

## **Private Military Companies – A Positive Role to Play in Today’s International System**

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The end of the Cold War and the following transition into the post-Cold War era has proved to be a truly catalytic period. It has fostered change, revision, and re-emphasis, birth and death. But the darkest force in the affairs of men and states remains essentially unchanged, as forceful, dark, and bloody as at any time in modern history. I refer to war, to armed conflict within states and between states – civil war and war fought across national boundaries. War in all its manifestations, including pre- and post-conflict challenges, is still very much a significant and enduring feature of the international system. And armed conflict is not the only security issue chafing at the flesh of international society. We face the destructive problems posed by a broad and varied range of humanitarian, environmental, and human security issues.

The focus of this paper is on a very particular – and relatively new – player in the field of international relations, and more particularly, but not exclusively, in the field of armed conflict. This is the private military company (PMC). The question I address is, can the PMC play a positive role in today’s international system? Can PMCs contribute and make a difference in situations where tension exists inside a state, or between states, in conditions where factors progressively ripen towards conflict; in situations where the fragility of peace has shattered into “hot” armed conflict; in post-conflict phases, including aspects of Peace Support Operations; and in other more subtle human security scenarios that are no less important to the quality of international and domestic life? The bulk of this paper will concentrate on conflict-related issues and the relevancy of PMCs to these, but I will conclude by speculating that PMCs have the potential to diversify into, and be successful players in, a much broader spectrum of “soft” security issues.

Why should we be concerned with PMCs? I will contend that, even though external, non-indigenous players in armed conflict are by no means new, the post-Cold War landscape is different. It contains factors that have evolved to create spaces for PMCs to operate in, and a demand, I will argue, for a presence that PMCs can (sometimes uniquely) satisfy. I will argue that without the involvement of PMCs we may be faced with less control over armed conflict, an increasing tendency for armed conflicts to drag on unresolved, creating more misery and mayhem, and inefficient and inappropriate post-conflict activity that may lead at

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a later date to a resurgence in fighting, as old tensions reassert themselves. I will argue that PMCs can be a significant positive force for peace and stability.

I will spend some time going over the background for this paper, carefully isolating and identifying the actors that I will (and will not) be dealing with.

This is important. I will preface the body of my argument by drawing an important line between what PMCs are and what they are not, and I wish to make the point now that PMCs are not “mercenary” bodies. This is a vital distinction. I will show that their structure, the relationship they have with legitimate government organs, and the way they conduct their activities can help make them responsible, responsive, professional, but above all legitimate and legal actors. I will put forward the major fears and reservations that some observers and commentators have towards PMCs, and demonstrate that these, while being worthy of debate, are largely unwarranted. I will then outline the various situations and arenas within which PMCs can contribute positively to international stability, before drawing together some conclusions.

### **Players and Non-Players**

This paper is not about mercenaries and it is not about Private Security Companies (PSCs). A clear understanding of what a mercenary is, and how and why he operates, is much more than an issue of definition. The noun “mercenary” is intrinsically, in modern parlance, a pejorative term. It is used loosely but extensively to propagandize the issue of PMC operations. It obscures any positive role PMCs can play and, as such, constricts and constrains any meaningful and objective debate on the issue before it begins. This is completely unhelpful.

The Oxford English Dictionary defines a mercenary as “a hired soldier in foreign service.” Military history abounds with examples of this sort of mercenary activity. In fact, the realities of pre-modern warfare demanded the existence of trained and skilled fighting men in order to offset the inefficiency of feudal practices of raising armies, which relied on pressing peasants and artisans into service. These trained and skilled fighters were very often mercenaries able to employ sophisticated tactics utilizing effective and, in their historical context, sophisticated weaponry. Mercenary soldiers fought on contract, or “condatto,” clearly detailing whom they would be fighting, what weaponry they were to fight with, the length of term of the engagement, and the conditions of service. The contract was drawn up and regulated by the hiring state or sovereign. This reality, universally unquestioned and regarded as both a norm and as wholly legitimate, lasted into the late-eighteenth century as a major means by which wars were fought.

The post-World War II era saw a resurgence of the employment and deployment of foreign contract, or mercenary, soldiers, and with this resurgence, helpfully, came a clear definition in Article 47 to Protocol 1 of the Geneva Conven-

tions.<sup>2</sup> Mercenary soldiers have historically prospered in times of unstable conditions or following changes in the existing order. This was the case in the employment of mercenaries in the Belgian Congo and in Angola in particular, in the breakaway Nigerian province of Biafra, and since then in Zaire, Chechnya, Colombia, Congo (Brazzaville), Eritrea, Kashmir, Liberia, Sierra Leone, Ethiopia, and in the Comoros Islands, the Seychelles, Benin, Armenia-Azerbaijan, Georgia, Tajikistan, Moldova, and latterly in Afghanistan and the former Yugoslavia.<sup>3</sup> Some of these examples have served to give us the enduring and wholly negative view of mercenaries that has since populated conventional wisdom, and that is cited purposefully, but indiscriminately, regarding PMCs today by those who wish to diminish their credibility and put them out of business. Hence the mercenary is viewed as the “freelance soldier of no fixed abode or loyalty, ruthless, undertaking short contracts for large amounts of money,” and names like Hoare, Denard, Schramme, Muller, Falques, Tavernier, and “Callan” conjure up disreputable, brutal images.<sup>4</sup>

Yet it is important to note for the sake of balance that pure mercenary activity continues today in situations that go largely unnoticed and unreported. The existence of the enlisted elements of the French Foreign Legion (since 1831), the Swiss Guard in the Vatican, the Ghurkha units in both the Indian and British armies (since 1816 and 1947 respectively), troops in the British Army who have been recruited in Commonwealth countries, and those officers and men detached from the British Army on contract or “loan service” work mainly in the Middle East, are all incarnations of contemporary mercenaries.

But the question of definition is more than semantic. There is a lack of clarity and a degree of confusion over the identity of PMCs. I do not intend to belabor the point, but time spent on elucidation will not be wasted. So, before I concentrate on dissecting the heart of today’s PMC, let me look briefly at the existence of PSCs, erroneously confused with PMCs, with the goal of excluding their activities from this paper.

