in contrast to professional militaries attract makes it unlikely that they will ever be able to be held up to the same standards despite Ten Dam's rightfully pointing to the fact that some companies have established a decent, non-controversial track record.

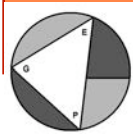
Fact of the matter is that military recruits join the armed forces for a broad combination of reasons, including some notion of patriotism coupled with the prospect of educational and social advancement as well as the security of a job, as opposed to a need or desire to capitalize on skills obtained during military service in the private sector or a decision to embark on a risky career out of necessity or a sense of adventurism. While there is much to be learnt from PMCs whose performance has largely been laudable, the argument is in many way analogous to the Biblical notion of the ten righteous people in the story of Lot.

The divergence of leitmotifs for a professional military in contrast to a private company by definition means that the two will approach missions very differently. Militaries are about serving their countries; they are institutions that take pride in their defense, security, social and economic roles. Private companies are driven by the desire and need to turn a profit and satisfy shareholders. As a result, a private company seeks to exploit opportunity for money.

The question is whether a private military company would have given Israeli Prime Minister Yitzhak Rabin in the early 1990s the same advice he got from Israel's military command with regard to the Intifada, the Palestinian uprising against Israeli occupation. The military advised Rabin that while it could squash the revolt, it could not do so at a moral price it or Israel would be able and willing to accept and that it therefore was a political problem Rabin needed to resolve politically. The answer to the question is probably no. That answer is the very reason why regimes like Bahrain and the United Arab Emirates who are willing to ensure their survival irrespective of material and human cost opt to either populate the ranks of their militaries with foreign mercenaries or contract PMCs, particularly ones with a track record of ruthlessness and lack of scruple.

This difference in organizational ethos between a military and a PMC dictates an individual's willingness to lay down his or her life in the line of duty as well as the individual's motivation to do so. The ethos of a military is one of national duty coupled with personal ambitions; that of a PMC is organizational and individual advancement. That gap is however narrowed by an implicit consensus in differentiating between the value of life of one's own as opposed to that of the other. It puts militaries and PMCs perilously on thin ice in an environment that cannot be divorced from the post 9/11 trauma reinforced by Islamist and jihadist activity that feeds bigoted caricatures of the enemy and its domestic feeding ground.

The result is that militaries are not immune to committing the kind of abuse that has come to be synonymous with PMCs as is evident in the US military's treatment of Iraqi prisoners in Abu Ghraib in 2004.



In noting that moral imperatives may at times clash with legal provisions when implementing the right to protect without government or United Nations approval, Ten Dam opens the door to an as yet little explored avenue: the use of PMCs in cases where governments may want to ensure plausible deniability. This is particularly relevant in politically and strategically sensitive cases as well as in terms of public perceptions of what constitutes a core national interest.

The bitter civil war in Syria is an example. Western governments, despite their political support for the rebel push to unseat President Bashar al-Assad, have so far been unwilling to be seen to be supplying them with the arms that would give them a fighting chance. Instead, they have relied on Gulf states and Turkey to do so within limits. The field is open for PMCs who would be able to provide the training and strategic and tactical advice that Gulf states and Turkey might not be able or willing to offer.

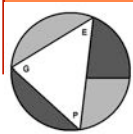
Syria may be a more interesting example than Ten Dam's discussion of the issue on the basis of criticism that the deployment of the air force against Libyan Col. Moammar Qaddafi's forces in the spring of 2011 constituted a violation of international law. Critics of the Libyan intervention, spearheaded by Russia, were happy to cloak their opposition in legal terms. Senior Russian officials and pundits leave however little doubt that their criticism has little to do with legality and everything to do with a deep-seated suspicion of the United States rooted in US policy towards Russia that prompts an anti-American Pavlov's reflex.

Ten Dam's notion of the 'humanitarian warrior' who is both mercenary and volunteer combining idealism and personal gain is one that is both creative and naïve but no doubt worth further deliberation. Those warriors would have to be embedded in credible non-governmental organizations (NGOs) with established track records and on-the-ground expertise and knowledge. However one structures the notion, it would offer opportunity to a small fraction of the army of mercenaries available on the market. It doesn't resolve the basic question: whither the PMCs and their rank and file?

