

**PRIVATE MILITARY COMPANIES: PEACE OR PROFIT?
A Comparative Analysis of Private Military Involvement in Africa
and the Middle East**

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DECLARATION

I, the undersigned, hereby declare that the work contained in this assignment is my own original work and that I have not previously, in its entirety or in part, submitted it at any other university for any degree.

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ABSTRACT

The Private Military Company (PMC) is a key phenomenon of the post-Cold War era, in which the erosion of state authority, the trend towards privatisation, the downsizing of the world's armed forces, and the insecurities created by a world economy not only in crisis, but also characterized by the commodity boom, all come together. The privatisation of security and even military functions has now become part of market-driven economics through outsourcing those functions to civilians as well as through contracting those functions to foreign companies. As a result, private military companies are mushrooming in weak states that are rich in natural resources, predominantly in Africa and the Middle East.

This global growth of private military companies, however, creates a dilemma for those who wish to ban them. Under international law, such as those prescribed by the United Nations and the African Union, the use of mercenaries is expressly prohibited, but without visible effect. National legislation focused on the regulation of these companies does exist within the countries from which most private military companies stem, namely South Africa, Great Britain and the United States, however, most legal restrictions are largely confined to breaking arms-export laws, whilst the issue of extra-territoriality continues to plague policy-makers. The issue centres itself upon proper regulation. In truth, private military companies today, which are only accountable to their shareholders as opposed to electorates, are convenient mechanisms utilised to serve the objectives of the post-9/11 Bush/Blair alliance and remain illegal internationally as they have no rights or obligations and find themselves outside the Geneva Conventions and the International Criminal Court.

In a critical examination of the general privatisation of public security, it is useful to focus particularly on cases in Africa (Sierra Leone) and the Middle East (Iraq) as they best illustrate the post-Cold War debate regarding the strategic impact of private military companies in intrastate conflicts. The primary focus of this study is therefore a comparative analysis of private military involvement in Africa and the Middle East in order to determine whether these new warring entities, which include terrorists, mercenaries, guerrillas, warlords, non-state militias and, most importantly, private military companies, may or may not represent a serious threat to international security, as one particular issue centres upon whether they represent more efficient and cheaper models for peacemaking. This is required in order to understand the current contextual trends that seemingly allow private military involvement in Iraq, as legitimate role players of the *Coalition of the Willing*, to be more palatable than that of their counterparts in Africa, who since 1992, claim

only to act once contracted legally by an elected government in their fight against rebel forces and insurgents. As the issue is one of valuable resources, their services can be afforded.

OPSOMMING

Private-militêre maatskappye (PMM) is 'n sleutel fenomeen van die post-Koue Oorlog era, 'n era wat gekenmerk word deur die erosie van staatsgesag, neigings tot privatisering, die afskaling van gewapende magte, en onsekerhede wat geskep word deur 'n wêreld-ekonomie wat nie net in krisis is nie, maar wat ook gekenmerk word deur 'n kommoditeitsoplewing. Die privatisering van sekuriteit, en selfs militêre funksies, is nou deel van die mark-gedrewe ekonomie deurdat daardie funksies uitgekontraakteer word aan burgerlikes, sowel as aan buitelandse maatskappye. Die gevolg hiervan is dat PMM op grootskaal voorkom, hoofsaaklik in Afrika en die Midde-Ooste, wat talle swak state het, maar wat ryk aan natuurlike hulpbronne is.

Die globale ontwikkeling van hierdie PMM skep egter 'n dilemma vir diegene wat hierdie maatskappye wil verban. Die internasionale reg, soos voorgeskryf deur die Konvensies van die Verenigde Nasies en die Afrika-Unie, verbied eksplisiet die gebruik van huursoldate, maar sonder effek. Nasionale wetgewing wat gefokus is op die regulasie van hierdie maatskappye bestaan wel in die lande waar die meeste van hierdie maatskappye afkomstig is, naamlik in Suid-Afrika, Groot Brittanje en die Verenigde State van Amerika. Die meeste wetgewende beperkings is egter van toepassing op die verbreking van wette wat met die uitvoer van wapens verband hou. Die kwessie van ekstra-territorialiteit is egter steeds 'n bekommernis vir beleidsmakers, met die hoofkwessie wat blyk om voldoende regulasie te wees vir aktiwiteite buite landsgrense. In die werklikheid is privaat- militêre maatskappye, wat slegs verantwoordbaar is aan hul aandeelhouders, in plaas van verkose politici, huidiglik gerieflike meganismes wat gebruik word om die doelwitte van die post-9/11 Bush/Blair alliansie te bereik. Hierdie maatskappye bly egter steeds internasionaal onwettig, aangesien hulle geen regte of verpligtinge het nie, en hulself buite die strekking van die Geneefse Konvensie en Internasionale Kriminele Hof vind.

In 'n kritiese bestudering van die algemene privatisering van openbare sekuriteit, is dit nuttig om spesifiek te fokus op gevalle in Afrika (Sierra-Leone) en die Midde-Ooste (Irak), aangesien hulle die post- Koue Oorlog debat met betrekking tot die strategiese impak van privaat- militêre maatskappye binne intra-staat konflik die beste illustreer. Die primêre fokus van hierdie studie is dus 'n vergelykende analise van privaat- militêre betrokkenheid in Afrika en die Midde-Ooste ten einde te bepaal of hierdie nuwe strydende entiteite, wat terroriste, huursoldate, guerrillas, krygshere, nie-staat milisies, en mees belangrik, privaat militêre maatskappye insluit, 'n ernstige bedreiging vir internasionale sekuriteit inhou, aangesien 'n sentrale kwessie die moontlikheid is dat hierdie entiteite meer effektiewe en goedkoper rolspelers in die vredesproses verteenwoordig. Begrip

hiervan is nodig ten einde die huidige kontekstuele neigings te verstaan wat blyk om privaat-militerê betrokkeheid in Irak, as legitieme rolspelers binne die *Koalisie van Gewilliges* toe te laat, en gunstiger beskou word as die rol van soortgelyke PMMs in Afrika. Sedert 1992 beweer privaat-militêre maatskappye in Afrika dat hulle slegs optree wanneer hulle wettiglik deur 'n verkose regering, in hul stryd teen rebellie groepe en krygshere, gekontrakteer word. Aangesien die kwessie oor skaarse en waardevolle hulpbronne gaan, kan hierdie maatskappye se dienste bekostig word. Aangesien dit 'n toenemende tendens is, skyn die oplossing nie futiele verbanning te wees nie, maar behoorlike en toepasbare regulering. Die vraag is hoe?

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MAP 1: A MAP OF AFRICA HIGHLIGHTING SIERRA LEONE



Source: gbgm-umc.org/Africa/sierra-leone/sierrup2.html

MAP 2: A MAP OF THE MIDDLE EAST HIGHLIGHTING IRAQ



Source: www.wfcr.org/OLD_WWW/iraq.html

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CHAPTER ONE: INTRODUCTION

1.1 Problem Statement

The Private Military Company (PMC) is a key phenomenon of the post-Cold War era, in which the erosion of state authority, the trend towards privatisation, the downsizing of the world's armed forces, and the insecurities created by a world economy in crisis, all come together. The privatisation of security and even military functions has now become part of market-driven economics through outsourcing those functions to civilians as well as through contracting those functions to foreign companies. As a result, private military companies are mushrooming in weak states predominantly in Africa and the Middle East. However, this global growth of private military companies creates a dilemma for those who wish to ban them. Under international law, such as those prescribed by the United Nations and the African Union, the use of mercenaries is expressly prohibited, but without visible effect. National legislation focussed on the regulation of these companies does exist within the countries from which most private military companies stem, namely South Africa, Great Britain and the United States, however, most legal restrictions are largely confined to breaking arms-export laws, whilst the issue of extra-territoriality continues to plague policy-makers. In truth, private military companies today are convenient mechanisms utilised to serve the objectives of the post-9/11 Bush/Blair alliance and remain illegal internationally as they have no rights or obligations and find themselves outside the Geneva Conventions and the International Criminal Court.

The contemporary global order plays witness to a number of trends that have seemingly created and facilitated an environment for the spectacular growth of private military companies. The global economy has become characterised by a huge commodities boom, fuelled by the demand for fossil fuels by the world's highly industrialised nations, and in particular the United States and China, whilst unilateralism has come to characterise the post-Cold War era on the part of the Bush-Blair alliance. Subsequently, this trend of unilateralism, coupled with the demand for fossil fuels, results in an environment where

the United Nations, as the supreme multilateral institution for collective security, is undermined by virtually all the superpowers that have veto rights on the United Nations Security Council.

This new world order also hosts the erosion of state sovereignty in favour of supranationalism or regional integration as sovereignty is further undermined by the bigger role that multinational corporations and transnational corporations play in taking over the functions of former state-owned enterprises through a growing number of public/private partnerships and privatisation. Importantly, even security functions are being outsourced. This is also the era of an unprecedented number of weak states, in which the state lacks capacity, the economy is in crises and poverty is on the increase, further facilitating this trend towards privatisation. Finally, the aftermath of 9/11 and the subsequent *War on Terror* have assumed many new dimensions for international security, including the emergence of the *Coalition of the Willing*. In fact, private military companies constitute approximately one-third of all military personnel in Iraq (Smith, 2005:24). This is particularly useful because private military companies are accountable only to company shareholders and not politicians as they are voluntary and private; therefore at no cost to taxpayer either. In the Middle East, and specifically Afghanistan and Iraq, all three types of private military companies are utilised to support the US plan for state and nation-building. Thus, the spectacular growth of the PMC industry over the last decade marks a profound change in the traditional state monopoly of the legitimate use of violence.

An analysis of the security privatisation dilemma encompasses an overall pattern in which the growing privatisation of security and violence has resulted in a tendency by individuals, groups and organisations to rely on private security forces rather than on the state's police and paramilitary formations. However, before an examination of the recent trends in private security can take place, particular attention should be given to the nature and characteristics of the states in which these private military companies flourish, namely weak states.

Weak states include a broad continuum of states that are: inherently weak due to geographical, physical, or fundamental economic constraints; basically strong, but temporarily or situationally weak due to internal antagonisms, management flaws, greed, despotism, or external attacks; and a combination of the two (Rotberg, 2003:4). Weak states typically harbour ethnic, religious, linguistic, or other intercommunal tensions that have not yet, or not yet thoroughly, become overtly violent. In weak states, the ability to provide adequate measures of other political goods is diminished or diminishing, whilst physical infrastructural networks have deteriorated (Rotberg, 2003:4). In terms of the economy in weak states, gross domestic product (GDP) per capita and other critical economic indicators have fallen, sometimes dramatically, whilst levels of venal corruption are embarrassingly high and escalating. Rotberg (2003:4) suggests that weak states usually honour rule of law precepts in the breach; harass civil society; and are often ruled by despots, elected or not.

Migdal (1988:206-237) postulates that states leaders are at the centre of the weak state dilemma in that their basic weaknesses in the face of continued fragmentation of social control has led them to a political style and policies that have prevented the state from enhancing its capabilities by not allowing the development of complex organisation in state institutions. Where complex organisation is required for the survival of the regime, as with the military, state leaders have varied between tight reigns, cutting into the efficiency of the organisations, and loose reigns through accommodating discriminatory state policies. Many state leaders have carved out for themselves some area for manoeuvre in balancing and accommodating state-owned enterprises, local capital and multinational firms. It would be mistaken, however, to confuse such manoeuvring of state leaders with either “the ability to dominate rule making for society or even effective state autonomy”. For Migdal (1988), as long as the fragmentation of social control has continued, denying state leaders effective mass political mobilisation, “rulers are reduced to ruses and stratagems”; they must build and rebuild coalitions and balances of power centres whilst utilising state resources to reinforce existing distribution of power and wealth in society. Essentially, in weak states, the paradox state leaders face forces them to

“weigh up their need for effectiveness and security against the risks to their own political survival”.

Jackson (Reno, 1997:165) noted that during the Cold War many “quasi-state” rulers depended upon foreign aid, loans, diplomatic and military support to protect their regimes from “strongmen” inside state boundaries. It was observed that aid from Cold War patrons helped many rulers of weak states to manage domestic threats such as ethnic rivalries inherited from the colonial era and powerful local “strongmen” (Reno, 1997:166). These internal threats of regime security complicated the attempts to build strong bureaucracies capable of collecting revenue and imposing central control. Weak states’ rulers instead “deliberately sabotaged their own bureaucracies, parcelling out state office to local allies to deny them as power-bases to potential rivals” (Reno, 1997:166). In turn, support from external patrons helped weather the economic and administrative inefficiencies that this patron-client politics generated and Reno (1997:167) argues that rulers of some weak states use creditor demands in order to privatise state agencies and liberalise markets as excuses to hire foreign firms that could potentially field mercenaries. Furthermore, weak states’ rulers cultivate “tacit arrangements” with aid agencies that accept this new political alliance of vulnerable regimes and outsiders.

Thus, outsiders have an interest in preserving the sovereign form of weak states and subsequently in supporting private military companies and mercenaries that take over conventional state functions. By privatising a sovereign function and transferring this sovereign power to private entities, “the state is forever expatriated as the sole legitimate right to force and organised violence” (Small, 2006:28). This strategy protects strong state governments from financial burdens, domestic political divisions, and international criticism that would accompany direct intervention in seemingly marginal areas of the globe (Reno, 1997:167).

For Zartman (1995), state collapse in independent Africa is not a postcolonial phenomenon, but a “condition of nationalist, second- or later-generation regimes ruling over established states” (1995:2). Zartman (1995:1-2) defines state collapse as a

“situation where the structure, authority (legitimate power), law, and political order have fallen apart and must be reconstituted” and argues that state collapse is neither necessarily anarchy nor a by-product of the rise of ethnic nationalism but the “collapse of old orders, notably the state, that brings about the retreat to ethnic nationalism as the residual, viable identity”. Furthermore, when weak states collapse, both order and power, although not always legitimacy, trickle down to local groups or is simply up for grabs. Typically this phenomenon has occurred in two waves: firstly, toward the end of the second decade of independence, when regimes that had replaced the original nationalist generation were overthrown, carrying the entire state structure with them into a vacuum; whilst the second came another decade later and continued to extend into the 1990s (Zartman, 1995: 2-3).

State collapse is most notably marked by the loss of control over political and economic space. Neighbouring states tend to encroach on the collapsing state’s sovereignty by involving themselves in its politics “directly and by hosting dissident movements who play politics from neighbouring sanctuaries” (Zartman, 1995:9). As a result, the political space of the collapsing state is broader than its boundaries. On the other hand, its economic space retracts in two ways: the informal economy tends to take over, often escaping the control of the state; whilst parts of the national territory become lost to neighbouring economies. Thus, reconstructing the state means “constricting national politics to the national territory and restoring national economic flows throughout the territory” (Zartman, 1995:9).

Since the end of the Cold War, Reno (2001:4-8) argues that insurgencies have found fewer opportunities to secure resources from states, whilst the fragmentation of some of Africa’s patronage-based regimes has left strongmen in possession of “personal connections to commercial networks that they can exploit to fend off rivals, or even challenge their superiors” (Reno, 2001:4). A consequence of these developments has been intensified struggle to control commercial resources; especially those already tied to clientelist political networks, as a means to weaken rivals and bolster one’s own group. Another consequence has been the appearance of insurgencies that use “commercial networks to control resources that occasionally exceed those available to regimes they

threaten” (Reno, 2001:5), a new development in post-colonial Africa. Rulers of weak states who face relatively well-financed insurgencies have a compelling interest in depriving insurgents of natural resources. Likewise, rulers who face threatening political factions within weakening patronage networks will also welcome foreign firms. From this perspective, rulers are likely to regard foreign firms as “useful proxies to deprive insurgents and rival political groups of a source of income, a point at which the interests of rulers and their external creditors and diplomatic backers begin to converge” (Reno, 2001:6).

In the area of international affairs, the development of private military companies is directly related to the globalisation of the market economy and results in two major aspects: the emergence of a more violent world and the growing privatisation of warfare (Renou, 2005:108). This increase in violence can be related to the collapse of weak states, which lost their status of protected proxies after the end of the Cold War. On the contrary, Renou (2005:108) argues that they found themselves the main target of a renewal of the traditional competition for the world resources: the “need to restore profitability makes competition for scarce and cheap resources tougher”. This competition for resources revolves around neo-imperialist competition between Europe and the United States (USA), which, in some respects, is comparable with the Cold War. Together with the demand by financial capital for high returns on investments in the short term, these phenomena have collectively produced a new form of imperialism, clearly dominated by the USA.