Superficially, a private security company and a private military company bear some similarities. They will invariably recruit from a similar manpower pool, namely ex-military specialists who have particular experience and skills, in the case of PSCs in physical protection. They are both corporate bodies outside of the public sector that seek, like any other business enterprise, to make a profit from contracts won in the marketplace. And they are usually active in developing and Third World countries within which such expertise rarely exists. But here the

<sup>2</sup> 1977, cited in David Shearer, “Private Armies and Military Intervention,” Adelphi Paper 316 (Institute for Security Studies, Oxford, 1998), 16.

<sup>3</sup> “Report on the Question of the Use of Mercenaries as a Means of Violating Human Rights of Peoples to Self-determination,” United Nations High Commissioner for Refugees, 1997.

<sup>4</sup> Peter Tickler, *The Modern Mercenary, Dog of War, or Soldier of Honour?* (Wellingborough: Patrick Stephens, 1987).

similarities end. Unlike PMCs, PSCs are not ostensibly political actors; they are economic players, although the line between the two concepts admittedly can be a thin one. PMCs work predominantly for governments; PSCs are almost exclusively contracted to the private sector. PSCs will often seek to provide the contracting business with a risk assessment advising on the security aspects of a potential investment, and they will provide a range of security services linked to the physical protection of business enterprises, whether they are extraction, processing, or manufacturing facilities. This can entail the physical guarding of perimeters and infrastructure, or the provision of security surveys and security management. The milieu of the PSC is traditionally mineral mining and oil extraction, and much of the geographic focus is in Saharan and sub-Saharan Africa. Some of the big names in a large and geographically diverse pool include Defence Systems Ltd, Sterling, Lifeguard Security, Group 4, Rapport, Grays Security, Securicor, Controlled Risks, Kroll, Coin, CRG, and Saladin.

The PMC is a newer entity on the international scene; the first recorded PMC was registered in 1967, when Watchguard was created, primarily as a training organization, by David Sterling, co-founder of the UK's Special Air Service Regiment during World War II.<sup>5</sup> Quoting Tim Spicer, former Director of Sandline International (and now director of Strategic Consulting International based in London), PMCs "offer practical military help in an acceptable form to legitimate governments."<sup>6</sup> The key element of this phrase lies in the last three words. PMCs work under contracts drawn up with legally constituted governments – unlike the mercenary, they do not "do business" with simply anyone in the marketplace. Beyond this, the trend is already apparent that PMCs may in the future work increasingly with, and for, international institutions, for the UN, its agencies, or other legitimate humanitarian organizations. They are not for hire to the highest bidder, and beyond this point they may well be acting with the tacit support of their own national governments, as I will show. As such they can act as representatives of national policy, albeit usually in a clandestine or indirect way.

PMCs, predominantly of U.S. or British origin, are permanent structures. They function and are structured along the lines of any other business entity. They have a clear hierarchy, including executives and boards of directors, a corporate identity, and shareholders who have the right to demand a degree of business transparency. They can draw on the support of lawyers and accountants, they have permanent offices, they produce promotional literature, and they behave in accordance with their domestic commercial law; more importantly, however, as Tim Spicer states, they operate in accordance with the "laws and customs of the host nation, and adherence to the principles of the Geneva Convention and the international law

<sup>5</sup> Anthony Rogers, *Someone Else's War – Mercenaries from 1960 to the Present* (London: Harper Collins, 1998), 228.

<sup>6</sup> Tim Spicer, *An Unorthodox Soldier: Peace and War and the Sandline Affair* (Edinburgh: Mainstream Publishing, 1999), 41.

of armed conflict.”<sup>7</sup> Their aim is to make money over the long term, which in itself ensures that legitimacy and correctness are important factors underscoring their conduct. To give some idea of the financial scale that PMCs represent, it is estimated that in 1995 Executive Outcomes (EO) had an annual income of \$50 million, while at the other end of the spectrum the U.S.-based PMC BDM grossed \$890 million.<sup>8</sup>

A PMC can be contracted to provide a whole range of services spanning the spectrum from supplying personnel for logistical support through, in a minority of cases, armed action. Sitting comfortably in between these extremes, taking as an example the structural organization of Sandline International, lie the provision of support services (legal, commercial, public relations, and lobbying), command and control (command, control, communications, and intelligence), humanitarian support (convoy escorts, security for relief operations, protecting refugees, mine clearance), support of law and order (counter-terrorism, anti-piracy, counter-narcotics, hostage negotiation and release), post-conflict resolution (disarming and integration of warring factions, election monitoring, refugee support), training advice or practical packages, and arms procurement.<sup>9</sup> The list of services provided by MPRI adds, in addition to those boasted by Sandline, force design and management, simulation and war-gaming, quick reaction support, and democracy-transition-assistance programs.<sup>10</sup> Contracting parties hire the PMC to provide what they perceive they need, either as a single task or a multifaceted package.

The cast of PMC actors is a growing one, but some of the significant ones include Military Professional Resources Inc. (MPRI), BDM Corporation, Vinnell, Sandline, Silver Shadow, Levdan, Compagnie Francaise d’Assistance Spécialisée, International Defence and Security Ltd, Ghurkha Security Guards, Brown and Root, Pacific Architects and Engineers, and Strategic Applications International.

Their industry is a large one in terms of both the number of corporate actors and the scale of the revenues involved. Like any industry, it is based on competition, but this does not regulate and constrain the relations that PMCs have with one another. There is also a considerable degree of linkage between companies. Sandline, in their abortive dealings with the government of Papua New Guinea, passed some functional areas of their proposed operational plan on to EO.<sup>11</sup> PMCs share not only similar corporate aims but also a professional ethos – they are largely run and staffed by ex-military personnel. In the West, this ethos is founded on a common NATO *esprit*, culture, and experience. There are links and relationships

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid., 45; Simon Sheppard, “The Rise of the Corporate Military” *New Left Review* (March/April 1998).

<sup>9</sup> See [www.sandline.com](http://www.sandline.com).

<sup>10</sup> See [www.mpri.com](http://www.mpri.com).

<sup>11</sup> Spicer, *Unorthodox Soldier*.

that, as in any army, generate co-operation rather than competition for competition's sake. This means that in some of the areas I will speculate on as future foci of activity, PMCs will integrate more effectively, and work together more effectively, if and when they are serving international masters (under, for instance, a UN banner).

