

CONTENTS

<i>Acknowledgements</i>	<i>page</i>	viii
<i>List of abbreviations</i>	x	
<i>Table of cases</i>	xii	
<i>Table of statutes</i>	xix	
<i>Table of international treaties and conventions</i>	xxi	
Introduction	1	
1 The private security industry uncovered	6	
1.1 History of private military actors in international relations	7	
1.2 Objections to private force, mercenaries and modern PMSCs	17	
1.3 The spectrum of private military and security activity today	28	
1.4 What are PMSCs and what do they do?	33	
1.5 Conclusion	52	
2 State obligations and state responsibility	54	
2.1 The nature of international obligations and conditions for breach	55	
2.2 The attribution of private misconduct to the state	57	
2.3 States' obligations to take positive steps to control PMSCs	59	
2.4 A framework for analysing due diligence obligations	64	
2.5 Circumstances precluding wrongfulness	75	
2.6 Consequences of state responsibility	76	

2.7	Conclusion	78
3	The attribution of PMSC conduct to the hiring state	80
3.1	PMSCs forming part of the armed forces	81
3.2	PMSCs empowered by law to exercise governmental authority	99
3.3	PMSCs acting under state instructions, direction or control	113
3.4	Conclusion	121
4	Obligations of the host state	123
4.1	Obligations to control PMSCs under international humanitarian law	124
4.2	Obligations to control PMSCs under human rights law	141
4.3	How immunity agreements can undermine host state control over PMSCs	166
4.4	Conclusion	170
5	Obligations of the hiring state	172
5.1	Constraints on states' ability to hire PMSCs in armed conflict?	173
5.2	Obligations to control PMSCs under international humanitarian law	187
5.3	Obligations to control PMSCs under human rights law	202
5.4	Conclusion	227
6	Obligations of the home state	229
6.1	General obligation to prevent private acts harmful to other states?	230
6.2	Obligation to prevent PMSC intervention into other states	233

6.3	Obligations to control PMSCs under the law of neutrality	243
6.4	Obligations to control PMSCs under international humanitarian law	254
6.5	Obligations to control PMSCs under human rights law	256
6.6	Conclusion	258
	Conclusion	260
	<i>Bibliography</i>	264
	<i>Index</i>	294