A result of this renewed scramble for natural resources is the eruption of more violence, which has taken the form of an increase in the number of low-intensity wars and also interstate ones, and a high degree of violence within and between societies (Renou, 2005:108). Moreover, more violence may also be necessary to impose neo-liberal policies on to weak states and hostile populations; and warfare, a traditional way of increasing economic and political benefits, has fallen under the principles of financial management: “it has become cheaper and more profitable, to generate high profits”. Hence, the growing privatisation of warfare. Renou (2005:108) proposes that this privatisation of

warfare be considered in two ways. Firstly, the private use of public forces is nothing new as there have always been illegitimate governments resorting to public violence to promote the financial interests of the few people in control of the state (Bayart et al, 1999). Legitimate governments too have made private use of public forces, whilst major transnational corporations themselves have sometimes resorted to the private use of public forces, to gain protection for their industries or to fight trade-unionism. Second, the public and private use of private forces is nothing new either. In the past, individuals as well as companies and governing bodies have turned to private actors to secure their goods, lives, operations or authority; but the advent of the nation state imposed a state monopoly on the legitimate use of violence (Renou, 2005:108). However, over the past two decades the private security sector has continually expanded all around the world.

This same process is taking place in the warfare sector and it is estimated that mercenarism and private military companies have turned into a 100-billion US dollar industry with approximately 100 PMCs playing an essential role in the provision of security, strategy, training and even direct military action in more than 100 different countries (Renou, 2005:109).

Beyond the globalisation debate, Whyte (2003:578) suggests that a process of sovereignty erosion has become a popular theme in social and socio-legal theory in which the literature talks of a post-social governance, the myth of the sovereign state, or a “neo-feudal order where the colonisation of new private-public space is subordinating state-ordered power to private interests”. Although analyses vary widely, they all have in common the undermining of state sovereignty by the localisation and globalisation of markets. From above and below the institutional boundaries of the nation state, the ability of states to rule, to make policy, to distribute resources, and so on, is under siege.

Despite the current rhetoric of neo-liberal discourse, states remain dominant players in the functioning of the global economy. Whyte (2003:579-581) argues that the downward trend in public welfare spending has not been a uniform one, but has been highly differentiated between and within states. Capital is no longer as mobile as presumed, but

varies upon the type of capital invested, whilst mobility is moderated by access to local markets and infrastructure amongst other factors. States continue to set the rules of the market nationally and transnationally and reconstruct regulatory regimes and infrastructures when markets weaken or collapse. The notion that there is a “negative-sum game being played out between states and markets, where the fortune of one rises as the other falls, makes little sense”.

However, there is something happening to the global economy and in order to maintain some semblance of stability, infrastructural and coercive functions of states are made “more, not less, necessary by changes in the intensity and dynamism of markets” (Whyte, 2003:579). In capitalist social orders, states and markets have a relationship of interdependence and markets are indeed embedded in states. As a result of this structural relationship, states seek a dominant role in coalitions with transnational institutions and private sector groups. Rather than a transformation of the state’s capacity to act, it is perhaps more accurate to point to a “reconfiguration of state-ordered power” (Whyte, 2003:580), where in some ‘strong’ states, corporations and public authorities have simultaneously tightened their hold on economic and political decision making.

Privatisation often requires complex and resource intensive administration and regulatory structures along with the construction and application of a new set of market rules. In so far as the battle to entrench neo-liberal ideas and practices is a hegemonic process, it is “a bid for hegemony that is far from resolved” (Whyte, 2003:281). The battle to establish the global reach of western corporations has tended to provoke bitter conflict and resistance over the control of resources, over the market price of goods and services, and over the extraction of surplus value. Arguably the most visible of those conflicts are the militarised struggles over the privatisation and corporate colonisation of natural resources.

Whyte (2003:581-583) attests to the fact that the “criminogenic aspects of state-ordered power are not peripheral, but endemic to the modus operandi of the modern state”. State participation in illegal practices that heighten state capacities is a systemic feature of

capitalist social orders. Emerging literature identifies and analyses the phenomenon of state-corporate crime and building upon the argument that states and corporations are independent and share a tendency to mutually reinforce each other is a key characteristic of the current stage of international capitalism. The concept of state-corporate crime seeks to deal with the crimes that are the product of complex relations between states and corporations. At the heart of this concept is a recognition that “the new criminogenic opportunities created by neo-liberal globalisation often arise of the interplay between state and corporate interests” (Whyte, 2003:582).

The concept is primarily concerned with two aspects of the state-corporate relation (Whyte, 2003:582). First, that the intersection of corporate and state interests encourages the production of large-scale social harms. Second, that this intersection of interests decreases the likelihood that those harms will be criminalized and punished by the state. This concept is important as it allows for the reassessment of the value of new forms of privatisation and regulation, or re-regulation, not only in light of how they restrict access to markets for corporate actors and prevent the production of harms, but also for their ability to encourage or facilitate the production of social harms and crimes via particular forms of regulation.

The privatisation of security is thus viewed through a lens of market-driven inevitability and, according to commentators such as Shearer, O’Brien and Howe, states have to acclimatise to this new environment and accept the “new mercenaries” and private military companies as a permanent fixture, even as useful allies, in the new post-Cold War politics of conflict. To do otherwise, to attempt in some way to prevent their rise, is both futile, and perhaps undesirable, given that private military companies can usefully be utilised for maintaining order in weaker developing states.

Sovereignty is inscribed in the international state system that, despite its shifting boundaries, continues to support an institutional framework within which the market economy is embedded. Analysing the impact of the rise of private military companies therefore requires a rejection of simplified, negative-sum versions of the sovereignty

erosion notion. Instead, the excavation of the mutual benefits that might accrue to state institutions and corporations, the symbiosis of interests, is likely to prove to be a more productive line of inquiry.

In a critical examination of the general privatisation of public security, it is useful to focus particularly on cases in Africa (Sierra Leone) and the Middle East (Iraq) as they best illustrate the post-Cold War debate regarding the strategic impact of private military companies in intrastate conflicts. In particular, Sierra Leone's civil war provides a dramatic instance of the convergence of strong state, weak state, and corporate interests as its roots can be traced to the state's peripheral status in the global economy, a status that has been exacerbated by illegitimate methods of resource appropriation. The extensive deployment of private military companies and other foreign troops in the conflict, in turn, raises many questions, not least about the appropriateness of the chosen tools of conflict management in an internal war that is essentially about the control of political terrain and, consequently, the dwindling of national resources. Furthermore, the case study reopens the debate in Africa about the relationships between regime security and state security, governance and conflict, weak microstates, the questions of privatisation and sovereignty, and the complexities surrounding the involvement of combat-type private military companies by focusing on the activities of privatised military frontrunners Executive Outcomes and Sandline International in Sierra Leone and the likes of Global Risk Strategies, DynCorp, Vinnell, Erinys International and Aegis Defence Services Ltd, all of which operate under the pretext of the *War on Terror* in Iraq. The primary focus of this study is therefore a comparative analysis of private military involvement in Africa and the Middle East in order to determine whether these new warring entities, which include terrorists, mercenaries, guerrillas, warlords, non-state militias and, most importantly, private military companies, always represent a serious threat to international security, or whether they represent more efficient and cheaper models for peacemaking.

More specifically, an in-depth examination of the debate surrounding the classical view of mercenaries as hired guns and the more recent, business-orientated, phenomenon of

private military companies; the rise of private military companies in the contemporary global order and their operating environments; the limitations of the definitions currently used in international law and their impact on the control of private military companies, which are currently operating outside the international regulatory framework and are seen to be in a legal “no-mans land”; recent attempts to legislate to control the activities of these companies; various options for regulation; as well as the identification of the particular circumstances existing in Africa and the Middle East that provide such a fertile environment for the operation of private military companies. The activities of Executive Outcomes and Sandline International Ltd will be used as case studies for their operations in Sierra Leone, whilst the activities of companies such as Global Risk Strategies, Dyncorp, Vinnell, Erinys International and Aegis Defence Services Ltd will be used as case studies for their operations in Iraq. This is required in order to understand the current contextual trends that seemingly allow private military involvement in Iraq, as legitimate roleplayers of the *Coalition of the Willing*, to be more palatable than that of their counterparts in Africa.

1.2 Conceptual Framework

The proliferation of terrorists, mercenaries, guerrillas, warlords, non-state militias and private military companies across the globe in recent years has caught scholars, policymakers and the mass public largely unprepared. Posing a basic challenge to the structure of the entire international system, with its underlying assumption that national governments should hold a virtual monopoly on instruments of coercive force, Mandel (2002) postulates that the privatisation of security merits sustained analysis to describe its overall scope, delineate its many different forms, place it in a theoretical and historical context, understand its causes and consequences, and figure out how to cope with the transformation.

Defining the international private military services industry remains problematic. For the purpose of this study, the focus is on any firm or individual that provides international services traditionally provided by national militaries. This study differentiates between mercenaries, and the three types of private military companies, which often include

private security companies as one form of this type of company, operationalised as follows:

- **Mercenaries** are those who: (a) are specifically recruited locally or abroad in order to fight in an armed conflict; (b) take part in the hostilities; (c) are motivated to take part in the hostilities essentially by the desire for private gain and is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that party; (d) are neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict; (e) are not members of the armed forces of a party to the conflict; and (f) have not been sent by a state which is not a party to the conflict on official duty as a member of the armed forces (Article 47 of the First Additional Protocol of 1977 to the Geneva Conventions). It should be noted that this definition is cumulative in that a mercenary is defined as someone to whom all of the above apply.
- Alternatively, the Organisation of African Unity (OAU) Convention for the Elimination of Mercenarism in Africa of 1977 also prescribes the six criteria laid out in the Geneva Conventions pertaining to the definition of a mercenary. However, in addition, CEMA also defines a **mercenary** as anyone who, not a national of the state against which his actions are directed, is employed, enrolls or links himself willingly to a person, group, or organisation whose aim is: (i) to overthrow by force of arms or by any other means, the government of that Member State of the OAU; (ii) to undermine the independence, territorial integrity or normal working institutions of the said State; and (iii) to block by any means the activities of any liberation movement recognised by the OAU (Musah and Fayemi, 2000:286-287).
- **Private Military Companies** are “those organisations which do more than provide passive assistance in areas of conflict. They may provide training and equipment to extend the capabilities of their client’s military resources, providing them with the strategic or operational advantage that is necessary to suppress their opposition or,

going even further, play an active role alongside the client forces, as force multipliers, deploying their own personnel in the field of conflict, but with the strict caveat that they are acting within the chain of command of the client's military hierarchy" (Spicer, 1998). Private military companies are categorised by the types of activities they undertake and by the services which they offer. There is a sharp distinction between companies willing to contract with governments to engage in combat and immediate combat support, and companies that provide a variety of military and quasi-military services, but combat and combat support services. Thus, private military companies are categorised as combat type companies; non-combatant type, which includes military support and private security; and non-lethal services, which includes surveillance and communications (Fredland, 2004:207).

- **Private Security Companies** are "profit-driven organisations that trade in professional services including armed security services in unstable states to private clients, humanitarian protection, operations and support, demining, military and police training, logistics and supply for military operations, as well as hostage situation advice and/or rescue operations" (Brooks, 2000:131). Private security companies do not engage in direct combat and as such are categorised as non-combatant type companies.

It is the position of this study that both PMCs and PSCs provide military services and generally operate in regions or countries experiencing armed conflict. PSCs refer primarily to companies that provide passive security in high-risk conflict environments, whilst PMCs refer primarily to companies that provide more active military services such as training or offensive combat operations, generally to individual states.

Attempts to produce a typology of contemporary private military activity are made more difficult by the involvement of the same individuals and companies in a variety of different military-related activities at the same time. For analytical purposes, Brayton (2002: 307-308) distinguishes between three functional types of mercenaries and private military companies.

The first type of private military company is known as a “military provider firm” and focuses on the tactical environment. These companies offer services at the forefront of the battlespace, engaging in actual fighting or direct command and control of field units, or both. In many cases, they are utilised as “force multipliers”, with their employees distributed across a client’s force to provide leadership and experience. Clients of these private military companies tend to be those with comparatively low military capabilities facing immediate, high-threat situations. Private military companies such as Executive Outcomes and Sandline International both offer special forces-type services and are classic examples of combat-type, military provider firms.

The second type encompasses military consulting firms that provide advisory and training services. These private security companies also offer strategic, operational, and organisational analysis that is often integral to the function or restructuring of armed forces. Their ability to bring to bear a greater amount of experience and expertise than almost any standing force can delegate on its own represents the primary advantage of military consulting firms over “in-house” operations.

The crucial difference between type one and type two firms is the “trigger finger” factor; the tasks of consultants is to supplement the management and training of their client’s forces, not to engage in combat. Although type two firms can reshape the strategic and tactical environments, the client’s bear the final battlefield risks. Private security companies’ customers are usually in the midst of force restructuring or aiming for a transformative gain in capabilities. Their needs are not as immediate as those of type one clients, and their contractual requirements are often longer term. The best examples of type two, private security companies are Vinnell and MPRI.

Military support firms constitute the third type of firms as they provide “rear-echelon and supplementary services”. Although they do not participate in the planning and execution of direct hostilities, they do fill functional needs that fall within the military sphere, including: logistics, technical support, and transportation, all of which are critical to combat operations. The most common clients of type three firms are those engaged in

immediate, but long-duration, interventions, in other words, standing forces and organisation requiring a surge capacity. Whereas type one and type two firms tend to resemble what economists refer to as “freestanding” companies – companies originally established for the purpose utilising domestic capital advantages to serve targeted external markets – type three firms bear a greater similarity to traditional multinational corporations. Seeking to maximise their established commercial capabilities, these firms typically expand into the new military support market after having achieved dominance in their earlier ventures.

This study will focus primarily on the activities of the type one, combat military companies, which, taken together with the deficiencies in international legal apparatus, render their regulation problematic.

1.3 Purpose and Significance of Study

The overall purpose of this study is therefore to assess the troubling link between low-intensity conflicts and strategic minerals, examining how liberal, market-orientated, globalisation forces provide economic opportunity for private military companies. The study is also intended to contribute to the continuing debate surrounding feasible options for the regulation of these entities as well as investigate the comparative levels of analysis between private military operations in Africa and the Middle East.

To this end, Chapter II describes the privatisation of security by means of an investigation surrounding the debate of the classical and more recent definitions of mercenaries and private military companies as well as explores the various limitations of those definitions in terms of international law and regulation. The factors contributing to the rise of privatised security will be identified together with a brief review of current national legislation and international law pertaining to the private military sector.

To analyse and assess the benefits of the partial privatisation of violence and warfare for financial capital and the governments that tolerate, authorise, use or promote it; Chapter III identifies the various actors and factors that facilitate an enabling environment for

private military companies in Africa and explores the involvement of Executive Outcomes and Sandline International Ltd in Sierra Leone. This involvement is then analysed within the framework provided in Chapter I, after which numerous options for regulation are debated.

To compare the analysis and assessment of the benefits of the partial privatisation of violence and warfare for financial capital and the governments that tolerate, authorise, use or promote it in Africa; Chapter IV identifies the various actors and factors that facilitate an enabling environment for private military companies in the Middle East region and explores the involvement of companies such as Global Risk Strategies, Dyncorp, Vinnel, Erinys International and Aegis Defence Services Ltd in Iraq in the wake of the *War Against Terrorism*. This involvement is subsequently analysed within the framework outlined in Chapter I, after which the limitations and delimitations for regulation are discussed.

To conclude, Chapter V reflects on the problem statement, the purpose and significance of the study and the comparative analysis of private military involvement in Africa (Sierra Leone) and the Middle East (Iraq). This Chapter also reflects upon recent trends in the privatisation of security and places the multiple issues of contention surrounding the privatised military industry within a contextual debate. Finally, this Chapter will identify the various options for the regulation of private military companies at both the national and international level.

1.4 Research Methods

The aim of this study is a qualitative, descriptive-explanatory analysis of the concepts of 'mercenaries' and 'private military companies', as articulated by Article 47 of the First Additional Protocol of 1997 to the Geneva Conventions, the Organisation of African Unity (OAU) Convention for the Elimination of Mercenarism in Africa of 1977; and the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries of 1989, and applied to the post-Cold War context of private military operations in Africa and the Middle East. The research focuses on interactive processes

and events and is situationally constrained, allowing for a thematic analysis in which authenticity is key. In terms of methodology, this study is categorised by the use of research, the purpose of the study, a time dimension and data collection techniques.

This study was conducted through applied research techniques so as to address the problem of private military regulation and determine the feasibility of banning such organisations all together. To this extent, an evaluative type of applied research was adopted.