### **The Case Against PMCs: A Negative Role To Play**

#### *Background*

Detractors of the role and utility of PMCs generally take their stand on liberal turf and look into a world that to them appears murky, opaque, and unsettling. For them, PMCs are modern mercenaries with a thin commercialized, corporate veneer that serves as self-justificatory propaganda aimed at distorting the cynical reality of their actions – exploiting war and misery for profit, as mercenaries have done throughout history. They will cite the nature of companies like EO, which is primarily composed of unapologetic ex-soldiers of the apartheid regime in South Africa, who assembled forces in response to contracts on an ad hoc basis. This is very much contrary to the argument that PMCs are duly constituted corporate bodies with a structure, workforce, and corporate ethos like the true business enterprises they seek to mirror. These detractors will always be of the mind that PMCs represent everything bad for which those mercenaries involved the immediate post-colonial fighting in Africa are remembered.

#### *Accountability*

The criticism most often aimed at PMCs is against their claims of accountability. Critics refute the contention of private companies that operating under a binding contract ensures accountability. PMCs emphasize that they only work for recognized, legitimate governments, but there is little to stop them from supporting rebel movements. The other side of the coin says that many governments now in power in the developing world were once considered rebel groups. Slavishly conforming to the principle of only contracting their services to a recognized regime could hold back the wave of reform and progress, and bolster weak governments with little popular support and perhaps highly dubious human rights records. The current regimes in Uganda, Rwanda, and Ethiopia are now internationally recognized but were not so long ago branded as insurgents. If the critics of PMCs had their way, these governments would not have been able to bolster their campaigns with the support of PMCs, and as a consequence the less savory regimes they replaced may have retained power longer than may have been necessary.

#### *Human-Rights Abuses*

Criticisms of accountability extend beyond the relationship to contracting governments and into the realms of international law human-rights abuses, which is a much-cited doubt about the conduct of PMCs. The UN Special Rapporteur on

mercenaries, Enrique Benales Ballesteros, spoke out strongly in January 1999 on his perception of the linkage between PMCs and human rights abuses. But human-rights abuses are features of all conflicts, whether participating combatants are regular soldiers of First World countries or Third World irregulars. There have been claims that British forces shot captured Argentine soldiers in the Falklands War, and there are clearly documented cases of abuses by peacekeeping troops in Somalia. These acts are comprehensively covered by the Geneva Conventions and UN human-rights conventions. But do these frameworks extend to members of PMCs operating abroad, and do they provide the necessary deterrent to regulate their behavior and, in cases where abuses occur, make the punishment of perpetrators possible? Sandline and others argue that members of PMCs become temporary members of the hiring state's armed forces and are hence subject and accountable to that state's domestic law.<sup>12</sup> Those members of Sandline operating in Papua New Guinea were given the status of Special Constables, subordinate to the police force of the islands.<sup>13</sup> The weakness in this scenario becomes one of verification. By the nature of their task, PMCs will largely operate in remote places out of the public – and more particularly, the media – eye. But this is not the fault of the PMCs. It is in their commercial interests to scrupulously observe human rights issues and to select trained and professional personnel to fulfill contracts (whose knowledge and experience in these issues is likely to be superior to those of the domestic soldiery), or else face intense adverse publicity that will severely damage their reputations and diminish their acceptability as contractors. The best way to neutralize critics who remain skeptical of PMCs' accountability is for these companies to make themselves as open and transparent as possible.

#### *Tenuous Commitment*

Criticism is leveled at PMCs because they are deemed to provide only short-term stability in the theaters where they operate. They are engaged for a fixed period, and when that time expires they withdraw; where there is doubt that the host government may be able to financially honor the contract, a PMC may withdraw early. The practical consequence is that their departure may create a vacuum that can be filled by renewed conflict against the backdrop of unresolved fundamental issues. Just six months after EO's departure from Sierra Leone, with the culmination of their contract in January 1997 (terminated three months early) – an operation that is widely credited, and not only within the country, with bringing about a cessation of hostilities and a return to civilian government – Koroma's military coup reimposed the old pattern of corruption and instability. His AFRC regime shared power with the very group, the RUF, that EO had militarily dragged to the negotiating table. EO was unable to create the conditions for genuine political progress,

<sup>12</sup> Damian Lilly, "The Privatisation of Security and Peacebuilding: A Framework for Action," *International Alert* (2000), 12.

<sup>13</sup> Sheppard, "Rise of the Corporate Military."

and Sierra Leone slipped back into bloody chaos. PMCs do not address, let alone improve, those social, economic, and political factors that precipitate conflict in the first place, but this is not what they are designed or hired to do. Furthermore, it can be argued that PMCs have no incentive to produce a quick solution, since they then would become redundant. And there may be the reverse pressure to prolong a situation in order to increase revenue from the contracting government.

### *Irresponsibility*

PMCs are accused of breaching arms embargoes and weapon sanctions, circumventing arms export controls, and brokering and trafficking in arms in conflict areas in a graphic “Arms to Africa” style. When they leave a country, they may leave behind surplus hardware that can then be used to fuel additional violence. The legacy of MPRI’s Train and Equip program in Bosnia-Herzegovina may yet prove to be a destabilizing factor in the region, with a Bosnian army reconstructed with a quantifiable offensive capability and an increased quantity of weaponry able to inflict greater numbers of casualties.

### *Destabilizing*

PMCs may act as destabilizing factors, cutting across, and acting outside of, their national governments’ policy parameters. Sandline was accused of this in Sierra Leone and was cited as tarnishing the image of the UK Labor Government’s “ethical foreign policy.” However, the close relationships between some PMCs, particularly American groups, and their governments suggest that they can engage in activities wholly consistent with official policy and goals.

### *Conflicts of Interest*

The last of the detractors’ main areas of concern regarding the activities of PMCs centers on some companies that have links to mining and drilling companies. These companies are sometimes accused of illegally extracting resources, especially diamonds and oil; close corporate links between them and PMCs provide the physical protection that these operations require. The intervention of EO in both Angola and Sierra Leone can be argued as having been commissioned with scant regard to goals of bolstering stability and defeating enemies of the state instead of recapturing and securing oil and mineral deposits for the ruling elites.<sup>14</sup> The moral offense caused is intensified because, in countries like Angola and Sierra Leone, these very commodities have been at the heart of their conflicts.

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<sup>14</sup> Doug Brooks, “Creating the Renaissance Peace: The Utilisation of PMCs in Africa,” Africa Institute, 1 June 2000.