- Prof. James M. Dorsey is a Senior Fellow at the S. Rajaratnam School of International Studies at Nanyang Technological University in Singapore, co-director of the Institute of Fan Culture of the University of Würzburg, and the author of the blog, [The Turbulent World of Middle East Soccer](#).

Second Critical Response to Caspar ten Dam's "Private Military Contractors: Deplore or Deploy?"

This article has the potential to make a valuable contribution to the debate on the use of private contractors in contemporary conflicts. However I feel that, as it stands, this article needs substantial work There are critical issues that need serious investigation. First of all, some sections seems disconnected: just to mention the introduction, both the inclusion of the Libyan revolution and the use of drones in conflictual areas. And to stick with the



introduction, the author should also clearly state what the paper aims at for there is no need to repeat twice what the paper wants to deal with: one clear statement would have been enough. The author needs to engage seriously with the historiography and to look at the overall idea of 'cost tolerance' (starting with Rosen and Rosen and Jones political militaristic war theory and their critics and above all the account on 'willingness to suffer'). Furthermore, there is no reference to the huge body of literature on the right to conduct or to wage a war, as well as on the role of American lobbies in the so called 'war on terror', and on exit strategies (starting with O'Leary's work). Such an inclusion would avoid reductive statement and generalizations. The author should also address the complexity of the representation of violence via some anthropological account (e.g., Riche, Feldman, Humphrey and their critics) on 'body horror' as a core strategy to 'terrorize' a given audience.

A key methodological weakness is that narratives and stories related to a single episode can yield grand generalizations about Western intervention and, by implication, recent Iraqi history in general. A words such as 'Crusading' needs substantiation; words such as 'carrot' and 'stick' need contextualization and a deep theoretical articulation otherwise they would be seen as a weak and simplistic dichotomy; and, finally, a sentence like 'had had enough' may be misleading.

These reservations touch a major problem with this article, that is, it does not provide primary sources for many of the arguments it makes, many of which are highly contentious. It is not also clear what methodology was used. And it even makes generic points about the US led invasion of Iraq.

To sum up. We are not told how much fieldwork was done, or when, or with whom exactly. The secondary material is also based on a very partial selection of writings on Iraq. The conceptual framework is thus weak and the article is not sufficiently grounded in the literature, either historically or in terms of primary data collection. The article makes however many good points. ... (This review is presented here in slightly abbreviated form. Ed.)

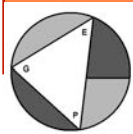
- Anonymous

Author's Reactions to the Critical Responses

I appreciate James M. Dorsey's insightful comments and suggestions on my article, including those expressing healthy scepticism about the wisdom and suitability of "private military contractors (PMCs)" in taking over "certain functions of the military in situations of conflict".

Nevertheless, I do have some reservations and doubts about Dorsey's argument that PMCs are inherently inferior to the "professional militaries" of a recognised nation-state, and that "laudable" mercenaries are far and few in between.

First, Dorsey implicitly speaks of the professional militaries of Western and other developed states with stable, advanced democratic control over the militaries. Many armed forces in the world, however, are just hired thugs in the service of dictatorial, repressive regimes—not just



“foreign militaries or contract PMCs” on which Bahrain and the United Arab Emirates rely on, but also, or rather mainly, vigilantes, militia's and military recruits who are loyal to the ruling elite because of self-protection, greed or belonging to the same clan, tribe or ethnicity of that elite.

When Dorsey speaks of militaries as institutions “serving their countries”, who “take pride in their defense, security, social and economic roles” he clearly speaks of militaries belonging to Western and other democratic states, and particularly of the United States’ armed forces—even though he recognises that even such militaries are “not immune to committing the kind of abuse that has come to be synonymous [I would rather say: associated] with PMCs”.