As mentioned above, this study incorporates a descriptive-explanatory analysis in which a developed idea about the social phenomenon of privatised security is described, a set of categories or classification types are created and the context of the situation is reported. The study is subsequently driven by explanatory research in which the causes and reasons for private military operations is assessed in order to extend theory to the privatisation of security, link the issue of private security to the general principles of neo-liberalism and determine how the existence and activities of private military companies can best be explained.

In terms of the time dimension, the case studies - whereby the countries of Sierra Leone and Iraq constitute the units of analyses – form the focal point of this research. Here an in-depth examination of the many features of private military involvement in these two geographical areas over a period of time is extensively documented. The case studies make use of the logic of analytic as opposed to enumerative induction and seek to connect the micro-level to the macro-level.

The study adopts a qualitative method of data collection in which the approach was historical-comparative in order to focus and compare private military activity across a historical period and between cultures. This study combined theory with data collection and involved a deductive method of research. To this extent, primary and secondary sources were applied extensively and are inclusive of the following: books, academic journals, newspaper articles, Internet sites, existing statistics, surveys, studies, official

Green Papers of various governments along with official policy documentation, and working papers from international conferences.

CHAPTER TWO: THE PRIVATISATION OF SECURITY

2.1 Introduction

The use of paid foreign military force is not a new phenomenon; however, its nature has altered significantly in the late twentieth century. Private military companies provide active military assistance that has a strategic impact on the political and security environments of the countries in which they operate. On the one hand, military companies have been hailed as an effective free-market response to a specific need no longer met by governments and international organisations; on the other, they are seen as modern-day mercenaries exploiting violence for private gain. In the post-Cold War era, mercenary activity has changed most dramatically in terms of organisational structure, links with target clients, and manner of 'reward' for services. Renegades such as Mike Hoare, Bob Denard, Rolf Steiner and Costas Georgiou have been replaced by sharp-suited and media-friendly corporate players like Eeben Barlow of Executive Outcomes and Tim Spicer of Sandline International, both based in London, coincidentally the PMC capital of the world. In their public-relations speak, they are not "mercenary outfits" or "arms dealers" but "packaged service providers" who render "professional military assistance" to "established and/or legitimate" governments (Sandline International Website, 2006), thereby differentiating private military companies from mercenaries.

A contributing factor to the debate surrounding this industry is the fact that the legal status of these companies is not clear and their relationships with their home governments are often characterised by a mixture of publicly voiced indignation and tacitly given support. Nevertheless, what is clear is that there exists a robust market for these companies' services, both from governments facing insurrection and no longer able to rely on powerful Cold War backers, and from multinational corporations operating in insecure areas.

This Chapter aims to highlight the conceptual inadequacies fuelling the debate surrounding private military companies, accompanied by a descriptive analysis of the emergence of the private military industry and an assessment of current international

legal frameworks available within which the relationships between private military companies and home states exist.

2.2 Defining the Privatisation of Security

Companies specialising in providing military support are frequently accused of employing mercenaries and since mercenaries are widely deemed illegal, it would seem to follow that the activities of private military companies are equally so. Establishing the legal status of military companies therefore has implications, both for the perceptions of the media, the public, states and international bodies, and for the degree of legitimacy these companies can claim. This in turn affects their future role.

Given that much of the contemporary debate concerning private military companies centres on the legality of their operations and whether or not they should be viewed as mercenaries, it is necessary to examine the definitions of “mercenary” currently used by the international community. There are three instruments of international law that are of importance here:

- Article 47 of the 1977 Additional Protocol I of the Geneva Conventions;
- The Organisation of African Unity (OAU) Convention for the Elimination of Mercenarism in Africa of 1977; and
- The International Convention Against the Recruitment, Use, Financing and Training of Mercenaries of 1989.

Article 47 of the 1977 Additional Protocol I of the Geneva Conventions encompasses the most commonly accepted criterion for defining a mercenary, as illustrated in Chapter I; however, there are significant problems in applying the criteria of Article 47 to the personnel of military companies (Shearer, 1998:17-20). Firstly, under sub-paragraph (a), recruitment must be specifically for a particular armed conflict. Since many personnel working for PMCs are employed on a long-term basis, they arguably cannot be considered mercenaries. Second, the requirement that mercenaries take a direct part in hostilities, as required by sub-paragraph (b), would exclude individuals acting as foreign

military advisers and technicians. Such activities are often the most significant in deciding the course of hostilities and most PMCs, such as MPRI and Executive Outcomes, exclude themselves from the definition of mercenary on this basis. Third, the need to establish a “desire for private gain” under sub-paragraph (c) tends to be difficult to prove as it introduces the psychological element of motivation. The section clearly intended to distinguish between volunteers fighting for their political beliefs and those fighting for financial gain. However, whilst financial reward might be the primary motivation, it may not be the only one and in 1976 the British Diplock Report noted that “[mercenaries] can only be defined by reference to what they do and not by reference to why they do it” (Report of the Committee of the Privy Counsellor, 1976:2). Fourth, under sub-paragraph (c), a member of the armed forces of a party to a conflict cannot also be considered a mercenary. Consequently, by becoming a member of a country’s military, contracted fighters avoid the label of mercenary under sub-paragraph (e). Sandline International, in its contract with the Papua New Guinea government, termed its employees ‘Special Constables’, no doubt to reinforce this distinction.

It could be argued that many of these exclusions are technicalities, but each section is sufficiently open to dispute that, taken together, they “render Article 47 unworkable” (Hampson, 1991:30). Thus, as long as private military companies and their clients word contracts in a manner that excludes them from the cumulative effects of Article 47, they will fall outside its purview.

Apart from these technicalities, Cleaver (2000:132-133) argues that three further factors weaken Article 47: (i) it is concerned only with international conflicts or national-liberation movements (defined as struggles against colonial rule) and therefore does not apply in a civil war; (ii) several countries, including France and the USA, are not parties to the agreement; and (iii) it does not proscribe mercenaries nor does it pass moral judgement on them – although it does discriminate against them by denying them entitlement to prisoner-of-war status.

Both the OAU and international conventions on mercenaries contain definitions that focus on acts aimed at overthrowing or undermining the constitutional order and territorial integrity of a state. They are both less technical and more extensive in their possible applicability than Article 47; and entered into effect on 20 October 2001 (UN, 2006). South Africa is not a signatory to either the AU or UN Conventions dealing with the prohibition of mercenary activities.

The confusion as to the status of these private military companies is reflected in the reports of the United Nations Special Rapporteur of the Commission on Human Rights, Enrique Ballesteros. Whilst deprecating the development of such companies, he admits that within the terms of international law it is not possible to definitively categorise them as mercenaries. Furthermore, Ballesteros (1998: paras 67-92) makes the point that this is an issue that requires clarification at the international level given that current legislation is open to a variety of interpretations.

Private military companies represent the evolution of private actors in warfare and today, far from the more classical definitions defined above; their critical analytical factor is their modern business form. Singer (2001/2002:191-193) suggests that PMCs operate as companies first and foremost, focusing on their relative advantages in the provision of military services. As business units, they are often tied through complex financial arrangements to other firms and make use of complex corporate financing, ranging from the sale of stock shares to intrafirm trade. Secondly, PMCs are business profit-, rather than individual profit-, driven endeavours and maintain permanent corporate hierarchies instead of relying on the ad hoc, black-market structuring and payment system associated with mercenaries. Third, and unlike mercenaries, PMCs trade and compete openly on the international market and are considered legal entities that are contractually bound to their clients. In many cases, they are at least nominally tied to their home states through laws requiring registration and licensing of foreign contracts. Finally, they provide a wider range of military services to a greater variety and number of clients. Thus, the “corporatisation” of PMCs not only distinguishes them from mercenaries, but also offers

certain advantages in both efficiency and effectiveness as they are accountable to shareholders, not politicians.

Thus, unlike earlier mercenaries, the activities of private military companies have diversified to a high degree. Their customers now range from sovereign governments to international agencies, foreign embassies to corporate entities, usually involved in oil, exploration and mineral prospecting. Remuneration for contracts implemented also differs from that offered to mercenaries, in that private military companies are often compensated in the form of trade deals whereby security services and executive protection are offered in exchange for long-term diamond or oil concessions.

To further distinguish between private military and private security companies, Brooks (2000:130) provides the following table of their most common and recognized services:

TABLE ONE
SERVICES PROVIDED BY PRIVATE SECURITY COMPANIES AND/OR PRIVATE MILITARY COMPANIES

	ACTIVITY	PMC or PSC
1	Offensive combat operations (pulling triggers)	PMC
2	Armed security services in unstable states to private clients	PSC
3	Armed security services in unstable states to public or international clients, including law and order operations	PMC
4	Humanitarian protection, operations and support	PMC/PSC
5	Military surveillance, strategic advice and intelligence	PMC
6	Demining	PSC
7	Military and police training	PMC/PSC
8	Logistics and supply for military operations	PSC
9	Hostage situation advice and/or rescue operations	PMC/PSC

Thus, Table One illustrates the viability of private military and/or private security companies to offer military services more efficiently, more rapidly, and substantially cheaper than state militaries or non-military companies could do themselves. However, there are those proponents (Venter, 2003) that claim that this view seldom draws distinction between combat type private military companies and mercenaries.

2.3 The Emergence of the Privatised Military Industry

The increasing influence of the private military sector in the 1990s is the result of several important trends stemming from post-Cold War international affairs. This section identifies the reasons behind the privatisation of the military industry; categorises the organisation and operation of the industry as well as assesses the implications of the industry upon international security.

2.3.1 Reasons Behind Military Privatisation

In the last decade, private military companies have prospered in an international environment of increasing instability and insecurity, which can be attributed to a myriad of factors.

The ability of states to respond to many of today's threats has declined. Shorn of their superpower support, a number of states have suffered breakdowns in governance, which has been particularly true in developing areas, where many regimes possess sovereignty in name only and lack any real political authority or capability (Jackson, 1990). Subsequently, weak and failing states have emerged and paved the way for new areas of instability. The emergence of weak states, many to the extent that they are virtually collapsed, are nominally ruled by elites beholden to mercantilist interests in those cases where scarce and valuable resources are exploited for profit within these territorial jurisdictions (Migdal, 1988). In Africa, diamonds – in both Angola and Sierra Leone – seem to have been one of the major reasons why rebels and warlords, backed by commercial interests, attempt to seize power.

Given their often poorly organised local militaries and police forces, the security apparatus of these regimes can be exceptionally deficient, escalating to what could be described as “near military vacuums” (Singer, 2001/2002:194). Moreover, the almost complete absence of functioning state institutions has meant that outsiders have begun to assume a wider range of political roles customarily reserved for the state. Amongst these is the provision of security (Reno, 1998:48). The traditional response for dealing with these areas of instability used to be outsider intervention, typically by one of the great

powers; however, the end of the Cold War has facilitated the restructuring of these states' security priorities and they are no longer automatically willing to intervene abroad to restore stability as many of the conflicts in developing regions cease to pose serious threats to the national interests of these powers, with the exception of the war in Iraq. Thus, rulers tend to outsource military and security functions to local militia, such as the Kamajors in Sierra Leone; however, when this fails, the more expensive option of paid foreign military support is entertained, which opens the door for mercenaries and private military companies of the combat type, such as Sandline in Sierra Leone.

It is argued that massive disruptions in the supply and demand of capable military forces after the end of the Cold War provided the immediate catalyst for the rise of the privatised military industry (Shearer, 1998; Cleaver, 2000; Mandel, 2002). A multitude of new security threats began to appear after 1989, many involving emerging ethnic or internal conflicts, which have seen non-state actors increase their ability to challenge and potentially disrupt the status quo. Among these were local warlords, terrorist networks, international criminals, and drug cartels that served to reinforce the climate of insecurity in which private military companies thrive, creating new demands for such businesses.

Another factor is that the Cold War was thought to be a historic period of 'hyper-militarisation' which, upon its end, resulted in massive military downsizing leaving a large number of individuals with skill sets uniquely suited to the needs of the private military industry unemployed, together with massive arms stocks opening up to the market (Lock, 1999:13). Thus, downsizing fed both supply and demand, as new threats emerged and demobilisation created fresh pools of private military labour and capital. The net result is a sharp increase in expertise in the private sector.

Concurrent with the reordering of the security market are other critical underlying trends. The nature of warfare itself has been undergoing revolutionary change at all levels (Singer, 2001/2002:195). The motivation behind many conflicts in developing areas are either criminalized or driven by the profit motive in some way. Both directly and indirectly, these parallel changes have heightened the demand for services provided by

private military companies. Singer (2001/2002:195) highlights the dramatic need for specialised experts, which must often be drawn from the private sector, as a result of the requirements of high-technology warfare and suggests there has been a paradigm shift that now encourages the proliferation and criminalisation of local warring groups as almost any group operating within a weak state can now acquire at least limited military capabilities. The loss of ideological motivation has degenerated conflicts among groups fighting to grab local resources and private military companies are once again able to thrive in such profit-orientated conflicts, either working for these new conflict groups or reacting to the humanitarian disasters they create. Thus, once again, the inability of weak governments to counter internal violence has enabled the creation of a ready market for private military companies.

There has also been a normative shift toward the marketisation of the public sphere as a contributing factor. The market-based approach toward military services is described as “the ultimate representation of neo-liberalism” (O’Brien, 1998:89). The privatisation movement has gone hand in hand with globalisation: both are “premised on the belief that the principles of comparative advantage and competition maximise efficiency and effectiveness” (Singer, 2001/2002:197). Equally, in modern business, outsourcing has become a dominant corporate strategy and a huge industry in its own right. Thus, turning to external, profit-motivated military service providers has become not only a viable option but also the favoured solution for both public institutions and private organisations. The successes of these privatisation programmes and outsourcing strategies have given the market-based solution not only the stamp of legitimacy, but also the push to privatise any function that can be handled outside government. As a result, the momentum of privatisation has spread to areas that were once the exclusive domain of the state. As Dinnen notes, “the current revival in private military security is broadly consistent with the prevailing orthodoxy of economic rationalism, with its emphasis on downsizing government and large-scale privatisation” (1997:11).

Furthermore, the processes of state building in the Middle East, namely in Afghanistan and Iraq, as well as the perceived American imperialism dominating political and security

rhetoric have proved to be very profitable avenues for private military companies. Thus, as the US fails to garner international support, there dependence on private military companies increased, further facilitating their spectacular growth.

The privatised military industry has thus drawn on precedents, models and justifications from the wider privatisation revolution, allowing private military companies to become potential, and perhaps even the preferred, providers of military services.

2.3.2 Organisation and Operation of the Privatised Military Industry

The privatised military industry is not an overly capital-intensive sector, particularly compared to such traditional industries as manufacturing. Nor does it require the heavy investment needed to maintain a public military structure. The barriers to entry are relatively low, as are the economies of scale. Whereas state militaries require regular, substantial budget outlays to sustain themselves, private military companies need only a modicum of financial and intellectual capital. All the necessary tools are readily available on the open market, often at bargain prices from the “international arms bazaar” (Singer, 2001/2002:199). The labour input is also relatively inexpensive and widely available for spurring their recruitment is the comparatively low pay and declining prestige of many state militaries.

The expansion of the privatised military industry has been characterised as acyclical, with revenues continually rising. This is yet another way of alluding to the fact that economic and political crises are fuelling demand beyond the sector itself (Lock, 1999). Many private military companies operate as “virtual companies” and are similar to internet firms that limit their expenditure on fixed assets as they do not maintain standing forces but rather draw from databases of qualified personnel and specialised subcontractors on a contract-by-contract basis (The Economist, 1999:41-42). This globalisation of resource allocation builds greater efficiency with less operational slack.

The overall number of firms in the industry is in the high hundreds, with market caps ranging from a few hundred thousand dollars to twenty billion dollars. A rapid

consolidation of the industry into larger transnational firms, however, has begun to characterise the organisation of the private military sector. The 1997 merger of the London-based Defense Systems Limited with the US firm Armor Holdings and the purchase of MPRI by L-3 in 2000 exemplify this trend (Fortune, 2000). Having made more than twenty global acquisitions in the last eight years, Armor Holdings is notable for having been named among *Fortune* magazine's 100 fastest-growing companies in both 1999 and 2000, one of the few non-high-technology firms to do so.

The reason behind this industry consolidation centres on the global branding necessary to compete in the world market. Large international companies have social capital and established records that allow them to increase their market share rapidly, whilst more easily offering a wider range of services to tackle complex security situations. There remains a niche, however, for aggressive smaller firms that can make informal deals that bigger firms cannot. Such companies can more easily insinuate themselves into the political networks of local regimes or utilise the barter system of payment.

In terms of industry classification, not all private military companies look alike, nor do they serve the same market. Thus, the privatised military industry is organised according to the range of services and levels of force that its firms are able to offer. This categorisation is also correlated with how business chains in the outsourcing industry as a whole break down. The industry is divided into three types: (1) military provider firms; (2) military consulting firms; and (3) military support firms, as discussed in the conceptual framework provided in Chapter I.