## **The Case For PMCs: A Positive Role To Play**

### *Background*

The reality of the contemporary international scene has brought about the emergence of two complimentary factors: the collapse of the bipolar model and a concomitant reluctance to commit troops to overseas action. With the end of the Cold War, the fact of two superpowers with two geographic spheres of influence, and two competing ideological imperatives to intervene in insurrections in former client states, is no longer valid. Following unsuccessful interventions in Rwanda, Liberia, and Somalia, Western governments are increasingly reluctant to deploy national forces into situations that have little direct relevance to their strategic interests, or where the risks of involvement are unacceptably high. Certainly prior to the Al Qaeda assaults on the U.S. in September 2001 (and perhaps still intrinsically apposite), Western states bore a paranoia about suffering casualties to troops deployed abroad. The U.S. was indelibly scarred by the deaths of 241 Marines killed in Beirut, the victims of an Islamic suicide bomber (as were the French in similar circumstances), and by deaths of U.S. Army Rangers on the streets of Mogadishu and the graphic media aftermath of their corpses being publicly mutilated. For their part, Belgian confidence took a severe knock when, in Rwanda, they had a dozen peacekeepers butchered in cold blood, to be followed by somber televised funerals.

### *Filling the Security Vacuum*

The consequence of these two factors has been the creation of a partial security vacuum. The reaction to any lessening of pressure in a body is the movement of mass to equalize the pressure. That mass has been the PMC. I will cite three clear examples where the reluctance of states to intervene on behalf of legitimate governments threatened by insurgent activity has led these states to contract PMCs as agents of last resort.

On two occasions, the legitimate dos Santos MPLA government of Angola called on South African-based EO (the company dissolved itself in 1998) to aid it against the highly competent and ruthless forces of the late Dr. Jonas Savimbi's UNITA. The civil war in Angola, essentially fomented and fuelled as a proxy war of the Cold War rivalry, was characterized by its longevity and brutality, with the civilian population bearing the brunt as government and rebel forces oscillated backwards and forwards across the country. When the cease-fire failed after the government claimed victory in the 1993 elections, UNITA quickly captured over 80% of the country, including the on-shore Soya oil fields being exploited by a number of Western oil companies. Despite this, the international community turned its head and did nothing to support the MPLA government. EO was contracted and quickly recaptured the oil fields. Later that year, they accepted a second contract, worth \$40 million, to train five thousand troops and thirty pilots

to spearhead government operations.<sup>15</sup> EO put five hundred of its own employees into Angola, in a training, advisory, and, on occasion, combat role.<sup>16</sup> By 1996, EO's involvement had demonstrably reversed the tide, most notably with the recapture of the Lunda Norte diamond fields, and UNITA were forced to the negotiating table. From this break in the rhythm of war, the Lusaka Peace Accord was hatched, and the civil war, though still not conclusively over today, has increasingly turned against, and marginalized, UNITA. This is unlikely to have happened against the background of international inaction and apathy without the existence and direct input of a PMC.

A second example highlights EO's contract with the government of Sierra Leone. By May 1995, the rebel RUF had successfully pushed to within 30 km of the capital and was already in control of mines producing over 60% of the country's export revenue. In addition, the strategic alluvial diamond belt in and around Kono had already fallen into RUF hands. In common with other developing nations' armed forces, the army of Sierra Leone, massively enlarged to fight the RUF, had become progressively poorly trained, poorly disciplined, and – since they were often unpaid – progressively criminal, representing a part of the problem instead of a part of the solution. EO was contracted to accomplish four major objectives: protect Freetown, the capital; retake captured mines and diamond fields; liberate areas under RUF occupation; and destroy the RUF's headquarters.<sup>17</sup> From mid-1995 until January 1996, EO provided first the training of Sierra Leonean forces, then the leadership, and then active participation in operations that successfully secured Freetown, recaptured vital diamond and rutile deposits, and routed RUF fighters to the extent that the rebel leadership sought negotiation with the government.<sup>18</sup> Subsequent elections established a new civilian regime, under the leadership of President Kabbah, which has survived to this day.

Foday Sankoh, then leader of the RUF, stated categorically that it was the intervention of EO on the government side that had prevented his rebels from taking Freetown and winning the civil war.<sup>19</sup> It was only the military effectiveness of EO's operations that forced the RUF to negotiate and concede to elections, and it is only these elections that have secured legitimate and enduring civilian rule in this benighted country.

When Sandline was approached and subsequently employed by the government of Papua New Guinea in 1996, a separatist war had been raging on the remote island of Bougainville, part of the North Solomon group, since 1989. The in-

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<sup>15</sup> UK House of Commons, *Private Military Companies: Options for Regulation* (London: The Stationary Office, 2002), 11.

<sup>16</sup> Shearer, "Private Armies," 46.

<sup>17</sup> *Ibid.*, 49.

<sup>18</sup> Rogers, *Someone Else's War*, 229.

<sup>19</sup> Jim Hooper, "Peace in Sierra Leone: A Temporary Outcome," *Janes Intelligence Review* 9:2 (1997).

surrection had by this stage claimed over 10,000 lives and had effectively reduced Papua New Guinea's national GDP by 45% due to the enforced closure of copper mines on the island.<sup>20</sup> Papua New Guinea had close economic and cultural ties with Australia; both are Commonwealth members, and the latter sees the former as lying within its geopolitical sphere of interest, yet Australia had done nothing to aid the legitimate government of the country. Conversely, it had actually blocked the sale of helicopters that the Papua New Guinea Ministry of Defense perceived would be force multipliers in its anti-insurgent campaign.<sup>21</sup> Sandline procured helicopters, pilots and ground crew, and ammunition and weaponry for the government and, as part of a wider operation that the company conducted, analyzed how the war could be militarily won, or how the BRA rebels brought to peace negotiations. They then commenced on a training package for the Papua New Guinea Army and Special Forces. In the final analysis, Sandline's involvement came to naught. Australian government opposition to the company's involvement and a coup mounted by the Papua New Guinea army scuttled the operation. Had it gone ahead as conceived by Sandline and the government, PMC involvement stood a good chance of successfully bringing a pause, if not resolution, to the conflict. As a result, the attention of the international community was focused on the islands, and the government of New Zealand successfully brokered a peace deal.