Now, many a PMC would rather be compared with truly professional militaries. Still, one should bear in mind that the ‘professional’ militaries of dictatorial regimes are not much better, or rather even worse, than even the most rash, greedy and brutal mercenaries

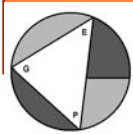
Second, Dorsey’s observation that even professional PMCs are inferior to professional militaries because “private companies are driven by the desire and need to turn a profit and satisfy shareholders” may be a reflection of a dominant trait among current PMCs, but is not a universal one—nor a trait that is necessarily detrimental to professionalism, restraint and honourable motives in the field.

Thus my suggestion that PMCs or NGOs with volunteer fighters only need to make a decent living rather than make excessive profits, in order to act as “*humanitarian warriors*” might become a reality in the future.

Furthermore, one can point to many examples, in distant history, recent history or in present days, of states behaving secretly or openly as private companies seeking “profit” for their “shareholders”, like gaining control over natural resources by or for major companies and their elites. Many powerful states and their militaries exhibit such a ‘greedy’ *leitmotif* in foreign missions and occupations, both in Colonial and Post-colonial times. According to many analysts this motive played a role or even constituted the primary drive in the U.S. occupation of Iraq (the question whether this has been the case, and if so, to what extent, will be addressed in some of my future publications).

In short, I believe Dorsey overstates the supposed “difference in organizational ethos between a military and a PMC”.

Third, Dorsey’s estimations that only “some” PMCs have a “decent, non-controversial track record”, and that humanitarian volunteers and mercenaries could be forged from only a “small fraction of the army of mercenaries”, underestimates the prevalence of decency and professionalism among private military contractors nowadays, and underestimates the number of honourable mercenaries one could deploy in humanitarian emergencies. I do believe that decent and professional men and women constitute at least a sizable, significant minority, and probably a large majority, in the PMC world. With further education and (re) training, a solid majority of them could become *humanitarian warriors* when the need arises, as I daringly envision in my article.



In emergencies of incipient or raging genocide, or other mass killings and atrocities, many (tens of) thousands of them would be required if no coalition of countries is willing to intervene with their militaries.

I also wish to respond to some of the points made by the anonymous reviewer. First, it must be said that the reviewer's final recommendation, that he or she would "encourage the author to revise this contribution and, then, considering re-submitting for publication", shows that he or she does not fully grasp the purpose of a Critical Response in this journal: to critically review the (main) article of a current or forthcoming issue of the journal, an article that already has been approved for publication.

Admittedly, the editorial review may be hampered or complicated somewhat in the event that the (main) article is written and submitted by one of the journal's editors—as is the case here. Still, the other editors seriously review any article submitted by one of their colleagues. If both they and *all* the reviewers or critical responders are highly critical, then the article would normally be published only after major revisions.

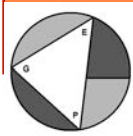
Even if all the reviewers are highly critical, however, the editorial board as a whole or a majority (in case the author is one of the journal's editors) has the final say on whether to publish the article, with perhaps minor or major revisions. Evidently, the majority of the editorial board did not consider any limitations or shortcomings of my article such as to preclude its publication.

Second, a Critical Response may touch upon theoretical, empirical and/or methodological issues, but should primarily concern the article's arguments and conclusions that (are intended to) elicit debate. Incidentally, pejorative or historically sensitive words like 'Crusading' are from cited sources, and are not my own chosen terms.

True, any argument and conclusion should preferably and ultimately be based on thorough and well-grounded research. I do appreciate and acknowledge the reviewer's comments in that regard. Nevertheless, a polemic, debate-eliciting article such as mine, focused on one scandal involving mercenaries in Iraq, though put in the wider context of apparent (un)suitability of PMCs in military missions, is ill-suited for covering a "huge body of literature" on, for instance, "the right to conduct or to wage a war", as the anonymous reviewer suggest I should have done. Covering such literature would have made the article top-heavy with references that may have shown my erudition, but would *not* have been directly or immediately relevant to the article's main questions and arguments.

Again, I do acknowledge that any wider and more extensive study of the mercenary phenomenon would require more field and other original research, and the use of (many of) the anthropological and other sources the anonymous reviewer indicates.