2.3.3 Implication of the Privatised Military Industry on International Security

The pull between economic incentives and political exigency has created a variety of intriguing dilemmas for the privatised military industry. At issue are divided loyalties and different goals. Clear tensions exist between a private military company's client's security objectives and a company's desire to maximize profit. A private military company may claim that it will only act in its client's best interests, but this may not always be true. The locus of judgment then shifts from the client to the private military

company and results in the company becoming the agent enacting decisions critical to the security of the principal. Van Evera (1994) explores the likely consequences of private military activity in terms of the policy impact of private military companies as alternative military actors.

First, non-state actors are empowered. The unrestricted access to military services ushered in by the rise of the privatised military industry has clearly enhanced the role of non-state groups, which at one time had been at a significant disadvantage in a system dominated by states. Private military companies now provide these groups with new options and new paths to power not imagined until very recently (Metz, 2000:13). Some private military executive contend that their companies work just for states, and more specifically, only for those with reputable governments. They argue that private military companies will not do business with unsavoury customers because it could harm their ability to secure future contracts. However, both the structure of the market and the record so far argue against this. Much the way that private military companies may decide to break contracts for their own interests, under certain conditions high, single-shot payoffs might prove too greater temptation in client choice (Singer, 2001/2002: 213).

In the current unregulated market, the firms decide for whom they work and thus far, they have contracted with all types of clients, the only limitation being the affordability of their services. Itinerate combat military companies having difficulty succeeding in a competitive market are the most likely to work with violent non-state entities. Rebel groups in Angola, Sierra Leone and Congo have all contracted the services of combat-type private military companies to receive training and assistance in the use of advanced military technologies. The increased military capabilities of these and other non-state groups have had other consequences, including a widening of conflicts and a lessening of weak states' ability to put to rest internal opposition. Although the current market is characterised as being unregulated, there have been attempts by the South African government, whose aim it is, to regulate or license this market, as opposed to the UK market as an example of un-, or rather, non-regulation. Perhaps less pernicious, the

market also offers a greater array of military options for more reputable non-state actors. Normally, the intervention options of international and regional organizations are limited by the weaknesses of their member states (Singer, 2001/2002:213). The use of combat-type military companies and surveillance type companies can, however, compensate for such shortfalls, allowing these organizations to undertake operations that they would not otherwise be able to do.

Second, alterations in the civil-military balance occur. Civil-military relations theory is a story of institutional balance, where proper civilian control over the military vies with military professionals' need for autonomy to do their jobs properly (Kemp and Hudlin, 1992:7-26). The privatised military industry represents a third-party influence on this balance. Variation in the impact of private military companies on civil-military relations is determined by company type and the timing of deployment. Private military companies and private security companies tend to pose the greatest threat to the institutional balance because they supplant core military positions and functions. In particular, the hire of private military companies would be destabilizing if any of the following conditions applied: (1) their line employees receive higher pay than local soldiers for performing similar tasks; (2) clients provide private military employees with vastly better equipment; (3) these employees are kept separate and distinct from local forces; or (4) private military officers are placed in command positions, or their presence blocks normal promotion tracks (Kemp and Hudlin, 1992:14).

Under certain conditions, private military companies can help to stabilize the civil-military balance. During an impending breakdown in civil-military relations, the quick insertion of a private military company can, for example, tilt the balance of power toward the civilian side by helping to deter or defeat a military coup. In peacetime, private security companies may engage in long-time restructuring programmes designed to bring militaries under greater civilian control and although they have a less direct influence than the other types, surveillance companies can reinforce the civil-military balance in a limited way because by assuming certain tasks, they can pull local officers out of functional areas such as logistics and supply that often lend themselves to corruption. By

limiting the military to more core military tasks, surveillance companies also help to distinguish between the scope of civilian expertise and that of the military profession.

Third, there is a skirting of public policy limitations in that another rationale behind outsourcing is that of political expediency. The rationale for using private military companies instead of official covert action is that they give the cover a plausible deniability that public forces lack. If an operation goes awry, the activities of a private military company are easier to deny and the blame simpler to shift (Robberson, 2001). Another possible advantage of using private military companies is that it may allow the executive branch to avoid public debate or legislative controls, and therefore undertake what it sees as a much more “rational” foreign policy (Lowi, 1989: 258-292). Without public debate and monitoring, the actions of private military companies not only may prove embarrassing but could have far more negative repercussions. In addition, private military operations might backfire and ultimately involve the client in direct fighting without the requisite public debate.

Thus, the rise of the privatised military industry raises possibilities and dilemmas that are not only compelling and fascinating in an academic sense but are also driven by real-world relevance. Given the growth of the private military sector and its current embeddedness in Africa and the Middle East, regulating strictly against private military companies could have the adverse results of reducing state transparency regarding the defense sector and driving private actors underground, rather the risk of the emergence of mercenary groups in this scenario would increase (McIntyre, 2004: 103). Thus, the problems that have been ushered in with the rise of private military companies cannot simply be wished away, the best that one can hope for, in order to ban the real “dogs of war”, traditional mercenaries, is the sanitisation of the environment of private military companies through proper regulation. The development of benchmarks for good (and ethical) business practice opens the doors for the legitimisation of firms and thus more contract opportunities, but also for the civil oversight of the industry. McIntyre (2004: 101-103) postulates that the regulation of the private military sector has become an “issue of governance; wherein the activities of firms can only be legitimized by both their

states of origin and those states, regional bodies, or, in the case of the United Nations, international authorities, that employ their services”.

2.4 The Private Military Industry and International Law

2.4.1 International Legal Framework

State practice determines the development of customary international law. Under customary international law, nations have a duty to prohibit the initiation of hostile expeditions by persons within their territory against other nations (Gulam, 2004:4). As noted earlier in this Chapter, the only current legislation in force is Article 47 of the 1977 Protocol I Addition to the Geneva Conventions (Sandoz, 1999:204). However, this legislation does not attempt to ban mercenary activity as such; rather it defines the legal status of mercenaries. Gulam (2004:8) argues that the illegal act is not mercenarism per se, but the act of violating the sovereignty and territorial integrity of a state. Furthermore, not only have states been lax in enforcing any of the international and regional regimes against individual mercenaries, but the fact that PMCs operate in over fifty states, often on behalf of governments, suggests a basis for arguing a norm of their legitimacy and a general acceptance of the phenomenon.

The 1977 First Additional Protocol to the Geneva Conventions did not legislate against mercenary activity, but rather acknowledged the existence and practice of such persons within warfare and sought to define their legal status and codify their standing within the context of international humanitarian law (Goddard, 2001:32). The Additional Protocol contained two principle paragraphs: Paragraph One excluded the mercenary from the category and rights of recognised combatants and prisoners of war and Paragraph Two defined the cumulative and concurrent requirements that must be met in order to determine who is a mercenary and who is not. The fundamental basis of the Additional Protocol is that all six requirements listed in subparagraphs 2(a) to 2(f) must be satisfied for the definition to be met. A failure to satisfy one requirement is sufficient to prevent the definition being met. Other significant limitations contained within the Additional Protocol include: the lack of a generally acceptable and operational definition of the concept of mercenaries for application within modern warfare; the narrow focus on the

status of the individual conducting an action, as opposed to a wider focus on the act of direct intervention in armed conflict as a combatant; and the lack of any fundamental differentiation between PMC conducting military-style operations and traditional freelance style mercenaries.

The Organization of African Unity (OAU) established the Convention for the Elimination of Mercenarism in Africa, which declared the actions of mercenaries as general crimes against the peace and security of Africa and thus has been the most aggressive international codification of the criminality of mercenarism. However, despite this seemingly forceful stance, the OAU Convention did not actually forbid the hire or employment of mercenaries for other purposes. That is, the Convention was drafted to allow African governments to continue to hire non-nationals, as long as they were used to defend themselves from “dissident groups within their own borders,” while disallowing their use against any other rebel groups that the OAU supported (Foreign and Commonwealth Office, 2002:6-7). The OAU Convention does not suffer from all the pitfalls of the UN Conventions as it uses a definition of mercenarism which refers to the purpose of a mercenary’s employment as well as features of who a mercenary actually is. However, the challenge for the OAU instrument is deciding what is a legitimate liberation movement or government. Many modern governments were once classified as “insurgents” or “terrorists” while in opposition, among them South Africa's African National Congress. The governments that grew out of these movements are now internationally recognised. As with the UN Geneva Conventions, however, CEMA does not explicitly differentiate between mercenaries and private military companies, nor does it provide a significant departure from the framework established within the Geneva Conventions.

In 1987, the UN Commission on Human Rights appointed a Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination. In 1989, the UN adopted an ‘International Convention against the Recruitment, Use, Financing, and Training of Mercenaries’. The Rapporteur has drawn attention to the numerous gaps and ambiguities in the international instrument

and the persistence of, and increase in, mercenary activities. On the issue of PMCs and security companies, however, the way forward is uncertain. According to the Rapporteur, there are certain legitimate and acceptable roles for PMCs, acting in accordance with national and international law. On the other hand, there are situations in which certain services performed by PMCs and security companies have increased the amount of small arms and other weapons in a region, prolonged or exacerbated conflict or facilitated human rights abuses (Makki, Meek, Musah, Crowley & Lilly, 2002:6). The 1989 release of the Convention could not have been more untimely as it was open for signature just as the private military trade began to transform, from only being made up of individual mercenaries to being dominated by PMCs. It was not until September 2001, that the treaty came into force, when Costa Rica became the twenty-second signatory (Gulam, 2004:14).

The UN Convention lacks any monitoring machinery and relies instead on the state parties to the Convention to coordinate their enforcement of it and as such is a serious deficiency within the Convention. Despite the fact that it is larger in scope than Article 47 of Protocol I, the Convention in general contains most, if not all, of the same loopholes. Therefore the same criticisms mentioned above concerning the Article 47 of Protocol I definition can be levelled at the International Convention. In the context of the International Convention, though, such criticism is more pertinent as the loopholes prevent mercenaries, not to mention private military companies, from being caught in the criminal law framework (Foreign and Commonwealth Office, 2002:30).

2.4.2 National Legislation

Given the particular challenges of low-level internal conflict, it is perhaps understandable that some Western states have appeared to tolerate the activities of private military and security companies. Where these companies support the foreign policy and commercial interests of their national governments, they are not only condoned, but welcomed. US and British companies dominate the market at present, whilst the South African government has been most innovative in its attempts to legislate to control the activities of these companies.

The South African government enacted the Regulation of Foreign Military Assistance Act in 1998, which sought to place limits on the activities of private military companies based within its borders (Sandoz, 1999:215). Prior legislation did, however, exist. Section 121A of the Defence Act prohibited members of the South African armed forces from serving as mercenaries, but did not apply to all South African nationals. The 1980 Keypoints Act, the 1987 Security Officers Act and the second amendment of the Penal Code of 1992 contained provisions applicable to security companies operating on South African soil and illegalised the use of firearms or explosives as well as the training of personnel in certain types of military or paramilitary operations (Sandoz, 1999:215).

The new Regulation of Foreign Military Assistance Act aims to expand on these limitations, especially with concern to controls, through the strengthening of the powers of the National Conventional Arms Control Committee (NCACC) set up in 1995. Under the terms of the Act (1998), foreign military assistance would be subject to an approval procedure before such services could be offered. Moreover, prior authorisation would be required before contact could be made with a third party in order to offer such services, similar to the South African arms export control regime. The South African legislation has adopted a broad definition of foreign military assistance, which includes not only direct combative participation in armed conflict, but also military assistance to a party to an armed conflict in the form of “advice or training; personnel, logistic, intelligence or operational support; recruitment; procurement of equipment; medical or paramedical services” (1998:3). This list is further supplemented by a general clause referring to “any other action that the result of furthering the military interests of a party to the armed conflict” (1998:3). The definition also includes “any attempt, encouragement, incitement or solicitation to render such services” (1998:4).

The provision concerning those receiving such assistance is also broad in scope. It covers all parties to a conflict, “the armed forces of foreign states involved in an international or non-international armed conflict, dissident forces opposing government forces in an internal conflict, and non-governmental armed groups fighting amongst themselves in an

internal conflict”, and also applies to security services for the protection of individuals involved in armed conflict or their property (1998:6).

On the other hand, the definition of foreign military assistance seems to be strictly limited to armed conflict, which raises certain questions. Indeed, services of the type listed above could be offered for preventative purposes, notably in situations where internal strife that has not yet reached the intensity of an armed conflict prompts the government to seek such services in order to restore public order.

An alleged plot to overthrow the government of Equatorial Guinea in 2004, in which a total of 77 South Africans were involved, has led to a review of the regulations of the 1998 Foreign Military Assistance Act (Mofokeng, 2004). The attempted *coup* was foiled as the alleged mercenaries were arrested at Harare’s International Airport where they landed to apparently refuel and collect military equipment. Subsequently, they were convicted of violating Zimbabwe’s immigration, aviation, firearms, and security laws (Mofokeng, 2004). Mark Thatcher was also arrested on charges of funding and providing logistical support to the *coup* attempt. Safety and Security Minister, Charles Nqakula said that the need to review the FMA Act came in the wake of concerns about South Africans protecting installations in Iraq and the arrest in Zimbabwe and Equatorial Guinea. The new draft legislation, the Prohibition of Mercenary Activities and Prohibition and Regulation of Certain Activities in Areas of Armed Conflict Bill (B42-2005), covers areas such as the prohibition of private military companies and private security companies from providing any military assistance in areas of armed conflict (Policy and Law Online, 2006).

Government has been extensively lobbied on the Bill by security companies, foreign governments and various NGOs as its main source of controversy has been the element of extra-territorial reach, which would allow Pretoria to prosecute private military and security companies and NGOs that employ South Africa in areas without government permission (Business Day, 2006). The Bill would even make illegal for South African to work for UN agencies, including peacekeeping and humanitarian operations, and NGOs

that operate in conflict areas. Yet another area of contestation surrounds the provision of Pretoria to decide which organisations qualified to be “liberation movements” for which South African could volunteer (Business Day, 2006). There has also been concern that the definition of “conflict areas” gives the Defence Minister a large degree of discretion. As a result, the Prohibition of Mercenary Activities and Prohibition and Regulation of Certain Activities in Areas of Armed Conflict Bill was rejected by parliament.

The United States legislation pertaining to private military and security companies is based in the amendments to the International Traffic in Arms Regulation (1997: 67274-67278). The principal rules relate to “any person in the United States or otherwise subject to US jurisdiction who is in the business of brokering transfers of defence articles or services required to register and pay a fee” (1997:67275). “Defence services” are defined by the Act as: (1) “the furnishing of assistance (including training) to foreign persons, whether in the United States or abroad, in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarisation, destruction, processing or use of defence articles; (2) the furnishing of foreign persons of any technical data controlled under this subchapter whether in the United States or abroad; or (3) military training of foreign units and forces, regular or irregular, including formal or informal instruction of foreign persons from the United States or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercises and military advice” (1997: 67274-67278).

Furthermore, defence services in excess of \$50 million may not be concluded until the Office of Defence Trade Controls notifies the service provider through the issue of a licence or other approval that Congress has not enacted a joint resolution prohibiting the rendering of the service (Sandoz, 1999:217). Any person who engages in brokering activities in this sphere is required to register with the Office of Defence Trade Control, with certain specified exceptions, whilst activated conducted for close allies such as members of NATO and a few other countries, are not subject to this constraint, except in the case of some specifically sensitive activities, including the provision of fully

automatic firearms or nuclear weapons strategic delivery systems (Sandoz, 1999:217). Thus, the system does not rule out the activities of organisations providing security services, but subjects them to restrictions which have more to do with foreign policy than with the provisions of international law. This is clearly illustrated, especially in the diverse treatment out to different countries and the fact that no distinction is drawn *a priori* between services rendered to a government and those rendered to irregular forces (Sandoz, 1999:217).

Private military companies based in the United States have close links with the Department of Defense and many are suppliers to the military-industrial market. The primary focus of these companies is to exploit domestic defence-market opportunities, although international contracts have stemmed from existing business relationships (Shearer, 1998:34). Due to their close affiliation with the defence sector, some companies have actually become involved in US foreign policy. As part of a wider strategy to protect US oil interests, US-based private military companies have been contracted to various Middle Eastern countries so as to strengthen their forces and ensure that their military profile and weaponry are compatible with that of the United States (Shearer, 1999:35). These companies are seen as a cost-effective yet secure way of providing appropriate training to enhance the military capabilities of various countries in the interests of US policy. In addition, their involvement helps to deflect criticism of the US administration's support for a regime that has been accused of being undemocratic and failing to observe basic human rights.