Where external governments may fear to tread, PMCs can operate effectively and react quickly. Prior to its demise, EO boasted of its ability to be able to deploy personnel anywhere in the world within 72 hours.<sup>22</sup> They do not have to navigate constitutional bottlenecks that might more effectively serve inertia rather than flexible, prompt reaction, and that may even, remorselessly, make action impossible. The issue of casualties is not nearly of as much concern to PMCs as it is to the families of regular or conscripted troops deployed as part of their government's foreign policy, who may then choose to vent their grief when next they stand in front of a ballot box. PMCs can put together the appropriate force structure, employing personnel with the right level of experience, and they have the flexibility and the financial resources to scale their forces with the best and most appropriate equipment. This is a luxury not always open to national armies, to whom the post-Cold War "peace dividend" has brought troop shortages, problems of retention and resultant capability gaps, and sheer force overload as commitments continue to outweigh resources. And the example of EO's involvement in Sierra Leone argues that there can be an economic advantage to PMCs coming to the rescue of governments in peril. The company's bill was not cheap. The government of Sierra Leone paid EO \$35 million, yet this represented only 30% of the total expenditure on government operations against the RUF, and must be bal-

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<sup>20</sup> Spicer, *Unorthodox Soldier*, 154.

<sup>21</sup> *Ibid.*, 155.

<sup>22</sup> Shearer, "Private Armies," 55.

anced against a planned estimate of \$47 million for the aborted UN observer mission that was to replace the EO presence. The estimated annual running costs of UNAMSIL were put at \$520 million by Francis Okelo, the UN Special Representative in Sierra Leone.<sup>23</sup> These figures paint a graphic picture. The UN operation cost the international community over 25 times as much as a private response by a PMC. Any calculation of the relative efficiency and contribution of the two forces to a secure Sierra Leone can only be speculative. But the UNAMSIL experience is far from golden.

#### *Instruments of Government*

PMCs can – and, I will argue, do – promote and execute official government policies and strategies in foreign countries. The very nature of this supposition means that PMCs must operate under conditions that, at the least, require discretion and at the most, contingencies of secrecy. The premise that governments use commercial entities in the policy arena can be argued, in its own right, to indicate the requirement for obfuscation. This is not mere tautology. Providing incontrovertible proof in the most sensitive cases will only take place when “veils of secrecy” have failed their designers and have been drawn aside. Outside of this, circumstantial evidence must suffice; while it may be insufficient to sway a court of law, it can still be sufficient to prove an academic point or satisfy an intelligence analyst.

Two goals of U.S. policy in the former Yugoslavia were: first, to enable the Croatian military to develop from a Warsaw Pact-style force into one suitable for PfP participation through a Long Range Management and a Democracy Transition Program;<sup>24</sup> and second, to enhance the Bosnian military’s capabilities and to equip them with U.S.-standard hardware in order to deter attack by Bosnian Serb forces – the Train and Equip program.<sup>25</sup>

In the case of Croatia, in 1994 U.S. forces had not yet been deployed in-theater. In the case of Bosnia, U.S. participation in IFOR, and later SFOR, necessitated an impartial stance. Contracts to push the Croat military towards PfP and to train and equip the Bosnian army went to the private sector, to a PMC – the American firm MPRI. MPRI are a Virginia-based company with offices in Alexandria, not far from the Pentagon. The board and executive board are comprised of former senior U.S. defense personnel. The company’s bread and butter corporate business is inextricably interwoven into the Department of Defense’s domestic activity in the U.S.: education and administration of the Reserve and Officer Training Corps, equipment evaluation parameters, and so on.

While active in Croatia, there was intense, and to date unresolved speculation that MPRI was involved in the planning, if not the execution, of the very successful

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<sup>23</sup> Reuters wire report. 5 December 1999.

<sup>24</sup> UK House of Commons, *Private Military Companies: Options for Regulation* (London: The Stationary Office, 2002), 13.

<sup>25</sup> Military Stabilization in the Balkans Office, Fact Sheet Number 006-97, 24 June 1997.

and ruthless expulsion of Serb forces from the Krajina known as Operation Storm. The sophistication of the plan and the tactical speed and efficiency with which it was enacted point to external participation, namely by MPRI.<sup>26</sup> Defeat of Serb forces in this engagement prompted the U.S. Ambassador to Croatia at the time to comment, “the Bosnian Serb leadership might now recognize the new realities and this might in fact be an opportunity to reach a negotiated settlement on a fair basis.”<sup>27</sup>

The Train and Equip Program in Bosnia has involved up to two hundred former U.S. military personnel in a training capacity, and the supply of fifteen UH-1H helicopters, 45 M60A3 main battle tanks, 840 AT-4 light anti-tank weapons, 116 howitzers, 46,100 M16 rifles, 1,000 M60 machine guns, communications and computing equipment from the U.S.; 50 AMX 30 tanks, 80 M113A2 APCs, 31 ML90 ARVs, 36 105mm towed howitzers from the United Arab Emirates; and 24 122mm towed howitzers from Egypt, among other sophisticated defense items.<sup>28</sup> MPRI’s involvement in the former Yugoslavia unequivocally served as an effective human intelligence asset, and “a cost-effective, practical alternative for a U.S. administration sensitive to casualties among its own forces . . . as a mechanism of U.S. policy in the Balkans at less cost” and critically “at lower political risk” than if regular U.S. forces had been utilized.

When Sandline International was contracted in 1997 by Kabbah’s Sierra Leone government, the company diligently maintained a running dialogue with the British Government’s Foreign and Commonwealth Office (FCO), both inside Sierra Leone, in the person of Peter Penfold, the High Commissioner (British ambassador-status diplomats in former British Colonies are titled High Commissioners), and in London directly with the FCO’s Sierra Leone Desk Officer.<sup>29</sup> When the government of Sierra Leone contracted with Sandline to supply \$35 million worth of arms and ammunition, this was known to London. Sandline regarded their willingness to fulfill their contract as being in compliance with the UN arms embargo because the end user was the legitimate government and not a body external to the rule of law, and tacitly in accord with British foreign policy since at no stage did the FCO or the Department of Trade and Industry (DTI) intervene to block the deal. So, in effect, the situation represented a besieged legitimate government, in the absence of international support, turning to a PMC to provide military aid that appeared, by their tacit acceptance of events, to be approved by the British Government – a PMC executing, however indirectly, official government policy.