Actually, I already use many of these and kindred sources, like David Riches' edited *Anthropology of Violence* (1986), and Bettina E. Schmidt & Ingo W. Schröder's edited *Anthropology of Violence and Conflict* (2001), on the 'war on terror' and related issues in my



ongoing research on armed conflicts, forms of violence, and *brutalisation* i.e. increasing violation of local and/or international norms of violence. I hereby refer to my Feud and Rebel Series in the peer-reviewed journal *Iran and the Caucasus* (Brill) and my forthcoming book *Conceptualising Brutality and Violence* (Cambridge Scholars).

The current article's aim and approach is much more modest, however, and is simply and primarily intended to elicit debate on the practical and ethical roles current PMCs might play ever since the so-called Blackwater scandal in Iraq. It has never been my intention in this article to give an exhaustive account of, for instance, the “representation of violence” by mercenaries and other armed actors.

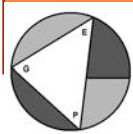
Now, the tension between polemics and (any lack of) “contextualization and a deep theoretical articulation” may be there—and may never be fully resolvable in any article whose generalisations are intended to elicit debate and further research, rather than to represent fully corroborated findings of existing research.

I do admit that the latter findings may eventually modify or perhaps even invalidate (some of) my generalisations and daring statements. I certainly do intend to produce a more grounded, contextualised and nuanced analysis of the mercenary phenomenon in the foreseeable future. But again, the present article's approach and aim are much more modest than such an undertaking, and should be viewed and judged accordingly.

- Caspar ten Dam (Conflict studies and Political history), University of Leiden

NB: do you have any comments on Caspar ten Dam's article and/or the critical responses? Please send these to europeanreview@gmail.com, or post these on <http://www.europeanreview.webs.com>.

Some of these comments the Editorial Board may publish as Critical Responses (maximum 3,000 words) in the next issue of the journal.



The Politicization of International Development Studies and Practice

Babak Rezvani

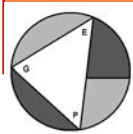
The very concept International Development suffers from ambiguity. Firstly, it is not clear what is meant by “development”. Is development the same as economic development or does it also include other dimensions, such as social and cultural modernisation? Secondly, if we assume that it includes humanitarian and economic aid from the “developed” countries towards the “developing” countries, it still remains unclear who the developed and developing countries are.

Even if we assume that the concept of development encompasses an integral and broad notion of development, still the second question cannot be answered satisfactorily by it.

To begin with, the very assumption that the receivers of aid or partners of development should be the poor countries is a wrong one. The targets of real development are human beings and not countries. Millennium Goals do not attribute these goals to particular countries, but to the world population. Nevertheless, the dominant discourse and practice of International Development still regards developing countries as the main subjects of development and receivers of aid and assistance. Please note that in practice also the post-communist, even European, countries do get aid (particularly from the European Union), but in academic and journalistic discourses the “developing countries” are the main subjects of aid programs.

The designation “Developing Countries” traditionally refers to, and is traditionally linked to another designation: the “Third World”. The latter designation was used during the Cold War era for countries which did not belong either to the West or East (i.e. Socialist) blocs. Yet many countries, belonging to the Third World were either allied with the West or with the East. Traditionally, the Third World referred to the poor, underdeveloped countries, yet many (ultra) rich countries such as Kuwait, Qatar and Saudi Arabia were also frequently—and thereby confusingly—counted in this category.

After the collapse of the East bloc and the disintegration of the Soviet Union, the dominant discourse has replaced the concept of the Third World by with that of the “Global South”, yet the problem remains and has become more complicated: what to do with the former Second World, i.e. the East Bloc? Do these countries belong to the North or South? Many formerly communist or socialist countries were and are not rich, yet they score very high on certain indicators of the human development index. For example, many post-soviet republics such as Armenia, Georgia and particularly Tajikistan and Kyrgyzstan do not have a high GDP, but their rates of literacy are very high—between 98% and 100%. The modernisation (or Europeanisation) of Georgia, at least in its urban centers, is rather profound and goes back to the 19th century. Moreover, the position of women in these countries is far superior to many “rich” countries.



