

## SELECTED BIBLIOGRAPHY

### ON PRIVATE MILITARY AND SECURITY COMPANIES

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1. Abrahams, Désirée: *Regulating Corporations. A Resource guide*, UNRISD Geneva December 2004.
2. Avant, Deborah: *The Market for Force: The Consequences of Privatizing Security*, Cambridge University Press, August 2005.
3. Bishop, Joseph W. Jr.: *Court-Martial Jurisdiction over Military-Civilian Hybrids: Retired Regulars, Reservists, and Discharged Prisoners*, in: *University of Pennsylvania Law Review* 112(1964)3, pp. 317-377.
4. Bjork, Kjell / Jones, Richard: *Overcoming Dilemmas Created by the 21<sup>st</sup> Century Mercenaries: conceptualising the use of private security companies in Iraq*, in: *Third World Quarterly* 26(2005), pp. 777-796.
5. Boldt, Nicki: *Outsourcing War – Private Military Companies and International Humanitarian Law*, in: *German Yearbook of International Law* 47(2004), pp. 502-544.
6. Bothe, Michael / Partsch, Karl Joseph / Solf, Waldemar A.: *New Rules for Victims of Armed Conflicts. Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949*, The Hague / Boston / London, 1982.
7. Brady, Brian H.: *Notice provision for United States Citizens Contractors Employees serving with the Armed Forces of the United States in the field: Time to reflect their assimilated status in Government Contracts?*, in: *Military Law Review* 147(1995).
8. Bures, Oldrich: *Private military companies: A second best peacekeeping option?*, in: *International Peacekeeping* 12(2005)4, pp. 533-546.
9. Burmester, Herry: *The Recruitment and Use of Mercenaries in Armed Conflict*, in: *American Journal of International Law* 72(1978), pp. 56-70.
10. Clapham A, *Human Rights in the Private Sphere*, 1993 1st Ed (1998 Reprint), Oxford University Press.

SWISS INITIATIVE IN COOPERATION WITH THE ICRC WITH REGARD TO  
PRIVATE MILITARY / SECURITY COMPANIES

11. Campbell, Gordon L.: Contractors on the Battlefield: The Ethics of Paying Civilians to Enter Harm's Way and requiring Soldiers to depend upon them. United States Army Combined Support Command, Springfield 2000, accessed through <http://www.usafa.af.mil/jscope/JSCOPE00/Campbell00.html> , 14.07.2004.
12. Condorelli, Luigi: L'imputation à l'Etat d'un fait internationalement illicite: solutions classique et nouvelles tendances, in: Recueil des Cours 189(1984)6.
13. Condorelli, Luigi : Les attentats du 11 septembre et leurs suites : où va le droit international ? in : Revue générale de droit internationale public 105(2001), pp. 838.
14. Carbonnier, Gilles: Corporate Responsibility and Humanitarian Action, in: International Review of the Red Cross 844(2001), pp. 947-968.
15. Cassese, Antonio: Mercenaries: Legitimate Belligerents or War Criminals?, in: Zeitschrift für ausländisches öffentliches Recht und Völkerrecht 40(1980).
16. Cassese A, "Terrorism is Also Disrupting Some Crucial Legal Categories of International Law", Eur J Int Law.2001; 12: 993-1001
17. Cockayne, James: Neither Monopoly, nor Market: Towards the Global Administration of Commercial Coercion, in: European Journal International Law (forthcoming, TBD).
18. Crawford, "International Law and Foreign Sovereigns: Distinguishing Immune Transactions", B.Y.I.L. 54 (1983).
19. Culture & Conflicts: Sociologie politique de l'internationale: Les entreprises paraprivées de coercition : de nouveaux mercenaires ? Articles du numéro 52, <http://www.conflicts.org/sommaire.php?id=30>
20. De Hoogh, "Articles 4 and 8 of the 2001 ILC Articles on State Responsibility, the Tadic Case and attribution of acts of Bosnian Serb Authorities to the Federal Republic of Yugoslavia", (2001) Br. Y. Int'l. L. 255.
21. Doria, José : Angola : A Case Study in the Challenges of achieving peace and the question of amnesty or prosecution of war crimes in a mixed armed conflicts, in : Yearbook of International Humanitarian Law 5(2002), pp. 3-60.
22. Ehrenhaft, Peter D.: Policing Civilians Accompanying the United States Armed Forces Overseas: Can United States Commissioners Fill the Jurisdictional Gap?, in: George Washington Law Review 36(1967)2.
23. Faite, Alexandre: Involvement of Private Contractors in Armed Conflict: Implications under International Humanitarian Law, in: Defence Studies 4(2004), pp. 166-183.