As part of the wider U.S. defense strategy of safeguarding oil interests in the Middle East, companies like SAIC, BDM and its subsidiary, Vinnell, have been

<sup>26</sup> UK House of Commons, *Private Military Companies*, 13.

<sup>27</sup> Shearer, “Private Armies,” 58.

<sup>28</sup> Military Stabilization in the Balkans Office, Fact Sheet Number 005-97, 19 June 1997.

<sup>29</sup> Spicer, *An Unorthodox Soldier*, 195–207.

training elements of the Saudi armed forces. The latter's twenty-five year contract to train the Saudi National Guard has been worth \$819 million.<sup>30</sup> By using the private sector to pursue its policy objectives, the U.S. government has been able to remain one step removed from potential criticism in the case of Saudi Arabia over the issue of support for a harsh, autocratic regime. This has an added, but potentially critical benefit: minimizing or even removing overt Western, and particularly U.S., government presence from countries like Saudi Arabia, where the fires of Islamic fundamentalism and anti-Western sentiment continue to smolder, and having the potentiality to reduce the catalyst for future ideologically-inspired violence. The British government, for its part, gave its tacit support in 1993 to KMS (a British PMC) to train Sri Lankan forces in their fight against the LTTE; direct UK involvement in this savage civil war was not perceived to be in the interests of the British government.<sup>31</sup>

#### *Post-Conflict Roles*

I now want to remain in the field of military matters, but move onto an arguably less contentious but increasingly topical question. This question concerns peace support operations (PSOs). I begin with two premises: first, the post-Cold War experience of PSOs is essentially one of failure; and second, PMCs generically have proved that they can operate effectively and efficiently – they have the structure, infra-structure, and resources (financial, manpower, and materiel) to become involved in conflict situations. I want to restrict my analysis to traditional PSOs, by which I mean those led by the UN.

Why don't UN PSOs succeed? Every one essentially is different, but there are a number of identifiable common features. The UN is slow to organize and deploy in situations where dynamic and rapid action is required. They suffer from poor force make-up. States whose forces may be able to contribute positively and effectively are largely reluctant to commit them (the U.S. Weinberger Doctrine, and the tenet of U.S. Presidential Decision Directive 25 of 1994).<sup>32</sup> These states will not risk sacrificing soldiers on the altar of voter sanction in arenas of limited national interest, and those states that may be less reluctant often bring with them awkward baggage. Their troops may be ill trained, ill experienced, poorly led, poorly motivated, poorly equipped, and poorly disciplined. They may rapidly become, again, part of the problem and contribute little to the solution.

For their part, PMCs enjoy a number of distinct advantages. Until the UN establishes some form of rapidly deployable forces, or as a minimum a rapidly deployable headquarters element to fill that initial vacuum, UN PSOs will continue to deploy struggling against a strong counter current. PMCs are pre-existing entities; they are responsive. Their force structures are already identified, and

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<sup>30</sup> Sheppard, "Rise of the Corporate Military."

<sup>31</sup> Rogers, *Someone Else's War*, 229.

<sup>32</sup> Shearer, "Private Armies," 33.

their logistical and administrative processes are organized. They have a leadership cadre ready to deploy. This is their core business. They have personnel who are motivated to serve, who are experienced, who are trained, who are physically equipped, and who are disciplined. Contrary to popular misgivings, commercially-motivated forces will consistently conduct themselves more professionally, more in line with international codes of conduct, and will be primarily motivated by the desire to succeed. As business enterprises, PMCs can only survive if their name and reputation is positive.

It may not be practical for PMCs to conduct a PSO on the scale of one needed to manage the situation currently existing in the Democratic Republic of Congo, for instance, but I would argue that they can achieve success in four areas. First, in situations where the physical scale is more limited, such as Liberia or Sierra Leone. Second, as a constituent part of a wider UN force which delegates specific functional responsibilities to a PMC, such as reconnaissance patrolling, helicopter operations (in line with the PAE contract to operate helicopters in support of ECOMOG in Liberia in 1996),<sup>33</sup> or geographic responsibility for an area with specific, and perhaps more complex, military problems. Third, at the other end of the capability spectrum, they can be assigned to perform more routine tasks like clearance of rear areas, static security tasks, repatriation of prisoners, all serving to free up finite combat-capable resources. And lastly, they can be of particular use in situations where speed of initial deployment is essential. It is not unreasonable to suggest that the UN, in the absence of its own standing army, could raise its own commercially-recruited and led force; in the world of the PMC, this would be completely compatible with operating norms. The contracting sovereign national government would be replaced as paymaster and client by the sovereignty of all the world's nations. Could this work? Yes, I think it could, and I think that, at the very least, serious and objective analysis of this concept should be undertaken as a priority.

#### *Early Warning*

States spend a massive combined annual budget on diplomatic and intelligence missions abroad. For its part, the UN is not represented on the ground in every region and state where the likelihood of conflict exists. The UN does not have an intelligence collection apparatus, and within most of its missions abroad it relies for information and security-related intelligence on a handful of invariably under-manned and overworked offices (usually UNDP Security Officers). Individual states may collect intelligence and may make reasoned assessments, but will not disseminate these or act if their interests are not served in so doing. The problem of early warning – of comprehensive, broad, and disinterested threat identification – is serious if the international system is serious about conflict management. Here too the PMC can play a positive role and help equalize a vacuum,

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<sup>33</sup> Ibid., 35.

not in the piece-meal way that commercial agents currently conduct risk assessment and analysis, but within a larger, more coordinated framework. The exact structure and lines of command, control, and communication require engineering, as do terms of reference and financial issues, but the skills and experience that PMCs are able to put into the field could be ideal in identifying, quantifying, and reporting the early indicators and warnings of impending conflict. The international system can then exploit (or ignore) them at its will. With a responsive and comprehensive system deployed in key regions and states, the international community, whether UN-led or not, can at least have no excuse to be caught unawares, and can be given sufficient lead time to prepare an appropriate response strategy where it deems action necessary.

A related issue could see the deployment of PMCs in an “Open Skies” program in the Third World, where tension is fuelled by unchecked arms races and by the absence of the resources and commitment on the part of regional governments to construct confidence-building measures. A carefully crafted regime operating over the Indian subcontinent, for example, could do much to de-escalate the fear and suspicion that has for the past several years kept India and Pakistan on the brink of disastrous all-out war. An international institution like the UN could create, manage, and finance such a regime; a PMC could execute it as one of its arms. Such an approach would combine efficiency and effectiveness with transparency and neutrality. As a tool, this resource could be expanded or be mobile enough to be transferable to other theaters and situations.