However, despite rather successful “Soviet” style development in the 20th century, particularly in the 1960s and 1970s, there are now large segments of the population in these countries who live in dire poverty. Finally, the situation of peace and security is precarious in many areas (e.g. North Caucasus) in these countries.

In addition to the ambiguity with regard to the Second World concept, another problem arises: that of the “adversary”, or “unloved” countries, which the West often calls rogue states or even the “Axis of the Evil”.

There are many signs and indications that the field of International Development Studies and Practice (IDSP)—broadly regarded—does not wholly depart from altruism, but serves certain geopolitical goals. It is often declared that the Millennium Goals form the basis upon which the IDSP is formulated. The Western world is the champion of the IDSP. In these Western or “developed” countries, often a part of their GDP and national income is reserved for “help and assistance”, and they often have a ministry or under-ministry of International Development cooperation.

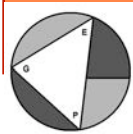
But do these governments really, altruistically care for poverty reduction, health etc. in other parts of the world? Of course many initiatives have offered relief for a part of the population in the poorest countries. At the same time, however, the Western polities have put countries such as Iran, North Korea and Cuba under severe sanctions. These sanctions have deteriorated the livelihood and even livability of innumerable civilians in these countries, often the poorest segments of the society.

For example, flying in Iran has become a risky enterprise because the Iranian civilian air companies cannot obtain new airplanes and technical accessories. As a result hundreds of people have died from the consequent lack of air-travel safety. Owing to the sanctions there is a shortage of medicaments and the most vulnerable have paid the price. These are usually babies, elderly, and the seriously ill who cannot afford to buy medicaments from foreign countries by their own means. Similar cases can be reported from North Korea, Cuba, etcetera. It is important to say that also—predominantly Western—NGOs have not been engaged in relieving the situation in these countries; perhaps because of fear of losing subsidies or being prosecuted if they try to do so.

Western Europe is involved in three, perhaps overlapping, kinds of “economic cooperation”:

- 1- aid to the classical Third World, particularly Africa.
- 2- aid to East and Southeastern Europe.
- 3- Geopolitical aid (see Reddy & Mioiu 2006; 2007; 2009), couched as humanitarian or development aid to the countries which are of strategic importance to the West and where it often has military presence, such as Iraq and Afghanistan. It is important to note that not all money labeled as “aid” goes to alleviate the citizen’s livelihoods, but to buildup armies, and assist the governing regime.

Talking about the Intra-European economic development, one can notice that the flow of West-European money to Eastern and Southeastern Europe improved the local infrastructure. However, it is not necessarily true that the EU incorporation of these countries has only brought benefits to the people in these countries. A case in point is



Greece. It is similarly doubtful, whether this pro-capitalist and neo-liberal policy would really benefit countries such as Romania and Bulgaria. And the emphasis on Africa indicates a deep-rooted mentality of (neo-)colonialism in West-European countries.

It is also important to mention that NGOs get involved only in certain countries. They rarely go to the most poor and most help-demanding countries, such as Somalia. Moreover, NGOs consume a considerable part of their development-aid budget by and for themselves. The so-called “overhead costs” are often higher than the delivered aid. In addition, not all “aid” the NGOs offer is measurable in economic terms.

Many NGOs have their own ideological agenda (e.g. supporting a political ideology or faction, or self-described democratisation, liberalisation, emancipation, etcetera) and count these as “developmental cooperation and aid”. Admittedly, these neglected countries are too unsafe for NGO members—but then the latter should admit more openly that their personal safety is a crucial criterion for their (non-)involvement. They often go to countries with a weak state. Worryingly, the NGOs interference in these weak states tends to take the form of deliberately or effectively sidelining or even further weakening the state and thereby serve global capitalism and neo-liberalism. Therefore, it is doubtful if this practice will serve the people in these countries too.

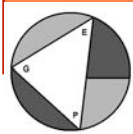
Criticism, Answers and Discussion

This article is based on a presentation at the Ceres (Research School for Resource Studies for Development) Summer School 2013 (see Summary of EGP’s Foundation and Activities). I received many questions, criticism and remarks afterwards. Gratefully, and consistent with the transparent and discussion-encouraging nature of *Forum of EthnoGeoPolitics*, I would like to address these criticism and questions, mentioned below as statements.