SWISS INITIATIVE IN COOPERATION WITH THE ICRC WITH REGARD TO  
PRIVATE MILITARY / SECURITY COMPANIES

24. Forcese, Craig: Deterring “Militarized Commerce”: The Prospect of Liability for “Privatized” Human Rights Abuses, in: *Ottawa Law Review* 31(1999/2000), pp. 171-211.
25. Foreign and Commonwealth Office: HC 577 Private Military Companies: Options for Regulation 2001-02, London February 2002.
26. Garmon, Tina: Domesticating International Corporate Responsibility: Holding Private Military Firms Accountable Under the Alien Tort Claim Act, in: *Tulane Journal of International and Comparative Law* 11(2003), pp. 325-354.
27. Gerson, Allan / Colletta, Nat. J.: War, Poverty, and Privatization: Privatizing Peace: From Conflict to Security, Ardsley, NY: Transnational Publisher 2002.
28. Gillian E. Metzger, “Privatization as Delegation”, 103 *Colum. L. Rev.* 1367.
29. Girard, Robert: The Constitution and Court-Martial of Civilians Accompanying the Armed Forces – A Preliminary Analysis, in: *Stanford Law Review* 13(1961)3, pp.461-521.
30. Guillor, Michael E.: Civilianizing the Force: Is the United States Crossing the Rubicon? in: *The Air Force Law Review* 51(2001).
31. Hampson, Françoise: Mercenaries: Diagnosis before Proscription, in *Netherlands Yearbook of International Law* 22(1991).
32. Hartley, Keith: The Economics of Military Outsourcing, in: *Defence Studies* 4(2004), pp. 199-206.
33. Heil, Jennifer: African Private Security Companies and the Alien Tort Claims Act: Could Multinational Oil and Mining Companies be Liable?, in: *Northwestern School of Law Journal of International Law and Business* 22(2002), pp. 291-310.
34. Hillemanns, Carolin: UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights, in: *German Law Journal* 10(2003)4, pp. 1065-1080.
35. Holmqvist, Caroline: Private Security Companies. The Case for Regulation, SIPRI Policy Paper No. 9, January 2005.
36. Howe, Herbert: Private Security Forces and African Stability: The Case of Executive Outcomes, in: *Journal of Modern African Studies* 36(1998)2, pp. ??.
37. International Alert: The Privatization of Security: Framing a Conflict Prevention and Peace building Policy Agenda, Wilton Park Conference, November 1999.

SWISS INITIATIVE IN COOPERATION WITH THE ICRC WITH REGARD TO  
PRIVATE MILITARY / SECURITY COMPANIES

38. International Peace Academy & FAFO: Business and International Crimes: Assessing the Liability of Business Entities for Grave Violations of International Law, December 2004.
39. Isenberg, David: A fistful of Contractors: The Case for a Pragmatic Assessment of Private Military Companies in Iraq, British American Security Information Council BASIC, Research Report, September 2004.
40. Jinks D, "State Responsibility for the acts of Private Armed Groups" 4 Chi. J. Int'l. L. 83 (2003) p.88.
41. Kamenov, Tihomir: The origin of state and entity responsibility for violations of international humanitarian law in armed conflicts, in: Kalshoven, Frits / Sandoz, Yves (Eds.): *Mise en oeuvre du droit international humanitaire*, Dordrecht / Boston / London, 1989, pp. 169-227.
42. Kaufman D, "Don't Do What I Say, Do What I Mean!: Assessing a State's Responsibility for the Exploits of Individuals Acting in Conformity with a Statement from a Head Of State", 70 Fordham L. Rev. 2603.
43. Kellman, Barry: Judicial Abdication of Military Tort Accountability: But who is to Guard the Guards themselves?, in: *Duke Law Journal* 1989, pp. 1597-1653.
44. Kalshoven F, "State Responsibility for Warlike Acts of the Armed Forces, From Article 3 of Hague Convention IV of 1907 to Article 91 of Additional Protocol I of 1977 and Beyond", 40 ICLQ pp.827-58.
45. Kicenski K, "The Corporate Prison: The Production of Crime & the Sale of Discipline A Proposal to Study the Drive to Privatize the Prison System in the State of California", George Mason University Department of Cultural Studies April 2002
46. Kontos, Alexis: "Private" security guards: Privatized force and State responsibility under international human rights law, in: *Non-State Actors and International Law* 4(2005), pp. 228-237.
47. Krahnemann, Elke: Controlling Private Military Contractors: The United Kingdom and Germany, International Studies Association Annual Convention, Portland Oregon 2003.
48. Krahnemann, Elke: Regulating Private Military Companies: What Role for the EU? (without place and date)
49. Leander, Anna: The Power to Construct International Security: On the Significance of Private Military Companies, in: *Millennium: Journal of International Studies*, 33(2005)3, pp. 803-826(24).