#### *Humanitarian Support*

Early warning and reporting is a role for PMCs in advance of the eruption of armed conflict; in addition, I have examined scenarios where PMCs can play a positive function where conflict exists. They may also play their part in humanitarian and post-conflict scenarios. The humanitarian “industry” has already privatized a large part of the logistical support it requires as part of its operations. For its part, the U.S. government has out-sourced the delivery of its aid to the former Soviet Union to MPRI.<sup>34</sup> So why not extend this trend to include security-related roles?

In 1998, the number of civilian UN staff killed in the course of their duties exceeded the number of deaths of blue-bereted soldiers engaged on UN peacekeeping duties.<sup>35</sup> This is a symptom of both an upsurge in violence perpetrated against relief workers and a testament to the danger in which they place themselves in the course of delivering aid. It may not be appropriate to use armed UN or other peacekeepers to provide protection for these civilian staff; indeed, there may be a complete absence of international peacekeeping troops on the ground. Yet the most important function that “troops” can serve is guaranteeing access to

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<sup>34</sup> See [www.mpri.com](http://www.mpri.com).

<sup>35</sup> “The Privatisation of Security: Framing a Conflict Prevention and Peacebuilding Policy Agenda,” Proceedings of the Wilton Park Conference 1999, *International Alert*, 13.



locations where the inhabitants need help.<sup>36</sup> PMCs could be ideally placed to facilitate such access and protection. Again, they offer a blend of military prowess, experience, and technical ability that international peacekeeping forces may not be able to muster, and they could provide security in a more discreet, low-key, but focused way. This may not be a relevant tactic in all theaters where aid has to be delivered, and policy guidelines do not yet exist, but PMCs offer the chance of a more flexible response in an arena where the international community can do much good.

### *The Narcotics War*

Few would contest the serious adverse impact of illegal hard, class-A drugs (cocaine, heroin, crack cocaine, LSD) on western society. Their consumption has implications for levels of domestic crime, economic output, for the health of users, and weighs heavily on our collective psyche. There are three arenas in which the battle against drugs can be fought. The first is at their source, where they are cultivated and produced; the second lies along their distribution routes; and the third at the point at which the drugs reach the consumer on our streets.

The third arena is very much the bailiwick of domestic police and specialist anti-narcotics officers. Intercepting drugs in transit is complicated by issues of sovereignty, states' territorial waters, the laws of the sea, and practical problems of drug routes crossing sovereign countries and borders, often remote and difficult to police – a situation cursed by a surplus of sovereignty and a deficit of capability. This is exacerbated by the vast sums of money involved in the drugs business that make corruption a very serious limiting factor in countering both their production and distribution.

PMCs can play, and are playing, a positive role in this war against drugs. They are currently doing this in Latin America, on the front line, at the point of origin. The focus for this activity is primarily Colombia, where most cocaine on the streets of the U.S. originates, along with Bolivia and Peru. The prime aim of the U.S. government's "Plan Colombia" is to halt this flow of narcotics, which is an integral dimension of the civil war in Colombia.<sup>37</sup> The plan is funded to the tune of \$1.3 billion, but the limit of direct involvement by U.S. military trainers is capped at five hundred. The bulk of the executive output of the plan is being out-sourced to PMCs. The maximum number of non-military personnel was fixed at three hundred, but this has been over-turned by the Andean Counter-drug Initiative.<sup>38</sup> The former restriction effectively stems fears in Congress of the U.S. being sucked into a Vietnam-like quagmire, reduces the risks of political fall-out and

<sup>36</sup> Mark Cutts, Lecture to International Training Course at Geneva Centre for Security Policy, 27 November 2002.

<sup>37</sup> Juan Forero, "Role of U.S. Companies in Colombia Is Questioned," *The New York Times*, 18 May 2001.

<sup>38</sup> Julian Borger and Martin Hodgson, "US Proxy War on Drugs," *The Guardian*, 2 June 2001.

accountability if casualties are suffered, and reduces the pain to the public purse, since PMCs consistently operate more cheaply than government forces. The latter relaxation of numbers was born of the view that an effective response in the anti-drugs war will focus more on “counter-narcotics” than on “counter-insurgency.”<sup>39</sup>

The consequence is a \$600m contract for DynCorp (a Virginia-based PMC), overseen by the State Department’s Narcotic Affairs Section; their mission is to help eradicate drugs production. They are deploying crop dusting aircraft to spray coca and poppy plants with glyphosate, and utility helicopters and OV-10 reconnaissance aircraft to protect the sprayers.<sup>40</sup> They have between 50 and 170 operatives in the region, supporting 69 aircraft. Airscan and Aviation Development Corporation (ADC) are conducting aerial reconnaissance to pinpoint areas of cultivation and to target aircraft used by smugglers to move narcotics onwards.<sup>41</sup> For their part, MPRI is augmenting U.S. forces in training specialized Colombian anti-drugs forces.<sup>42</sup>

The operation in Colombia and its neighbors is possible because the national governments sanction and support it. This is vital. In addition, the companies operating there are physically able to do so. In due course these conditions may be applicable in other regions of the world where drug production is endemic, or where transit routes head westwards towards Europe and North America. Where and when this occurs, PMCs are likely to have a role to play.

### *The Future?*

I want to end by taking a speculative look at how PMCs could evolve and develop, and into what areas of activity their presence could expand. This postulated evolution would represent a distinct divergence from the traditional military and military-related patterns outlined above, but it would be founded on the core strengths that PMCs embody: their centralized and clearly defined command structure; their discipline and adherence to standards, both legal and moral; their pursuit of efficient and effective responses and solutions to tasks for which they are contracted, underpinned by the guiding principle of the profit motive; and their consequent employment of tried and tested personnel with appropriate skills and experience. These areas of activity are, and could be, the province for what we understand to be NGOs. Here we again confront the issue of definition. But why can PMCs not develop Janus-like, capitalizing on their strengths that enable them to operate in arenas traditionally regarded as the hunting grounds of conventional NGOs? Cannot PMCs continue to issue their employees green and brown fatigues to accomplish their traditional military roles, but don green helmets and

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<sup>39</sup> Peter Beaumont, “Bush to Raise Private Army in Drugs War,” *The Observer*, 22 July 2001.