Not only the Western countries but also China and other non-Western countries are involved in “development” cooperation in the “South”.

This is true. Not only Western countries, but also many other countries such as China, Russia and the oil-producing countries are involved in developmental cooperation in the global “South”. Each country pursues its own interest. It should be noted, however, that the Chinese endeavor in these countries does not weaken the local state structure, but, in fact, often strengthens it as the Chinese usually prefer the states and governments as their primary partners. Analyses and criticism should focus on modes of actions and results rather than on the geographic origin of the actors.

In any case, the Western sanctions against countries such as Iran and North Korea is in sharp contrast with the Millennium Development Goals and more so with the Human Rights treaties and conventions, for they destroy once well-functioning economies and health-care systems and increase poverty and the mortality rate, particularly among the most vulnerable segments of society. It is important to note that these sanctions are mainly there because of strategic reasons rather than human rights concerns, for most African countries receiving developmental aid have a poor human rights record.



This study is a positivist one. One should engage more in interpretative studies. One should rather engage in case studies rather than large N studies.

I, as someone who has taught research methods, do recognize the usefulness of different methods of research. Each method has its own strengths and weaknesses. However, one should note that not all case studies are interpretative in nature. More important is to be aware of the scale of analysis: different case studies may show positive results of different projects over a certain period of time—say between 2000 and 2010—but quantitative large N studies may show negative result over the same period. For example, different case studies may show that poverty reduction programs in certain cases has yielded positive results, while at the same time the overall poverty has increased in those countries.

NGOs do a good job with positive results.

This is true. Many NGOs are doing a good job. Thanks to their efforts the situation of healthcare has improved in many parts of the world and many more children go to school. However, there is a general discrepancy between the performance of different NGOs. In addition, their attention is only focused on certain segments of the society—usually not the poorest segments.

It is unfair to state that NGOs are agents of neo-liberalism, because not all of them hold a neo-liberalist ideology.

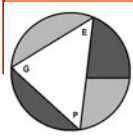
It is true that different NGOs have different ideological underpinnings and ways of conduct. They are not all pursuing a neo-liberal agenda. However, they would not get so much room to operate and circumvent, and in many cases even replace, the state structures without the global hegemony of capitalism and neo-liberalism.

States may be authoritarian and even dysfunctional, yet they can be held responsible for good governance. On the other hand, business corporations and NGOs, as non-state actors, are not democratically accountable (at least not beyond their own members). The state-building process has been rudimentary in many “Third World” countries. These are usually countries which are repeatedly affected by many types of internal conflict. The best remedial strategy would be to strengthen state structures and to encourage good governance and democratisation at the same time. A regime should be developed in which NGOs and business corporations hold accountable for their performance and consequences of their policies, and aid programs should fit each country’s and society’s needs. There is not a single best practice for all countries.

This paper was discussed at a Roundtable organised by EGP at the 2013 CERES Summerschool (see ‘Summary of EGP’s Foundation and Activities’ in this issue, p.7).

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Arizona Law on Ethnic Studies Inherently Self-Contradictory

Anton Treuer

There is a lot of intense disgust with Arizona's war on Ethnic Studies, primarily based on its intrusions into freedom of speech and attacks on diversity in the classroom. There are new legal challenges to the law and its enforcement, and there have been numerous newspaper editorials and public radio segments on the issue. But missing from the debate is a close look at the controversial law itself.

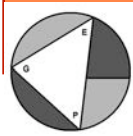
Arizona passed ARS 15-112, which became effective December 31, 2010. That law prohibits all charter and public schools in the state from including classes that: "(1) Promote the overthrow of the U.S. government; (2) Promote resentment toward a race or class of people; (3) Are designed primarily for pupils of a particular ethnic race; and (4) Advocate ethnic solidarity instead of the treatment of pupils as individuals." There are provisions in the law to ensure that teachers can still say that the Holocaust happened and that Native American classes should not be penalized as long as they "comply with federal law."