The United Kingdom is also home to a number of companies offering security services. The Foreign Enlistment Act of 1870 prohibits British subjects from recruiting for or enlisting in the armed forces of a foreign state (Sandoz, 1999: 217). Sandoz (1999: 217) points out that the Diplock Report, on the issues of mercenaries, requested after the trial of British mercenaries in Angola, concluded that preventing British citizens from working abroad as mercenaries was an unjustified infringement of individuals' personal freedom and recommended that a legal system be established whereby the government

could draw up a list of countries in which British nationals were not permitted to enlist by reason of the country's international relations.

Notably, the United Kingdom only introduced regulation for private policing services in May 2001 in the form of the Private Security Industry Act, which sets the basis for the governance of domestic private security services (Krahmann, 2003:16). However, this Act has not yet been fully implemented and is therefore difficult to assess. The Act established a Security Industry Authority (SIA) that will specify licencing criteria and supervise their enactment plans (HMSO, 2001). As far as private military services are concerned, the Act included a number of regulations that may contribute to the governance of the sector. However, it needs to be noted that these regulations will only apply to services offered within the United Kingdom. As soon as a British company operates in another European member state, a different national law applies. In particular, the private military industry might come to be affected by the licencing of security personnel which carries arms, training in the handling of arms, the gathering of intelligence, and the policing of military facilities (Krahmann, 2003:17). Not controlled by the Private Security Industry Act are services related to strategic training, military logistics and management. The export of military services to customers abroad is not covered by the legislations either.

Potentially more effective controls for the transfer of private military services have been included in the British legislation of armaments exports that is currently undergoing a major review. The British Export Control Act of 2002 for the first time envisages "controls for the provision of technical assistance abroad as well as for the brokering and trafficking of arms" (DTI, 2002). Private military services will come under the influence of the new controls because the Draft Orders on the implementation of the Export Control Act define technical assistance as "technical support related to repairs, development, manufacture, assembly, testing, use, maintenance or any other technical service outside the European Community" (DTI, 2002:25). In addition, private military companies are affected by the Act if they engage in trafficking and brokering of "military and paramilitary equipment of the UK's Military List" (DTI, 2002:30). Specifically, the Draft

Order states that “a licence will be required when a trader who owns controlled goods in a country overseas and either moves them to another country, or disposes of them through sale, lending, letting, or giving them away in a transaction he knows or has reason to believe could result in them moving to another country (DTI, 2002:31).

However, while the new controls affect some forms of private military services, the Export Control Act 2002 does not explicitly concern itself with the regulation of the private military industry. The main imperative for the extension of the export controls to the transfer of military services such as technology and technical assistance is the growing perception of threat from the proliferation of weapons of mass destruction. Consequently, the proposed regulations only require licencing if these services are linked to such weapons. The provision of technical assistance and technology related to conventional weapons remains unregulated. Moreover, the regulations concerning the brokering and trafficking of controlled weapons only apply “where any relevant part of the trade transaction occurred in the UK” (DTI, 2002:31). This will allow UK nationals to engage freely in the trafficking and brokering of arms as long as they close their deal abroad. This failure of the British Export Control Act to regulate the export of private military services is the more remarkable since the consultation about the Act have been conducted parallel to the drafting of the British Green paper ‘Private Military Companies: Options for Regulation’, its discussion with the Ninth Report of the House of Commons Foreign Affairs Committee, and the subsequent response of the British government (Krahmann, 2003:19). The Green Paper, which is the first and so far only attempt by a European government to explore legislation on mercenaries and private military companies, lists a variety of options for their regulation, advantages and disadvantages. Specifically, the Green Paper examines three policy options: (i) a national and international ban on mercenary activity; (ii) national licencing of private military companies and exports; and (iii) the self-regulation of the industry, all of which will be assessed in Chapter V of this study.

To date, the regulation of private military companies in the United Kingdom remains limited. The failure of the Export Control Act to include the trafficking and brokering of

British national or residents when abroad might indicate a general unwillingness of the British government to fully exploit available governance mechanisms for the control of the private military industry. If duplicated by the Security Industry Authority and in the prospective legislation on mercenaries, this might result in controls that, although highly visible, will not be very effective. More importantly, Britain is not a signatory to the 1989 United Nations Convention on Mercenaries, suggesting that it believes it is impractical to outlaw the activities of private military companies (Cleaver, 2000: 145)

2.5 Summary

Private military companies offer military skills that were once the preserve of governments and their essential purpose is to enhance the capability of a client's military forces to function better in war, or to deter conflict more effectively. These companies are distinct from organisations operating in other areas of the security industry in that they are designed to have a strategic impact on the security and political environments of weak states facing a significant military threat.

Private security companies, on the other hand, tend to be more confined to specific areas, notably those in which foreign investment is located, and their role limited to protecting installations against banditry and other crime. Their capacity to deal with wider insurgency is limited. The growth of private security companies internationally is in many respects an extension of their increasing role in providing security at a domestic level.

The sheer number of companies, the scope of services offered, and the visibility of their operations, not the novelty of the phenomenon, marks the current era as significantly different. The sudden spurt stemmed from an unusual conjunction of market forces in the 1990s. Freed from Cold War political constraints and incentives, demand in the form of internal wars and governments, which lacked professional militaries, but had potentially valuable resources, found a ready supply of professional soldiers in the large numbers set at liberty by the downsizing of militaries in the former ideological rivals. These conditions applied in special significance to Africa, where weak governments no longer

of geo-strategic interest to former cold warriors, faced challenges from insurgent movements. The subsequent rise of the privatised military industry has many implications for international security, including, under broad categories: contractual dilemmas, market dynamics and disruption, policy impacts of alternative military actors, as well as an impact on international peacemaking and peacekeeping.

The more fragile the state structure and the more volatile the internal scenario, the more security for governments and for private corporations protecting business interests needs to be outsourced. Currently, Smith (2005) notes that mercenaries and private military companies are in a legal no-man's land; as they are illegal internationally and have no rights or obligations, and – more importantly – are outside the Geneva Convention or the International Criminal Court (ICC).

CHAPTER THREE – PRIVATE MILITARY COMPANIES IN AFRICA

3.1 Introduction

Mining still represents one of Africa's few real areas of progress and provides most of the world's gold and gem diamonds, platinum and palladium, cobalt, copper, chrome and titanium dioxide. Thus, cash-strapped African governments, that once treated international mining groups with deep suspicion, now compete for their favours. Many have watered down or abolished foreign ownership restrictions or punitive taxes that had previously discouraged companies from exploring for mineral deposits. In fact, more than thirty African countries to date have made substantial changes to their mining codes. As a result, poor governments pay for services and favours by granting mining concessions or mortgage future profits to purchase arms or line the pockets of the governing elites.

The amount of foreign funds spent on mining exploration in Africa has increased rapidly in the 1990s. According to the UNCTAD World Investment Reports, "resource-seeking" has become the biggest objective for FDI activities in Africa, largely driven by the world-wide commodity boom, fuelled by the US and China predominantly in Nigeria, Angola and Sudan (UNCTAD.org, 2006). Planned capital expenditure has also jumped significantly in recent years, most of it for gold and copper mining. This type of mining requires vast investment and therefore a stable environment – in contrast to the diamond mining in much of Angola and Sierra Leone, for example, which is much less capital intensive.

The reality of weak African states creates an environment within which foreign companies must provide not only their own infrastructure, but also private security forces capable of protecting their property and employees. As a result, mining companies argue a strong case when it comes to the costs of doing business in Africa. Apart from paying off local politicians, warlords, and often the military, mining companies have to employ security 'advisors' at enormous cost to protect their staff and property and to alert them of impending conflict.

The result of these often complex arrangements is a trilateral relationship between the government, the mining company, and the private security company. Such a special relationship is often removed from public or governmental scrutiny and characterised by “special” methods of payment and secrecy. In this manner, the governing elite regain control over those areas that provide private and public resources, the mining company is ensured of a captive and malleable government that enables it to exploit its concessions, while both benefit from the stability provided by the security companies. One has to wonder whether the phenomenon of patrimonialism, which refers to both the personal rule of “big men”, and clientalism, makes any difference as to why private military companies are invited into Africa. Bayart (1993:228-259) argues that when rulers remain in control over [hired] security forces, they remain in control of economic rents. Chabal and Daloz (1999) argue that “big men” need to accumulate resources that can be shared with supporters, and can be afforded to clients. They conclude that African societies embody “an inbuilt bias in favour of greater disorder” (Chabal and Daloz, 1999:162). From this perspective, Africa will always be in need of agencies that can maintain patrimonial rule. In a small country such as Sierra Leone, the services of a private military company like Executive Outcomes can become crucial to the survival of the government.

This Chapter aims to highlight the enabling factors for the growth and continued presence of private military companies in Africa and explores the trilateral relationship between host governments, mining companies and private military companies by focusing on the diverse range of private military actors and activity in contemporary Sierra Leone.

3.2 The Enabling Environment for Private Military Companies in Africa

In Africa, inherently weak states and much desired natural resources are considered the two main catalysts for an environment conducive to the growth and prosperity of private military companies. The international factors attributed with facilitating an enabling environment for the growth of private military companies, as discussed in Chapter Two, are relevant to the case of Africa; however, Africa’s poor security environment merits consideration on its own.

The first long period after independence saw an elite retaining power by means of systems of patronage, which incorporated a “self-defeating logic of continued expansion” (Lock, 1999:17). By the second decade of independent statehood, available resources were exhausted and development aid and its manipulation became the main sources of patronage. Not surprisingly, such political systems revealed a strong link between the disposition of economic benefits and the achievement of political stability. The elite remained the absolute arbiter over external economic relations, which allowed them to exploit not only the Cold War competition, but also the political rivalries among donor nations (Lock, 1999:17-18).

The increase in foreign debts paved the way for international pressure on African governments to accept structural adjustment programmes designed by the International Monetary Fund and World Bank (Cornwell, 1999:70). It was held that inflated and inefficient state bureaucracies were the main causes of Africa’s economic malaise and that allowing market forces to operate freely would set the continent’s economies on the right path. However, after more than a decade of these programmes and debt rescheduling exercises, most low income countries still faced unaffordable debt obligations. Whilst these failed restructuring programmes were in progress, African states still needed the resources to govern their own territories, despite the fact that they were losing their legitimacy in international and domestic spheres (Clapham, 1996:186). The ensuing downsizing of the state also did not necessarily eliminate the incumbent elite as they were often able to manipulate the enforced privatisation of the most valuable assets and acquire them at bargain prices (Clapham, 1996:250 and Reno, 1998). Most importantly, this period was characterised by a cumulative externalization of state functions.

Thus, whilst liberalisation and democratisation continued to be offered as the answer, the state was virtually being hollowed out with little or nothing left for democratically-elected politicians to decide as most of the major state functions had long since been externalized. As a result, African states were in a process of being steadily converted into hollow facades, behind which international agencies and actors were running the economy, mostly in collusion with the local elite-turned-entrepreneurs. Clapham

(1996:265) referred to this process as “the project of external governance”. Military functions and security services are therefore simply the latest additions to the list of state functions being externalized and often privatized.

Lock (1999:21) argues that the armed forces played an important role in maintaining the façade, either as arbiters over elite factions or the foot-soldiers of entrenched leaders. However, the “military balance” between the state and society has changed profoundly as states no longer have full control over all the weapons in their territory; rather weapons are now spilling over from armed conflicts throughout the region and have begun to circulate virtually uncontrolled, allowing societies to arm and challenge the incumbent elite. Many African countries have employed foreigners, both as individuals and in units, to supplement their own militaries. Lock (1999) examines the employment of such personnel in the context of the downsizing of the national military forces following the end of the major armed conflicts; a trend consistent with the weakening of the state throughout Africa and the resulting privatisation of its functions. Security has become a commodity, purchased in formal or informal markets. On the supply side, he points to the strong trend towards the “outsourcing of foreign military policy” (1999:28) by the US government in particular to private companies offering military advisory and training. Africa’s armies have subsequently melted into a new privatized security order dominated by oligoplistic groups.

The privatisation of security in Africa can have a number of meanings; Harris (2004:34-36) discusses two types of privatisation: the outsourcing to civilians of various activities which support the military organisation, and the use of private military companies for tasks previously carried out by the US military. As to the first, the case for privatisation of activities within the military is based on the usual principle: “the need, based on budget constraints, to focus on core business and to outsource activities that are tangible to the core” (Harris, 2004:35). More recently, civilian contractors have become more directly involved in combat. In charting the increasing participation of civilians in war, Zamperelli (1999) notes that civilian contractors now maintain and operate high-tech weapons systems. The distinction between civilian and military personnel in such

situations is blurred. Private military companies, on the other hand, now often perform advisory and training functions for foreign governments when these would have previously been undertaken by the US military (Harris, 2004:36). Burton-Rose and Madsen (1999), however, have large questions about the lack of accountability as affairs of states are outsourced to corporations beyond public control and has allowed the US government a “lessened scrutiny of its foreign activities, and a level of disassociation from activities it deems unpleasant necessities” (1999:19).

Thus, the increasing inability of weak governments to counter internal violence has created a ready market for private military forces in Africa. Fueled by a post-Cold War shift away from strategic confrontation of major powers in countries such as Sierra Leone, Western countries are more reluctant to intervene militarily in weak states (Brayton, 2002:308). Most Western armies are designed to fight the sophisticated international conflicts envisioned by Cold War strategists and are neither trained nor equipped for low-intensity civil wars, which involve complicated ethical agendas, blurred boundaries between combatants and civilians and loose military hierarchies. At the same time, Western governments’ fears of sustaining casualties, entanglement in expanded conflicts and the escalating costs involved in ill-defined missions have resulted in “slower, less ambitious and, sometimes, vetoed UN peacekeeping missions” (Brayton, 2002, 308).

Into this vacuum have stepped private military entrepreneurs. Their commercial goals are to improve their clients’ military capabilities, permitting more effective combat performance and deterrence capability and provide military assessments, training and weapons procurement. Unlike national armed services, private companies are unfettered by political constraints and view conflict as a business opportunity in which to take advantage of the pervasive influence of economic liberalisation (Brayton, 2002, 309). Furthermore, they have quickly adapted to the complex agendas of civil wars, unlike most national armed forces. An expanded pool of military expertise made available by reductions in major powers’ forces has enhanced their ability to operate. The lure of rich resources and the risks of exploiting them in unstable regions provide powerful incentives

for international corporations to offer to maintain the stability of weak states commercially. Brayton (2002:309-310) argues that this motivation often runs parallel to the local governments' own wishes. In other words, if a mining company depends on security to protect its investment, a beleaguered government may purchase private security on the mine's behalf and use the subsequent mining revenues to supplement its own coffers. At the same time, a private military company will not only strengthen its clients' governments' military performance but also protect the mining company's operations because these revenues guarantee payment. The crucial difference between the intervention of a military enterprise and that of the UN is the source of funding: the UN is not on the payroll of the state requesting assistance.

When the external security force is a component of a multinational corporation, the corporation potentially gains powerful leverage over a government and its affairs. In proffering security to weak or collapsing, mineral-rich states such as Sierra Leone or Angola, multinational corporations accentuate the international exploitation and marginalisation of the states in question. Francis (1999:319) argues that corporate mercenary forces that support the search for strategic minerals represent neocolonialism operating under the banner of liberal market policies. Although mineral exploitation is not the motive behind all private military activity, it clearly has been in the driving factor in Sierra Leone and Angola. Nonetheless, the motivating force in every case has been commercial advantage, new business and fresh profit opportunities.

The privatisation of foreign military and security relations pursued by companies such as Executive Outcomes, Sandline International, Military Professional Resources Incorporated and the like is not new. Their link to economic interests and access to raw materials are also not novel. However, it reflects a pattern where the demobilisation of qualified military personnel without appropriate civilian job alternatives, in combination with weak states, natural resources and civil wars creates a demand for external military and strategic support.

3.3 Case Study: Sierra Leone – Fighting for Diamonds

Private military intervention in Sierra Leone dates back some time and is characterised by attempts by either the state or other political and economic actors to exploit or control the country's mineral resources. The Kono diamond fields are considered the richest of Sierra Leone's mineral prizes and the commercial activity associated with this area is the centre of much contestation amongst public and private players. The fact that this region, the Koindu, lies approximately 500 kilometres from the capital, Freetown, but only 8 kilometres from the border with Liberia and only 3 from that with Guinea, adds an international complication to the quest for control and security; just as it enhances the opportunities and rewards for what could best be described as an illicit trade in diamonds (Douglas, 1999: 175).