<sup>40</sup> Jeremy Bigwood, “DynCorp in Colombia: Outsourcing the Drug War,” *CorpWatch*, 23 May 2001; Ignacio Gomez, “US Mercenaries in Colombia,” *Colombia Report INOTA*, 16 July 2000.

<sup>41</sup> Borger and Hodgson, “US Proxy War on Drugs.”

<sup>42</sup> See [www.mpri.com](http://www.mpri.com).

even white coats to tackle a host of “soft” security, environmental, and health issues? As new members of the NGO community, PMCs would complement the activities of established organizations, and may indeed be more effective. Areas that they could then work in could span an almost limitless spectrum from more conflict-related activities like mine clearance and child-combat repatriation services, to support for war crimes prosecution (augmenting the meager resources devoted to former Yugoslavian and Rwandan war crimes investigations), to completely new fields where their profiles could be relevant. This might encompass AIDS awareness training in Africa, where PMCs could work either under the direction of the WHO or national governments; the administration of vaccination programs in developing nations along similar lines; through to environmental and economic issues, some of which will impinge on security concerns, like the management of water, fisheries and forest resources. In contrast to other tasks traditionally taken on by PMCs, the management of these resources may address the sources of future dispute and ultimately conflict. A supranational apparatus will be best positioned to direct this PMC resource management to prevent these commercial bodies from becoming mere proxies of the contracting states, who may wish to lay claim to the ownership of the resources during times of conflict. This list is only as limited as the institutional imagination; the premise is that any task requiring the skills that PMCs bring to the table can be tackled by a Private Military Company.

### **Conclusion**

There can be no debate that PMCs are active players on today’s political scene. They owe their existence to the changing world that we have inherited after decades of Cold War standoff. PMCs have taken to stages that states have been increasingly reluctant to occupy. These stages have cast PMCs in the role of actors of last resort in attempts by developing states to resolve conflict at home. These states have not had the means or expertise to help themselves, and the outside world has not been willing to commit manpower and resources where their direct interests no longer exist. For their part, PMCs have formed themselves to be able to react rapidly with effective forces and tactics to fill these vacuums. They are not mercenaries and they are not irresponsible opportunists. They serve under codes of conduct: their own as demanded by the laws of business and profit, and to ones no less strong – the laws of states, and those of war. The marketplace in which they operate is a unique and highly specialized one, and I will not for a moment contend that PMCs commit no ill, suffer no lack of judgment, and remain blameless in everything they do. But what participant in conflict is blameless? Is every domestic soldier in the uniform of his country blameless, consistently acting to the highest professional and moral standards? Of course not; the catalogue of conflict abounds with misdeed and atrocity. PMCs are simply less likely to act out of malice and more likely to be concerned with maintaining a positive, pro-

fessional image. This image influences profits, and PMCs, after all, are businesses like any other.

I believe that there can be little doubt that PMCs are here to stay in our political world, and that the demand for private military services will in fact increase: “It is British Government policy . . . to outsource certain tasks that in earlier days would have been undertaken by the Armed Forces.”<sup>43</sup> I base this premise on the flexibility that PMCs themselves are demonstrating. Traditional conflict resolution activity will not cease, but PMCs are evolving to play a part in broader issues where room remains for effective action to be taken. These new situations in “soft” security and other areas, and those yet to be defined, fit perfectly into the skills and organizational profiles of PMCs. PMCs themselves hold their futures in their own hands. I contend that their record in more traditional fields is one of success and positive achievement. If this is maintained in these new fields of endeavor, this positive evolution will continue.

A significant underscoring of the transformation and validity of the continued existence of PMCs is the British government’s recent public about-face. Recent statements by the British Foreign Secretary and the publishing of a Green (consultative) Paper represent a significant change in stance. The paper addresses a key area that is currently deficient, namely the regulation and control of PMCs. Such regimes are common in other areas of commercial life, and their refinement can only benefit PMCs. If they highlight, marginalize, and ultimately exclude unprofessional organizations, then this can only bolster the legitimacy and acceptability of the PMC as a positive factor in the international system. Only this can at last silence the pointed, unreasonable, and wholly pejorative comparisons with mercenary activity that critics of private military activity expound.

What is required is effective regulation at the national and international level. The UK Green Paper highlights the need for this to “set guidelines for the industry [to give companies] an indication of what was and was not expected of them by government” and to “help establish a respectable and therefore more employable industry.”<sup>44</sup> A regulatory approach based solely on licensing is arguably not broad or stringent enough to ensure the most important quality – full transparency. What is required is legislation that builds on the positive foundations of South Africa’s 1998 Regulation of Foreign Military Assistance Act, and the U.S. arms export control system. The former regulates both the existence of the company in the first instance, then each operation that it is contracted to undertake.<sup>45</sup> This gives the government in South Africa full oversight of every domestically-based PMC, and each and every job they undertake. The U.S. arms export system awards licenses after thorough investigation of a PMC’s activities is undertaken, and strictly pro-

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<sup>43</sup> UK House of Commons, *Private Military Companies*, 4.

<sup>44</sup> *Ibid.*

<sup>45</sup> Chaloka Beyani and Damian Lilly, “Regulating Private Military Companies – Options for the UK Government,” *International Alert* (2001).

hibits a PMC from engaging directly in combat, or providing training to a client that might lead to a lethal outcome. If these structures were pitched in parallel at the international level, as part of a regime operated by the UN, regulation of the willing would be achieved and exposure of the unwilling guaranteed. This would deal effectively with the actors. What is also required is effective definition of the traditional activities – those related directly to conflict – in which PMCs engage. This calls for adoption and broadening of Article 47 of Part 1 of the Geneva Convention to include a definition of the purpose of PMC activity (as outlined in the UK's Diplock Report, and the OAU Convention for the Elimination of Mercenaries in Africa, 1977). Allied to this, a list of proscribed activities that PMCs cannot engage in must be codified, and a list of activities for which PMCs must seek licensing before providing support for a client must be identified. An international regulatory regime then requires a formed, funded body to operate a thorough and comprehensive licensing system, with defined powers of sanction and punishment for companies that break the rules. With these dual strands formalized, PMCs can continue to march forwards purposefully and positively as actors for good in the modern world.

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