SWISS INITIATIVE IN COOPERATION WITH THE ICRC WITH REGARD TO  
PRIVATE MILITARY / SECURITY COMPANIES

50. Leander, Anna: The Market for Force and Public Security: The Destabilizing Consequences of Private Military Companies, in: *Journal of Peace Research* 42(2005)5, pp. 605-622.
51. Lillich, Richard B. (Ed.): *International Law of State Responsibility for Injuries to Aliens*, Charlottesville 1983.
52. Lilly, Damian / Luckham, Robin / von Tangen Page, Michael: *A Goal Orientated Approach to Governance and Security Sector Reform*, International Alert, London September 2002.
53. Liss, Carolin: *Private Security Companies in the Fight against Piracy in Asia*, Asian Research Centre, Working Paper No. 120, June 2005.
54. Mandel R, *Armies without States: the Privatization of Security*, 2002, Lynne Rienner Publishers, Inc.
55. Milliard, Todd: *Overcoming Post-Colonial Myopia: A Call to Recognize and Regulate Private Military Companies*, in: *Military Law Review* 176(2003), pp. 1-95.
56. Parks W. "Air War and the Laws of War", (1990) 32 A.F. L. Rev. 1.
57. Perlak, Major Joseph R.: *The Military Extraterritorial Jurisdiction Act of 2000: Implications for Contractor Personnel*, in: *Military Law Review* 169(2001), pp. 91-140.
58. Poust, Jordan J.: *Human Rights Responsibility of Private Corporations*, in: *Vanderbilt Journal of Transnational Law* 35(2002), pp. 801-825.
59. Rathmell, Andrew: *The Privatisation of Intelligence: A Way Forward for European Intelligence Cooperation*, in: *Cambridge Review of International Affairs* 11(1998)2.
60. Ronald A. Cass, "Privatization: Politics, Law and Theory", 71 *Marq. L.Rev* 449
61. Rosemann, Nils: *the Privatization of Human Rights Violations – Business' Impunity or Corporate Responsibility? The Case of Human Rights Abuses and Torture in Iraq*, in: *Non-State Actors and International Law* 5(2005), pp. 77-100.
62. Sarnoski, Stephen R.: *The Status under International Law of Civilian Persons serving with or accompanying Armed Forces in the Field*, in: *Army Lawyer* (1994).
63. Sassòli, Marco: *State Responsibility for violations of International Humanitarian Law*, in: *International Review of the Red Cross* 84(2002) 846.
64. Schaller, Christian: *Private Sicherheits- und Militärfirmen in bewaffneten Konflikten. Völkerrechtliche Einsatzbedingungen und Kontrollmöglichkeiten*, SWP-Studie 2005/S24, September 2005.