This section examines the role of private military outfits, particularly Executive Outcomes (EO), and Sandline International (SI), as well as other foreign forces in the Sierra Leone conflict within the context of an integrated and comprehensive security paradigm. Furthermore, it questions whether the drama that unfolded in Sierra Leone can be classified as an attempt to assert sovereignty or as capitulation to corporate recolonisation.

3.3.1 Historical Context

An attempted coup d'etat against Siaka Stevens in 1971 led to the arrest and incarceration of a number of army officers in Sierra Leone (Musah, 2000:84). One of those detained was Corporal Alfred Foday Saybana Sankoh, who was later to become the leader of Revolutionary United Front (RUF) – the guerilla movement at the centre of the Sierra Leone civil war. Foday Sankoh and two future leaders of the RUF, Abu Kanu and Rashid Mansaray, were recruited for training in 1987 in Benghazi, Libya; a Libyan connection which paved the way for the creation of the RUF as well as the alliance between the RUF and Charles Taylor's National Patriotic Front of Liberia (NPFL), another Libya-supported guerilla movement that was instrumental in launching the initial RUF incursion into Sierra Leone (Musah, 2000:84-85). Some Sierra Leoneans had even been recruited

by the NPFL for the civil war in Liberia in 1989 where “they received their baptism in guerilla warfare”, later to be applied at home in 1991 (Musah, 2000:86). The crisis in Sierra Leone began when the RUF invaded the Kailahun District of eastern Sierra Leone from inside Liberia in 1991, with the aim of toppling the Momoh government. Amongst the invading guerillas were NPFL veterans from Liberia and self-styled freedom fighters from Burkina Faso, all of whom made use of the weapons and logistics supplied by Charles Taylor himself, who hoped that his support of the RUF would impair Freetown’s ability to assist the military effort of ECOMOG in Liberia.

Observers, both internal and external, have tried to understand the contradictions between the eclectic theoretical basis of the RUF insurgency and the wanton destruction and extreme violence that came to characterise the movement’s campaign. Abdullah and Muana (1998) postulate that much of the discourse about the RUF and violence centres on their low levels of education, and hence the intellectual bankruptcy of the RUF leaders; their lack of vision for Sierra Leone and the preponderance of the crime-prone elements among RUF recruits. A more convincing explanation, however, lies in the influence of resource appropriation methods that applied in the Sierra Leone war. The RUF had access to diamonds, which it could easily exchange for arms and logistics across the Sierra Leone borders with Guinea and Liberia, in a trade that provided the RUF with an extended economic space, thus greatly reducing its dependence on the rural population for supplies.

However, in the heat of the guerilla insurgency, a section of the national army, led by Captain Valentine Strasser, overthrew the Momoh government in April 1992, accusing it of paying lip service to the war efforts and starving the front troops of both weapons and logistics. Strasser set up a military junta, the National Provisional Ruling Council (NPRC) and promised a quick victory over the rebels (Hirsch, 2001:32). Hailed as saviours, the NPRC had no political leaders, knowledge or an agenda and as a result, the change in leaders did little to aid the ailing economy or to end the civil war. For their part, the rebels remained a mysterious force with no coherent ideology and a constantly changing composition, and persistently refused to enter into negotiations with Strasser’s

regime, denying its legitimacy and demanding the withdrawal of Guinean and Nigerian troops assisting the Sierra Leone government (Douglas, 1999:177). At about the same time, soldiers at the front began to realize the immense profits to be made from the war situation, both through the illegal mining of diamonds and looting of civilians; whilst RUF operations continued to grow.

By 1994, in an attempt to push back the RUF advance, the NPRC had increased the army strength to 14 000, largely by conscripting the lumpen elements among the urban youth (Musah, 2000:86). Children as young as eleven were conscripted by both factions and soldiered the army without proper training or adequate pay, further perpetuating the phenomenon of child soldiers in Africa. The “AK-47 became a form of currency, used by both rebels and official soldiers as a blank cheque to harass civilians, pillage villages and engage in illicit mining of diamonds” (Musah, 2000:86). Many government troops only pretended to perform their normal duties, but in practice were indistinguishable from the so-called rebels in terms of their violence. They applied a scorched earth policy to towns and villages, raped the women, took liberties with private property and helped themselves to illegal diamonds; this earned them the neologism *sobel*s – “soldiers by day, rebels by night” (Douglas, 1999:178). Thus, by 1994/1995, the Republic of Sierra Leone Military Force (RSLMF) had become a bloated, ill-trained organisation, which had become very much a part of Sierra Leone’s problem, allowing the RUF to reconsolidate its position and by the end of 1994, began a series of raids from its forest camps into virtually all parts of the country, reaching areas close to Freetown in 1995 (Douglas, 1999:178). Not only were the alluvial diamond fields of the south, east and north-east overrun by the RUF, but the areas of bauxite and rutile mining were also captured. Production had seized and thus, most of the foreign exchange revenue essential to government operations was not available (Reno, 2000:5).

Operationally, the RUF used classic guerilla tactics; strategically, the RUF depended upon outside support from Libya, Guinea and Liberia; whilst tactically, it depended upon guerilla strategies, foraging and the capture of arms and equipment from the RSLMF, which was weak, poorly led and seemed prone to flee on contact. Thus, by 1995, Sierra

Leone was exhibiting all the symptoms of a failed state, just like its neighbour, Liberia, from where the war had spilled over. Sierra Leone had disintegrated into fiefdoms controlled by warlords and bandits as central authority had virtually collapsed. With the RUF fast approaching Freetown, foreign companies and the besieged government under Strasser turned to the outside world for military and security aid.

In February 1995, the then ruling junta, the NPRC, through the British weapons manufacturer J&S Franklin, contracted the services of the Gurkha Security Guards (GSG) (Vines, 1999:129). GSG was tasked with providing security for the possessions of the US-Australian mining concern, Sierra Rutile, and offering training to special forces and officer cadets of the RSLMF in the prosecution of the war against the RUF. Led by two European officers – the former British Gurkha officer James Maynard, ex-British sergeant of the Coldstream Guards Andrew Myres – and American Colonel Robert Mackenzie, GSG immediately dispatched 58 Gurkha's to the country (Vines, 1999:129). The GSG adventure was, however, short-lived. On 28 February 1995, whilst seven members of the group and a platoon of RSLMF infantry were undertaking a scouting mission in the Malal Hills, they stumbled into an ambush near an RUF training camp (Vines, 1999:130). It has been suggested that elements within the RSLMF tipped off the guerillas as to the GSG expedition, in which an ensuing confrontation resulted in as many as twenty fatalities, amongst them Mackenzie, Myres and Major Abou Tarawali, the aide-de-camp to the NPRC leader Captain Valentine Strasser. Their bodies were never recovered, as they were allegedly mutilated and put on display in rebel-controlled areas (US Department of State, 1996:232). After that incident, the GSG continued with their operations but refused to engage in combat. Vines (1999) addresses a number of questions and uncertainties pertaining to the role of GSG in Sierra Leone. The commonly accepted story is that they were hired to train the RSLMF and not to conduct combat operations; the incident that led to the death of Mackenzie and Myres was thought to have happened by accident. Nevertheless, GSG eventually bowed to the dangers, withdrawing from Sierra Leone in April/May 1995.

Besides GSG, other private military entities explored opportunities for their trade in Sierra Leone around this time. Following the influx of British and other European private military forces, the RUF began to target expatriate nationals in Sierra Leone for hostage-taking during the course of their insurgency. The response of the UK government was, on the one hand, to distance itself from the 'mining' private security forces and, on the other, give tacit approval to their activities (Vines, 1999:133). In March 1995, the Foreign and Commonwealth Office issued a statement saying: "We have not been giving any military assistance to the Government of Sierra Leone. We have made this perfectly clear to the RUF, but if people no longer in the British Army decide to sell their services elsewhere, we cannot stop them. They can do what they like with their specialized knowledge as long as they do not break British laws" (New African, 1995). Private military companies such as Executive Outcomes and Sandline International took their cue from the above statement in a big way.

3.3.2 Executive Outcomes

3.3.2.1 Origin and Composition of Executive Outcomes

Executive Outcomes (EO) was originally founded in 1989 by two former members of South Africa's apartheid-era special forces, Eben Barlow and Lafras Luitingh, as a front company for the Civil Cooperation Bureau (CCB), allegedly to facilitate the covert procurement of weapons systems for the South African Defense Force (SADF) in violation of the arms embargo against South Africa (O'Brien, 2000:49). With the break-up of the CCB and other covert units of the SADF from 1990 onwards, many covert specialists joined forces with Barlow to enhance the scope and capabilities of EO. Over the proceeding three years, EO recruited most of its front line operatives from former members of the 32 Battalion, members of the SADF Special Forces regime and the South Africa Police (SAP) counter-insurgency unit, Koevoet (Cleaver, 2000:139). The officers employed were almost exclusively white, whilst many of the soldiers were of Angolan and Namibian origin. Thus, EO grew in numbers and capabilities, moving from training SADF personnel to training Military Intelligence Personnel. It was at this time that Barlow was in contact with the National Intelligence Service (NIS) personnel in Pretoria, acting as a "trouble-shooter in operations for the NIS and other South African agencies"

(O'Brien, 2000:50). Word of Barlow's capabilities began to filter out to both British SIS and to a number of South African mining houses who were looking for individuals to protect their assets throughout Southern Africa. In these two developments lay the origins of the evolved Executive Outcomes.

In 1991 and 1992, Barlow was contracted by De Beers and other mining houses to undertake covert reconnaissance missions throughout South Africa, particularly in Botswana, Namibia and Angola; these contracts included training the security elements of De Beers (Pech, 1999:85). By late 1992, Barlow's name had been brought to the attention of Simon Mann, a former British SAS officer, who mentioned Barlow to Anthony Buckingham, a British businessman with worldwide mining interests and himself a former British Special Boat Service officer (O'Brien, 2000:50). Buckingham contacted Barlow in mid-1992 with the request to "do a job" for some of Buckingham's business interests in Angola. Thus, the contemporary Executive Outcomes was born.

Between 1993 and 1995, EO adopted several aggressive corporate strategies. It sought to align itself politically with the new African National Congress (ANC) government in South Africa as it expanded, diversified and reincarnated itself as a full-fledged private army. British operations were established under EO (UK) Limited, registered in London during September 1993, whilst Barlow registered EO as a private limited company in South Africa in 1994 (Pech, 1999:86). Barlow also set up a holding company called Strategic Resources Corporation (SRC) which was registered in South Africa in 1995. Corporate and military expansion occurred under two main branches: South African-managed operations conducted under the parent company SRC in Pretoria were controlled by EO directors; and UK-managed operations conducted out of London offices were controlled by Buckingham, Mann and a group of directors who ran Heritage Oil and a new company called Branch Energy, which served as EO's mineral counterpart until late 1996 (Pech, 1999:86).

As a military force, EO continued to grow in size in capability. Its stock of military hardware increased and entities within the EO group procured a private fleet of troop and

cargo carriers and a light aircraft fitted with sophisticated surveillance equipment (Pech, 1999:88). On behalf of the Angolan government, they procured and deployed aircraft that included Soviet-issue Mi-24 helicopter gunships, converted Mi-17 troop carriers and L-39 trainer jet fighters (Pech, 1999:88). In addition to this military capability, EO's operations facilitated the granting of some of the richest diamond concessions in the world, valued at over US\$3 billion (Pech, 1999:90). As a result, EO was a vastly transformed organisation by the beginning of 1996.

3.3.2.2 Military Operations in Sierra Leone

Following the fate of GSG, virtually all the companies that explored the freelance military market avoided direct combat, that is, with the exception of Executive Outcomes. It was against this background that Captain Strasser contracted their services in April 1995 (Musah, 2000:88). Strasser hoped for strategic advantage in the war; EO, by controlling the security balance in Sierra Leone, hoped to be able to influence internal politics as a leverage to pry financial and mineral concessions on the cheap from the enfeebled government. Thus, during May 1995, with the RUF having reached the outskirts of Freetown, fifty soldiers from EO arrived in Sierra Leone (Douglas, 1999:180). This was the lead contingent, with a further 130 or so arriving six months later as the Angolan operations of EO drew to a close.

The first item of business was a restructuring exercise, directed by EO, which saw the reorganisation of basic and specialist training and required the establishment of a joint headquarters between the EO and the RSLMF. Whilst the training of rifle companies was taking place, EO supplied the RSLMF with the less visible functions of information and intelligence gathering, command, control and communications, helicopter support, and finally a guarantee of both logistic and fire support operations (Douglas, 1999: 180-182). At this stage, the RUF had seized many mining properties, the main source of hard currency for the government and an obvious first priority for EO, Branch Energy and the government to reclaim. In response to this threat, the Joint Headquarters devised a three-phase operational strategy (Howe, 1998:313-316). By late 1995, the main objectives of the government/EO strategy had been achieved. The siege of Freetown had been lifted;

the Koindu diamond region had been liberated and was reopened for operations; and the RUF headquarters had been destroyed (Howe, 1998:315). Finally, the Sierra Rutile area was secured and ready to resume production, an operation essential to the payment for EO's services.

Abdullah (1998) suggests that concomitant to this strategy, efforts were made to develop a psychological warfare and a strong public relations programme that was characterised by the effective use of helicopters and co-ordinated fire support. In short, EO adopted classic air-mobile tactics to 'find, fix and destroy' and in doing so achieved its objectives whilst suffering very few casualties compared to the extremely high losses incurred by the RUF.

The success of small unit operations of the RSLMF increased as they underwent hard, combat-orientated programmes, supplemented with knowledgeable leadership and bonded with similar EO elements (Douglas, 1999: 183). After the RUF had been driven out of the mining areas and concessions, EO occupied these financial vital points, which they eventually turned over to Lifeguard Security. In the process, EO began to co-operate with local rural militias and self-defence units to curb the excesses of rebels and soldiers. The best known and most formidable of these militias were the Kamajors, a Mende group from the south-east of the country, based on "traditional hunter guilds and skilled in bush craft", which EO supplemented by providing additional training in counter insurgency (Pech, 1999:94). By virtue of capture weapons, and co-operation with EO, the Kamajors became the bulwark of a regional defence force. Douglas (1999: 183) suggests that they provided information and intelligence to EO and, in some cases, acted as guides for assault operations. Thus, whilst the EO/RSLMF team achieved the three objectives of the 'operational strategy', the regional protection operations in the remainder of the country were conducted by the Kamajor militia, whom became fiercely loyal to the South Africans whom they and the majority of the population regarded as 'liberators' (Pech, 1999:94).

As the war progressed and the NPRC, through the RSLMF, became less and less capable of pursuing the war effort against the RUF, the Kamajor militia grew in influence and capability. The Kamajors were subsequently structured and formalised as the Civil Defence Force of Sierra Leone and as the schism between the NPRC and the RSLMF widened, the responsibility and credit for success was increasingly placed upon the Kamajor militia, who expanded their numbers by instituting recruiting quotas for towns and areas (Hirsch, 2001:38).

In the meanwhile, the government's financial position continued to worsen and during the period between May and November 1995, no bills were paid (Douglas, 1999: 184). With the promised elections looming, and another military *coup* threatening, EO stated that without a firm payment plan, they would withdraw from Sierra Leone. The subsequent agreement was reached between the two parties at the end of December 1995 and called for "the 1995 debt to be consolidated at US\$15.9 million" and a further protocol was agreed upon at a cost of \$2 million per month for an additional 200 soldiers to provide increased security presence during the elections (Douglas, 1999: 184).

Under severe domestic and foreign pressure to proceed with the promised transition to civilian rule, Strasser eventually announced that the elections would be held on 26 February 1996. On 16 January 1996, Strasser was overthrown by his deputy, Brigadier Julius Maada Bio, and exiled to Guinea (Hirsch, 2001:43). The RUF then announced a unilateral cease-fire and offered to talk to Bio's government unconditionally, save for a demand that the election be postponed. In the countdown to the elections, EO received warnings that the RUF was planning a major attack in the vicinity of Bo, and with the Kamajors confirming rebel presence, the RUF suffered another massive defeat (Abdullah, 1998:220). The RUF had no choice but to enter talks with the military government in Cote d'Ivoire on 22 February 1996 and although a peace agreement seemed prospect, talks with the new Sierra Leone government in late April 1996 began to stall (Hirsch, 2001:46).

The combined efforts of EO and the Kamajor led the RUF, under Foday Sankoh, to seek a cease-fire in April 1996. However, the RUF incurred a final major thrust during October 1996 when Sankoh, having failed to observe the agreed cease-fire, which he requested, saw his headquarters attacked. EO had now temporarily defeated the RUF that staved off further loss by entering into negotiations, but as negotiations dragged on, the small EO force continued to provide security to the various financial vital points and become a 'security guard force' as opposed to a war-fighting unit (Howe, 1998:323). There was no doubt that if the newly elected government were to succeed, it desperately needed the profits from its mining industry which, up until that point, could only be guaranteed by EO and its subordinates.