Arizona Superintendent for Public Instruction John Huppenthal spent a great deal of time during his campaign for public office attacking the substance of the Mexican American Studies classes in Tuscon and size of the their staff. When he assumed his new post, he immediately declared that Tuscon's MAS program violated the new law. On December 27, 2011, a court ruling upheld Huppenthal's decision.

Huppenthal then informed the Tuscon school district that the state would withhold \$14 million in state education funding if they did not shut down the MAS program. Tuscon caved and gutted the MAS program. Huppenthal told the press that when the district complied, several books that had been used for MAS classes were moved to Tuscon school district storage facilities, including a nationally renowned Native American curriculum resource book, *Rethinking Columbus*.

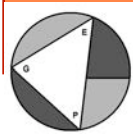
Huppenthal, on the defensive after outrage about what some people called censorship and freedom of speech intrusions, said that the Arizona law does not ban books. But critics claim that regardless of the law's verbiage, the effect has been to restrict certain books and the teaching of a fair amount of material about Mexican and Native American history and culture.

The Arizona law probably violates the very letter of the U.S. Constitution, whose first amendment protects our freedom of speech. But ARS 15-112 most certainly violates the spirit of the first amendment. It also violates its own stated protection for classes with Native American content. In fact, by directly or even *de facto* eliminating ethnic-studies education, ARS 15-112 takes diversity out of the schools. It reinforces the concept and practice of cultural and linguistic assimilation. By only offering opportunities for all students to learn about the English language and mainstream white American culture, the law puts every district in



Arizona in violation of its own law, which among other things prohibits classes that “are designed primarily for pupils of a particular ethnic race.” White is a race too.

Dr. Anton Treuer is author of Everything You Wanted to Know About Indians But Were Afraid to Ask (MHS Press, 2012) and eight other books. He is Professor of Ojibwe at Bemidji State University, Minnesota, and Executive Director of the American Indian Resource Center.



Iran in the Early Days of the Karabakh Conflict 2: Reflections, Corrections and Explanations

Babak Rezvani

In my (Rezvani 2013) article, entitled “Iran in the Early Days of the Karabakh Conflict”, I wrongly wrote that that article is a reaction to an Armenian article. In reality, that article, entitled “Iranian Official: We Helped Azerbaijan In Karabakh War”, was not written by an Armenian author but by Joshua Kucera (2013). I would like to rectify this mistake here. This mistake has unleashed angry reactions from a few people. I was already harassed and received different kinds of threats by some members of extreme-nationalist Armenian movements.

I have expressed myself in positive terms about Armenian culture and the Armenian people's achievements and will continue to do so. These incidents (misunderstandings, threats) are counterproductive, merely creating an atmosphere of hostility and distrust, and may easily deter more analysts to work on the Karabakh conflict and hence will delay a fair solution to this conflict for all parties concerned. As I know I am not the only one, and I know many colleagues who receive similar threats from members of different extreme-nationalist groups. This is a truly sad situation, but should not discourage the scholars of peace and conflict studies; they still have much work to do.

After having said this I would like to elaborate more about this mistake. The article was first sent to me by an Armenian contact, without mentioning the direct source. My Armenian contact had sent me an angry reaction, stating that Iran actually supports the republic of Azerbaijan in the Karabakh conflict. First, I assumed that it was written by him or a close contact of his. Later, I checked the source and mentioned it, but unfortunately not my last, but penultimate draft of the text went into publication.

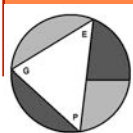
Nevertheless, I want to stress that I hold for true all the other observations I have made in my previous article. Iran can have normal relations with Armenia, but cannot remain indifferent towards the fate of Karabakh refugees and the territorial integrity of a neighboring state.

Babak Rezvani Amsterdam, October 2013

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Rezvani, B. (2013). Iran in the Early Days of the Karabakh Conflict. *Forum of EthnoGeoPolitics*, Vol 1 No 1, pp. 35-37.



Forum of EthnoGeoPolitics

A publication of the Association for the Study of EthnoGeoPolitics

Amsterdam The Netherlands

Print ISSN: 2214-3211 Online ISSN: 2352-3654