SWISS INITIATIVE IN COOPERATION WITH THE ICRC WITH REGARD TO  
PRIVATE MILITARY / SECURITY COMPANIES

65. Schmitt, Glenn R.: Closing the Gap in Criminal Jurisdiction Over Civilians Accompanying the Armed Forces – A First Person Account of the Creation of the Military Extraterritorial Jurisdiction Act of 2000, in: *Catholic University Law Review* 51(2001)55, pp. 55-134.
66. Schmitt, Michael: Humanitarian Law and Direct Participation in Hostilities by Private Contractors or Civilian Employees, in: *Chicago Journal of International Law* 5(2005), pp. 511-546.
67. Schreiner, Fred / Caparini, Marina: *Privatising Security: Law, Practice and Governance of Private Military and Security Companies*; Geneva Centre for the Democratic Control of the Armed Forces, Occasional Paper No. 6, March 2005.
68. Schwarz, Lawrence J.: The Case for Court-Martial Jurisdiction over Civilians under Article 2(A)(10) of the Uniform Code of Military Justice, in: *Army Lawyer* (2002).
69. Serewicz, Laurence W.: Globalization, Sovereignty and the Military Revolution: From Mercenaries to Private International Security Companies, in: *International Politics* 39(2002), pp. 75-89.
70. Singer, Peter W.: *The Private Military Industry and Iraq: What have we learned and where to next?*, Geneva Centre for the Democratic Control of the Armed Forces Policy Paper, November 2004.
71. Singer, Peter Warren: *Corporate Warriors. The Rise of the Privatized Military Industry*, Ithaca / London 2003.
72. Singer, Peter Warren: War, Profits, and the Vacuum of Law: Privatized Military Firms and International Law, in: *Columbia Journal of Transnational Law* 42(2004).
73. Smith, Eugene B. : The New Condottieri and US Policy : The Privatization of Conflict and Its Implications, in : *Parameters* Winter 2002-03, pp. 104-119.
74. Spearin, Christopher: Private Security Companies: A Corporate Solution to Securing Humanitarian Spaces, in: *International Peacekeeping* 8(2001)1, pp. 20-43.
75. Stinnett, Nathaniel: Regulating the Privatization of War: How to stop Private Military Firms from Committing Human Rights Abuses, in: *Boston College International and Comparative Law Review* 28(2005), pp. 211-223.
76. Taylor, Trevor: Contractors on Deployed Operations and Equipment Support, in: *Defence Studies* 4(2004), pp. 184-198.
77. Townsend, Gregory: State Responsibility for Acts of de facto Agents, in: *Arizona Journal of International and Comparative Law* 14(1997), pp. 635-678.

SWISS INITIATIVE IN COOPERATION WITH THE ICRC WITH REGARD TO  
PRIVATE MILITARY / SECURITY COMPANIES

78. Turner, Lisa / Norton, Lynn: Civilians at the Tip of the Spear, in: *The Air Force Law Review* 51(2001).
79. UN Doc. E/CN.4/2005/14 (8 December 2004): The right of people to self-determination and its application to peoples under colonial or alien domination or foreign occupation. Use of mercenaries as a means of violating Human Rights and impeding the exercise of the right of peoples to self-determination. Report by the Special Rapporteur.
80. UN Doc. E/CN.4/2005/23 (18 January 2005): The right of people to self-determination and its application to peoples under colonial or alien domination or foreign occupation. Note by the United Nations High Commissioner for Human Rights.
81. UNDP SEESAC: SALW and Private Security Companies in South East Europe: A Cause or Effect of Insecurity?, (written by International Alert and Saferworld, commissioned by UNDP) August 2005.
82. UN OCHA: OCHA Discussion Paper and Non-Binding Guidelines for the Use of Military or Armed Escorts for Humanitarian Convoys, September 14, 2001.
83. UN DSRSG of UNAMI: Guidelines for Humanitarian Organisations on Interacting with Military and Other Security Actors in Iraq, October 20, 2004.
84. Uttley, Matthew: Private Contractors on Deployed Operations: The United Kingdom Experience, in: *Defence Studies* 4(2004), pp. 145-165.
85. Villalpando S, "Attribution of Conduct to the State: How the rules of State Responsibility may be applied within the WTO Dispute Settlement System", *5 J. Int'l Econ. L.* 393.
86. Walker, Clive / Whyte, Dave: Contacting out War?: Private Military Companies, Law and Regulation in the United Kingdom, in: *ICLQ* 54(2005), pp. 651-690.
87. Wolf, Joachim: Die gegenwärtige Entwicklung der Lehre über die völkerrechtliche Verantwortlichkeit der Staaten. Untersucht am Beispiel des Urteils des Internationalen Gerichtshofs in der Teheraner Geisellaffäre, in: *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 43(1983).
88. Wolf, Joachim: Zurechnungsfragen bei Handlungen von Privatpersonen, in: *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 45(1985).
89. Wulf, Herbert: Internationalisierung und Privatisierung von Krieg und Frieden, Baden-Baden 2005. (English Version of the Book: Wulf, Herbert: Internationalizing and Privatizing War and Peace, Palgrave Macmillan: Basingstoke 2005).

SWISS INITIATIVE IN COOPERATION WITH THE ICRC WITH REGARD TO  
PRIVATE MILITARY / SECURITY COMPANIES

90. Yost, Mark J. / Anderson, Douglas S.: The Military Extraterritorial Jurisdiction Act of 2000: Closing the Gap, in: *American Journal International Law* 95(2001), pp. 446.
91. Zarate, Juan-Carlos: The Emergence of a New Dog of War: Private International Security Companies and the New World Disorder, in: *Stanford Journal International Law* 34(1998)1, pp. 93-103.