The successes of the Kamajors and EO played a part in convincing the rebels to talk peace even if for the purpose of buying time. The London-based non-governmental organisation, International Alert, played the part of facilitator by acting as the conduit between the RUF and other actors, namely the UN, OAU and the Economic Community of West African States (ECOWAS) (Musah, 2000:89). The series of negotiations eventually yielded the Abidjan Peace Accord in November 1996, which included in the demands of the 28-article agreement the following: "the demobilisation and resettlement of combatants; the transformation of the RUF into a political party; the setting up of a UN-controlled Neutral Monitoring Group and a joint Monitoring Group made up of the warring parties to oversee compliance; the withdrawal of foreign forces (EO in particular); the holding of a Citizens' Consultative Conference to chart the return course to representative politics; the holding of elections; and a package to undertake socio-economic reforms" (Abidjan Peace Accord, 1996).

Meanwhile, after two rounds of voting, the Sierra Leone Peoples' Party (SLPP) won the ensuing disputed elections and headed straight into a security crisis. Though leader of the SLPP, Ahmad Tejan Kabbah lacked an independent constituency in the Sierra Leone body politic and was effectively an outsider to the SLPP Mende power base and vulnerable to the whims of party stalwarts (Musah, 2000:91). Immediately, the imminent expiry of EO's contract posed the biggest security conundrum for Kabbah. EO's exit

would lead to a deterioration of the precarious security situation, providing an opportunity for the military to have another go at power. There was also the dilemma of pushing the peace process forward. As indicated above, the Abidjan Peace Accord had demanded the withdrawal of foreign troops from Sierra Leone and the dismantling of all sub-state armed formations, understood to include the RUF and Kamajors. However, the parties to the conflict had other ideas.

The political structures of the RUF lagged far behind its military organisation and the movement was not in a hurry to commit suicide by disarming, as it lacked political cadres on the ground. Kabbah's government, on the other hand, was most distrustful of the RSLMF and had neither the intention of disbanding the Kamajors nor sending home the real backbone of his security: the EO, Nigerian and Guinean troops. In the event, one of Kabbah's first moves as president was to extend EO's presence in the country and strengthen the Kamajors. The SLPP also solicited aid from international financial institutions to meet the immediate security and reconstruction needs of the country. The International Monetary Fund (IMF), alarmed by the staggering pay-offs in cash and mineral concessions to EO and its partners, made the termination of the outfit's contract a precondition for bailing out the collapsed economy (Musah, 2000:91).

EO was seen as an anomaly, "the dog of war once more loose in Africa" and President Kabbah was clearly being pressured from all sides, including the US, UK, and the UN, to break relations with the company (Douglas, 1999: 187). However, whatever substance there may have been to objections to EO's presence in the country, its subsequent withdrawal during January 1997 left Kabbah dangerously exposed, even though Life Guard Security Sierra Leone, an offshoot of EO, was still protecting Diamond Works' assets with a much reduced presence (Hirsch, 2001:56). By February 1997, yet another cease-fire was in place, the international community had returned, an internationally monitored election had been held, and the new civilian government was constituted (Hirsch, 2001:56). During March, Sierra Leone and Nigeria signed a defence pact – the Status of Forces Agreement (SOFA) - and 900 Nigerian troops arrived in Freetown as partial replacement of EO. The open-ended agreement was essentially an "arrangement

for the provision of military and security assistance for the sustenance of the sovereignty and the territorial integrity of the Republic of Sierra Leone” (SOFA, 1997). The foreign perspective of Sierra Leone was now positive, a country on the verge of peace. The view from inside Sierra Leone was far less optimistic however as security, safety and stability declined in the countryside. As predicted by EO on its departure, Kabbah was soon overthrown in a *coup*.

3.3.3 The 25 May 1997 Coup

The *coup* of 25 May 1997 was led by Corporal John Gborie who, with a number of his colleagues, succeeded in overpowering the Nigerian-manned presidential guard, compelling President Kabbah to flee to Conakry, Guinea; from where he beseeched Nigeria to intervene militarily to restore his government to power (Douglas, 1999:188). The plotters released hundreds of prisoners from the central jail, including Major Johnny Paul Koroma and several other officers due to stand trial the following day for the coup attempt in September 1996. Koroma subsequently at the head of the Armed Forces Revolutionary Council (AFRC), which justified its actions partly by referring to the marginalisation of the army by the Kamajors (Douglas, 1999:188). Sankoh had managed to retain leadership of the RUF despite his arrest in Nigeria in March 1997 and announced that the RUF was allying itself with the new junta in a People’s Revolutionary Army (Abdullah, 1998:222). Senior members of the RUF thus found themselves appointed to senior positions in the new administration.

Once more, governance in Sierra Leone descended into chaos as Koroma, with the RUF as partner, took over the reins of power, suspended the Constitution, dissolved parliament and banned political parties. In the ensuing chaos, a Nigerian force, nominally under the auspices of ECOWAS, was despatched to reverse the coup and maintain law and order. In short, the junta controlled Freetown and its environs; the Nigerian forces maintained control of Lungi Airport with a beachhead on the Freetown side of the bay; whilst upcountry communities relied even more on the Kamajors, and private security companies attempted, with financing from concession holders, to protect the infrastructure and equipment of the mining companies (Hirsch, 2001:63).

At the same time, the Kabbah government-in-exile was busy with its own plans through the Kamajor-based Civil Defence Force, headed by former Minister of Defence, Hinja Norman (Hirsch, 2001:63), who also headed the War Council and normally operated out of a field headquarters in Liberia, where he was supported by ECOMOG. The Nigerian troops on the ground in Sierra Leone and their control of the Lungi Airport and a bridgehead near Hastings Airport provided a staging point for future operations (Douglas, 1999:189).

Before the end of May, an additional 700 Nigerian troops had arrived in Freetown to reinforce the already 900-strong contingent deployed in the country. The Nigerians soon gave notice of their intentions, shelling the junta's headquarters from warships on 2 June, killing hundreds of civilians in the process. In the aftermath, companies such as DiamondWorks and the Toronto-based Rex Diamond Mining Corporation halted work and withdrew their personnel to neighbouring Guinea (Douglas, 1999:189). The Nigerian warships withdrew on 21 June, but troops continued to hold the international airport and a base at Jui, just outside Freetown. Nigeria had, in fact, acted unilaterally during this period as the regional sanction for ECOMOG intervention was only forthcoming at the Abuja ECOWAS Summit of 29 August, and despite the Security Council condemnation of the ECOMOG in its July 1998 resolution establishing UNAMSIL, the UN military observer mission, explicit UN authorisation for ECOMOG's intervention, in terms of Article 53 of the UN Charter, never materialised (Douglas, 1999:189). In the interior, clashes continued between the junta/RUF forces and the Kamajors.

3.3.4 Enter Sandline International

The services of Sandline International were proposed to Kabbah by Peter Penfold, the UK High Commissioner to Sierra Leone. The man behind the initiative was Penfold's friend, Rupert Bowen, a former British diplomat and intelligence operative who was Sandline's representative in the West African region (Musah, 2000:98). In July 1997 a plot was set in motion for the invasion of Sierra Leone to dislodge the AFRC in which a three-way communication network was set up between the exiled government represented by ex-Presidential Affairs Minister Momodu Koroma, Jupiter Mining

Company represented by Rakesh Saxena and Samir Patel, and Sandline International represented by Tim Spicer (Musah, 2000:98). The role of Sandline was outlined as follows: “to train and equip some 40 000 Kamajor militia, some of whom were based in camps inside Guinea and other involved in skirmishes with the AFRC-RUF alliance; plan the strategy and co-ordination of assault on Freetown; provide arms, ammunition, transportation and food for the assault coalition; and co-ordinate with 20 000 ECOMOG (mostly Nigerian) troops based in Lungi Airport for the assault on Freetown” (Musah, 2000:98).

In mid-July 1997, Tim Spicer flew to Conakry to file a situational report on the project and to assess the needs of the Kamajor militia. Jupiter Mining Company, on behalf of Kabbah’s government, financed this trip, whilst Saxena was to underwrite the acquisition of arms, ammunition and operational costs to the initial tune of US\$1.5 million (Musah, 2000:98). JMC and SI, however, had one deal between them and a separate arrangement with the beleaguered government of Kabbah. While details of the cash part of the deal with the government are yet to emerge, it is obvious that the counter-coup would lead to the expansion of mineral concessions controlled by the two groups in Sierra Leone. The negotiations between Saxena and Sandline on financing the coup also involved the transfer of some of the mines controlled by DiamondWorks/Branch Energy in Sierra Leone to JMC (Francis, 1999:322).

The British government was in the know about Sandline’s project in Sierra Leone, including its intention to broker the shipment of arms in contravention of UN resolutions. In fact, Tim Spicer informed the Foreign and Commonwealth Office by telephone on 5 January 1998 that “Sandline had signed an agreement to give support worth US\$10 million to President Kabbah and the Kamajors” (House of Commons Foreign Affairs Committee, 1999:xxv). In addition, Mr Penfold handed over a Sandline document to the FCO on 29 January 1998, in which Sandline clearly stated its objectives in Sierra Leone as “to return the democratically elected government to Sierra Leone by means of direct action [combat], procurement and delivery [of arms and logistics]” (House of Commons Foreign Affairs Committee, 1999: xxvii). Sandline footed the bill of some US\$3.5 million

for military support equipment believing that ECOMOG and Kabbah were exempt from the UN arms embargo on Sierra Leone based on discussions with the US, the UK and ECOMOG authorities. The British government clearly wanted to fulfil its pledge to return Kabbah into office, but at minimal cost in terms of taxpayers' money and overt involvement in a coup. Sandline effectively served in Sierra Leone as the government's forces and intelligence network. It also doubled as the eyes and ears of the United States. This privileged position further emboldened the private military company.

In the view of the novel ethical foreign policy and the European Union Code of Conduct on arms transfers, which the Labour government was championing, Sandline was discouraged from ferrying arms from the UK. Bulgaria, arguably the most notorious arms merchant in Europe, filled in. Musah and Castle (1998:6) argue that recent recipients of Bulgarian arms include Iraq, discussed in proceeding chapter, Rwanda's Hutu militia at the height of genocide, both sides of the conflict in Angola and Croatia. For the coup, Sandline brokered the shipment of 35 tons of AK-47 assault rifles, ammunition and mortars into a country already awash with weapons. The weapons were shipped from Bulgaria to Kano in northern Nigeria on a relay to Sierra Leone via Ibis Air, a company partly owned by the private military network. The Nigerians then took the baton and ferried them to Sierra Leone to arm the assault partnership.

On 18 February 1998, combined forces of Nigerian troops, the Kamajors, and about 200 soldiers of Sandline International launched an air and ground assault on Freetown (Brayton, 2002:317). The AFRC-RUF alliance was no match for the combined forces and, within a day, most of its guerrillas had tactically surrendered the capital to the invading forces and fled into the bush and neighbouring countries. The key role played by Sandline in the counter-*coup* was underlined by the fact that they were the only forces to fly a warplane in the operation. Kabbah's government returned to Freetown from exile on 10 March 1998 in triumph.

By early April, Kabbah laid claim to control roughly ninety percent of the national territory, but sporadic AFRC-RUF outrages continued to occur from deep in the interior.

A stalemate soon developed with the RUF and its allies settling in the alluvial diamond areas, their rear secured by the Liberian border and supported by Charles Taylor's government in Liberia (Abdullah, 1998:329). By May, ECOMOG announced that it had captured close to one hundred "mercenaries" from Liberia either behind the front-lines, in combat or in various towns and villages in the interior.

Articles began to appear more frequently in the international press at this stage regarding the role of Sandline in Kabbah's restoration, however it was not until May that questions in the British parliament revealed that a customs investigation was being mounted into the provisions of arms to ECOMOG, in possible violation of the UN embargo (Africa Confidential, 1998). This, in turn, focussed the attention on the question whether the British government had been aware of the role played by a private military company in the Sierra Leone conflict. The initial official reaction to the claim that the British government condoned or even connived at the involvement of "mercenaries" in a counter-*coup* to oust military junta of Koroma, and the sale of weapons to Kabbah, was one of outraged innocence. Sandline's lawyers, however, presented detailed meetings with senior British and US officials, in some of which actual plans had been shared by the company. Sandline claimed with some justification that it had every right to believe that its operations enjoyed the support and approval of London and Washington (Douglas, 1999:193).

The UN Security Resolution 1132, which prohibited the supply of arms to Sierra Leone amongst other things, was interpreted so that the embargo applied equally to all parties of the conflict and that, on these grounds, Sandline may have been breaching the law (UN, 2002). However, by the end of May, the UN lawyers seemed to have changed their minds, arguing, as had Sandline, that since the Resolution had as its purpose the restoration of the elected government in Sierra Leone, ECOMOG, which was working toward that end with the encouragement of the UN, must enjoy an implied impartial exemption from the ban.

All things said and done, stability had not returned to Sierra Leone as more and more forces and companies were drawn into the conflict. During July, Nigerian transferred more than 4 000 troops from Liberia to Sierra Leone, at a time when LifeGuard and Defence Systems Limited were providing security to UN relief operations (Douglas, 1999:194). Early in April, TeleServices began to support LifeGuard at Branch Energy properties in Koindu and the US company ICI provided protection to businessmen, interests and aid workers in the south (Douglas, 1999:194).

In October, Sankoh, in detention in Freetown, was sentenced to death for treason as a result of his role in the May 1997 coup, but appealed against his sentence. By Christmas 1998, West African countries opened emergency talks on the civil war in Sierra Leone with the US and Nigeria accusing Liberia of supporting the AFRC-RUF in renewed fighting as the rebels pushed the ECOMOG forces back (Africa Confidential, 1998). Apparently with the help of mercenaries from the Ukraine, rebel forces had already gained control of the diamond fields and as a result forced Nigeria to rush an extra 600 troops to Sierra Leone to bolster ECOMOG. These re-enforcements boosted ECOMOG to about 12 000 troops with more to follow – all to replace the private military presence that had previously brought a large degree of stability to Sierra Leone. The Committee of Six, composed of involved ECOWAS countries, held an extraordinary meeting in Abidjan on 28 December 1998, appealing to the rebels to stop fighting, lay down their arms and recognise Kabbah as president (Hirsch, 2001:87). In the light of this deteriorating security situation, the Committee also pressed for additional troops, as well as a resumption of the Abidjan Agreements and the Conakry Peace Plan (Hirsch, 2001:89). By January 1999, fighting had erupted in Freetown as the rebel forces, under Sam Bockarie, continued to advance. On 22 January 1999, *The Times* published an article in which Sam Kiley was quoted as saying: “Whether or not Sandline was implementing British policy then, it is quite clear that it should be now...The redeployment of private military forces in this blighted nation would be an act of genuinely ethical foreign policy” (The Times, 1999).

3.3.5 The Abuja Ceasefire and the Role of UNAMSIL

Three agreements between the Sierra Leonean government and the rebel RUF contributed to an improvement in Sierra Leone in 2001. The first, signed in Abuja, Nigeria in November 2000, led to a ceasefire. The second and third agreements, signed in May 2001, committed both parties to restart the disarmament process, provide for the reestablishment of government authority in former rebel held areas, and release all child combatants and abductees (Malan et al, 2002:119-120). More specifically, the Agreement centred upon: “the deployment of UNAMSIL and the extension of state authority; the free movements of persons, goods and humanitarian agencies; the return of equipment; and disarmament, demobilisation and reintegration” (Malan, et al, 2002: 119-120). Military pressure on the RUF by both the Guinean army, which responded to RUF cross-border raids by launching ground and air attacks into Sierra Leone, and the British-trained and led Sierra Leonean army, contributed to this process. Over 17 500 United Nations peacekeepers deployed into RUF strongholds, including the diamond-rich Kono District, and over 29 300 combatants were disarmed (Malan, et al, 2002:28). However, serious violations, which often involved victims and perpetrators not only from Sierra Leone but also from neighbouring Liberia and Guinea, were persistent and served to highlight the region’s conflicts. The government extended its own mandate, but announced that elections due in 2001 would take place on May 14, 2002 (Malan, et al, 2002: 41).

Meanwhile, the UNSC Resolution 1270 of October 1999 established the United Nations Mission to Sierra Leone (UNAMSIL) specifically to build the capacity of security service organisations in a country that was torn apart by political instability (Conflict Trends, 2005:40). UNAMSIL’s scale-down programme had three objectives: namely, transferring security responsibilities to authorities; transferring the mission’s physical assets to the Sierra Leone government; and transferring ownership of charity projects to communities (Conflict Trends, 2005:40). By handing over all security responsibilities to the SLP and Republic of Sierra Leone Armed Forces (RSLAF), UNAMSIL illustrated growing confidence in the ability and capacity of the Sierra Leonean authorities to handle any security situation in the country and the development of state security organs into

coherent organisations capable of maintaining peace in the country, with the support of UNAMSIL, until it eventually pulled-out. Regionally, the Mission worked with the UN Mission to Liberia (UNMIL) and the UN Operation in Côte d'Ivoire (UNOCI) regarding Sierra Leonean ex-combatants who would be demobilised in those countries as well as re-integration programmes of the returnees into their respective societies. Indeed, efforts were made to establish mechanisms for cross-border and inter-mission cooperation leading to the regional meeting aimed at harmonising disarmament, demobilisation and reintegration programmes of the three Missions, as well as formulating basic principles and guidelines for such collaborative efforts (Conflict Trends, 2005:41).

As the Mission made progress, the SC in its Resolution 1537 of 30 March 2004, announced that the UNAMSIL would retain a residual presence in Sierra Leone for an initial period of six months from 1 January 2005 (UN, 2006). The Mission's approval budget for July 2005 to June 2006 was US\$113.2 million to support contributions from 33 countries of which 1 were from Africa (UN, 2006). This was meant to ensure the seamless transition from the UNAMSIL strength to the Sierra Leone government. The improved internal security situation; normalisation of Guinea-Sierra Leone relations over the Yenga border dispute; and the return to democratic processes in the hostile neighbour, Liberia, all influenced the decision to begin a slow process of withdrawal commencing in 2005 and reaching completion in 2006.

3.4 Summary

The most salient issues with regards to private military involvement in Africa centres around the nature of the state, essentially weak or collapsed states; and the presence of natural resources, which in turn dictates the motivations for direct intervention by a multitude of actors. The activities of three prominent private military companies, Ghurkha Security Guards, Executive Outcomes (who greatly assisted the local Kamajors) and Sandline International, in Sierra Leone provide several important military lessons for African security.

First, counter-insurgency wars in Africa can be won. A small but highly skilled force may tilt the power balance in domestic wars by acting as a “force multiplier” for existing assets. This is especially true in many Third World conflicts, where the insurgents lack significant military strength and a defining ideology. Second, a private, already established military force may offer significant advantages over state-centric militaries. Private forces can start up and deploy faster than multinational, and perhaps national, forces, and may carry less political baggage, especially concerning casualties, than government militaries. Additionally, they have a clearer chain of command, more readily compatible military equipment and training, and greater experience of working together than do *ad hoc* multinational forces. Third, a foreign force can obtain information quickly, especially through good military-civilian relations and a relatively small investment in technology. Forth, a limited amount of reliable air support - transport, reconnaissance or combat - is surprisingly cost-effective, given most insurgencies’ lack of counter-fire. Lastly, the success of private military companies reveals the incompetence and financial waste of some conventional national militaries, and supports the argument that Africa should professionalise and often downsize its militaries. Acceptance by the national military of the foreign force will greatly assist their success. Conversely, a politically divided military may use the foreigners’ presence as a pretext for political unrest (Howe, 1998:331).

Profit provided the primary motivation for the direct engagement in hostilities by all three private military companies, as established, business-orientated entities, in Sierra Leone. In fact, even the Kamajors, subsequent to the withdrawal of Executive Outcomes, eclipsed the military and political dominance of the national army, and threatened their privileged position in the lucrative business that the war had become. The Kamajors actually succeeded in becoming the main beneficiaries of the war. However, although garnering extensive affluence, mostly in the form of mining concessions, the principal private military actors all stood by the Sierra Leonean government and largely refrained from interfering in political or economic activities of the country; two trademarks of some previous mercenary operations on the continent. Because a private military company is motivated by profit, does not imply that stability and peace are unlikely

outcomes. Essentially, private military assistance aided Sierra Leone's economic and political situation by facilitating a significant increase in stability. William Reno, generally a critic of private military companies, and Executive Outcomes in particular, notes that these forces created the stability which attracted more foreign investors, whose revenue helped lower the foreign debt in Sierra Leone by 20 per cent in 1995 and 1996, and facilitated the nationwide elections in March 1996 (Reno, 1997:229).

Thus, the activities of the private military companies in Sierra Leone are justified; they were paid for the services they were contracted, by the Sierra Leonean government, to provide. Private military companies in Sierra Leone have accomplished tasks which both African and Western governments have approved of, but have hesitated to attempt themselves because of financial or political costs. While the United Nations and some nations may deploy peacekeeping forces, they rarely agree to sending peace-enforcing, or combat, units. Private military companies, however, "offer to do what the United Nations blue helmets cannot and will not do: take sides, deploy overwhelming force, and fire 'pre-emptively' on its contractually designated enemy" (Rubin, 1997:45).

CHAPTER FOUR – PRIVATE MILITARY COMPANIES IN THE MIDDLE EAST

4.1 Introduction

The Middle East has come to represent the premise that the fundamental source of conflict is no longer primarily ideological or economic; rather the dominating source of conflict has become cultural (Huntington, 1993:22). The fault lines between civilisations are replacing the political and ideological boundaries of the Cold War as the flash points for conflict and crisis and as people increasingly define their identity in ethnic and religious terms, the cultural division between Orthodox Christianity and Islam has re-emerged (Huntington, 1993:29-30). Differences in culture and religion have created differences over policy issues and geographical proximity has given rise to conflicting territorial claims. More importantly, the “efforts of the West to promote its values of democracy and liberalism as universal values, to maintain its military pre-dominance and to advance its economic interests have engendered countering responses from other civilisations” (Huntington, 1993:29). Although Huntington’s arguments are controversial and contested, it does perhaps carry some explanatory relevance in the Middle East.

Conflict along the fault line between Western and Islamic civilisations dates back over a thousand years and is unlikely to decline. Almost without exception, Western countries reduced their military power at the end of the Cold War. Numerous countries, including several Middle Eastern states, however, have significantly expanded their military capabilities. Thus, the conflict between the West and Islamic states focuses largely, but not exclusively, on “nuclear, chemical and biological weapons, ballistic missiles and other sophisticated means for delivering them, and the guidance, intelligence and other electronic capabilities for achieving that goal” (Huntington, 1993:46). The West promotes non-proliferation as a universal norm and non-proliferation treaties and inspections as a means to realising that norm. The non-Western nations, on the other hand, assert their right to acquire and to deploy whatever weapons they think necessary for their security.

This clash of civilisations has developed parallel to the manifestation of Arab nationalism and Islamic fundamentalism. Thus, the idiosyncrasies between militant Islam and the United States have created a significant shift in the global security environment. It may even be argued that the “clash of civilisations” theory is merely being utilised as an excuse for American hegemonism or imperialism and provides apt justification for the protection of the state of Israel, or the national security interests of the US’s oil dependence. Thus, the resurgence of religion in the West, the continued American support for Israel in the Middle East, and the heavy dependence of the West on the Persian Gulf for its natural resources (oil), marks the point of departure for an analysis of President George W. Bush’s military assisted nation-building in Afghanistan and in Iraq. More specifically, an analysis of the failure of the Bush administration to incorporate the lessons-learning process in the 1990s, particularly in the case of Iraq, which, unlike Afghanistan, was intended from the start to be an all-out nation-building exercise.

This Chapter aims to highlight the factors facilitating the increased dependence of the US military on the privatised military sector in the Middle East through an assessment the *War on Terror* and the *Coalition of the Willing* and its impact on state-building in Afghanistan and Iraq after the removal of the Taliban and Saddam Hussein, respectively.

4.2 The Enabling Environment for Private Military Companies in the Middle East

In the Middle East, perceived American imperialism disguised in the form of the *War on Terror* and the presence of the *Coalition of the Willing* are considered the main catalysts for an environment conducive to the increased dependence on private military companies. The international factors attributed with facilitating an enabling environment for the growth of private military companies, as discussed in Chapter Two, are relevant to the case of the Middle East; however, the process of state building in Afghanistan and Iraq merits consideration on its own.

4.2.1 State Building in Afghanistan and Iraq

State building is the “creation of new government institutions and the strengthening of existing ones” and is arguably one of the most important issues for the world community because weak or failed states are the source for many of the world’s most serious problems (Fukuyama, 2005:xvii). The lack of state capacity in poor countries has come to haunt the developed world much more directly as the end of the Cold War ushered in “a band of failed and weak states stretching from the Balkans through the Caucasus, the Middle East, Central Asia, and South Asia” (Fukuyama, 2005:xix). For a while, the US and other countries could pretend these problems were just local, but September 11 proved that state weakness constituted a huge strategic challenge as well. Fukuyama (2005) argues radical Islamist terrorism combined with the availability of weapons of mass destruction has added a major security dimension to the burden of problems created by weak governance. As a result, the United States has taken on major new responsibilities for nation-building in Afghanistan and Iraq in the wake of military actions there.

Fukuyama (2005:x-xvi) argues that the US approach to state building in both Afghanistan and Iraq represent two different models of occupation, in which Afghanistan represents a light-footed approach, whilst Iraq a much heavier one. In Afghanistan, the formalisation of the Bonn Accord in 2001 resulted in a relatively early return of sovereignty to an interim government, led by Hamid Karzai (Fukuyama, 2005:x). The US was able to depose of the Taliban with the aid of its allies represented by the Northern Alliance, and had the luxury of being able to rely on a wide range on international partners. The United Nations and its representatives facilitated the organisation and legitimacy of the transition, whilst NATO allies were prescribed specific roles and missions. Although the US military was the dominant force in Afghanistan, the overall size of her forces remained relatively small and largely confined to stabilising domestic order in the capital, Kabul (Fukuyama, 2005:x). An important facet of the US occupation of Afghanistan was their primary motivation: not an overt objective to transform Afghanistan into a model democracy, but to end the country’s “role as a haven for terrorists and bringing a modicum of stability to its population” (Fukuyama, 2005:x). The fact that Hamid Karzai

was elected President on October 9 2004, with “impressive voter turnout for a country that had never before elected a President, was simply icing on the cake” (Fukuyama, 2005:x). The situation in Iraq, however, exposes a stark contrast.

When the 2003 Iraq War brought to an end the dictatorship of Saddam Hussein, all mechanisms of social integration and state apparatus collapsed with it. Unexpectedly and contrary to the experiences in the 1991 Kurdish and Shiite revolt, state apparatus disappeared almost completely in the last few days of the war and shortly thereafter (Hippler, 2005:83). The vast majority of the military as well as the police, ministries and other authorities disintegrated virtually instantaneously, whilst civil servants no longer went to work as their offices were systematically looted, and in some cases, even burned down. By the end of the war, Iraq had denigrated into a stateless society with an extensively devastated infrastructure and economy, balancing on the extreme edge of chaos. The absence of political institutions, social integration mechanisms, functioning security authorities coupled with the increasing strength of insurgencies and continual looting was indicative that the war in Iraq reduced a repressive state to a failed state within a desperately short period of time.

Although President Bush had stated before the war that Iraq was to be made a democracy and the war could be the “opening phase of a much larger plan to transform the politics of the greater Middle East” (Fukuyama, 2005:x); state building was not put on the agenda because Washington wanted or planned for it. Control of Iraq and “regime change” were dominating political thinking in the US, not reshaping and integrating Iraqi society and rebuilding the state apparatus from scratch. The need for state building became crucial by default, not by design. However, the point of departure proved to be very difficult and centred around three main political problems. First, the tendency of the only stable part of the country, the Kurdish autonomous zone, to break away from the state. Second, the political paralysis and fragmentation of the Sunni Arabs as the traditional political elite. And third, the conflictive and religiously distorted political structure among the Arab Shiites (Hippler, 2005:85).

With the fall of Saddam Hussein's regime, the Coalition Provisional Authority (CPA) became the sovereign authority in Iraq. However, the post-war planning on the part of the Bush Administration was characterised not only by bureaucratic struggles, lack of personnel and improvisation; it was also based on misjudgements and gross miscalculations (Elliott, 2003:23). It was assumed, for example, that the Iraqi population would enthusiastically welcome the US troops and also why Jay Garner, civil administrator in Iraq, told his staff that they should make themselves superfluous in Iraq "within 90 days" (Washington Post, 2003). The passiveness and lack of preparation on the part of the occupying authorities contributed to many pressing tasks not being dealt with at all or only very unsatisfactorily. The rapid replacement of Jay Garner by Paul Bremer was evidence of this failure (Elliott, 2003:30).

In November 2003, the Iraqi Governing Council announced a new scheme for Iraq, under which the Council would be wound up by May 2004 and replaced by a National Assembly, which would form an executive control over the country, elected from Iraq's provinces (Elliott, 2003:30). At that time the CPA, headed by Bremer, would dissolve and sovereignty devolved to a provisional Iraqi government. Systematically a constitution would follow and the Administration would be preparing to accelerate the transfer of political power to Iraqis and looking for ways to augment Iraqi military capabilities. This change in plan was more than a minor course correction; rather it was yet another admission by the Bush Administration that the basis of its policies had crumbled (Elliott, 2003:31). Initial US occupation policy was characterised less by targeted planning than by improvisation and trial and error. The Pentagon had expected to take over and use effective Iraqi state apparatus, including its police force, more or less intact.

Bremer's initial plan for transferring power to Iraqis had seven points, which should have been a warning (Elliott, 2003:31). In fact, any seven-step programme is almost by definition a leisurely one. In addition, the Governing Council comprised of a Shiite majority, representative of the population; however, the CPA was still in effect micromanaging what the Iraqis could decide and which Iraqis could be trusted (Elliott, 2003:31-34). Without the swift assumption of any real political power by Iraqis, growing

local resentment of coalition forces and the number, intensity and organisation of sophisticated attacks on the coalition forces began to increase. Such was the intensity, marred by the growing domestic resentment of the war in Iraq and calls for sizeable withdrawals of US troops from Iraq, that US officials have begun “actively exploring political bargains that might induce nationalists to split with al Qaeda, including an easing of restrictions on former Baathists’ involvement in the new government” (Ware, 2005:25). This has marked an attempt to re-integrate Baathists, who committed crimes under the former regime, into the political process and efforts are underway to “bring back the guts of Saddam’s army, disbanded in the first months of the occupation” (Ware, 2005:25). The US is reaching out to officers and non-commissioned officers that are going to be placed in the new Iraqi army, which will be more reflective of Iraqi society. A US military-intelligence officer (Ware, 2005:25) maintains that having the men they are fighting enter the government will be hard for some US battle commanders to accept, however, they are “trying to shape an end state”.

If one applies the three main criteria for nation-building, namely state building, integrating society and an integrative ideology, the results of the US-led policies in Iraq in 2004 and 2005 are less than impressive (Hippler, 2005:96). First, Washington was mostly responsible for turning a relatively strong and oppressive state into a failed state. Second, it was neither conceptually nor materially prepared to deal with the situation that it had created. Third, the slow speed and incompetence that has come to characterise the rebuilding of Iraqi infrastructure as well as the heavy-handed military occupation that has taxed the patience of the population with foreign troops and policies has drastically reduced US credibility. This has resulted in a deep mistrust against the occupation in Arab areas and its nation-building attempts. Lastly, the US has failed to fully understand the complexity of nation-building in Iraq as it requires a careful re-balancing of ethnic and religious parts of the population, without “ethnicising” the political process. The Arab Shiite groups are expecting the lion’s share of power, which will be difficult for many Sunni Arabs, given their tradition of dominance and the Kurdish parties can only be bribed to remain inside Iraq with a highly disproportional share of power in Baghdad, which will trigger resentment amongst Arabs.

Furthermore, the US and UK are well aware that the insurgency has achieved so much momentum that, in all likelihood, it will not be completely defeated in 2006 (David, 2005:18). The trouble is that improving the conditions of is almost impossible without first improving the security situation. The absence of security has already deterred investment, with serious implications for the country's long-term outlook as Iraqis are increasingly turning to local leaders, strongmen and militias for solutions (David, 2005:18). Thus, 2006 will mark the Coalition's efforts to build up Iraq's own security forces in which formal security power will be handed over to authorities in safer provinces. However, training competent Iraqi soldiers and policemen have been painfully slow: the police have proved, thus far, to be riddled by corruption, whilst handing over responsibility to army units that have been recruited, as some have, from Kurdish or Shiite militias, may have the "paradoxical result of sharpening Sunni violence" (David, 2005:18).

Another complicating factor is the interference of Iran, which has a legitimate state interest in the religious or secular nature of the Iraqi state. Of late, Iran has scored two strategic victories without having fired a shot: first, Saddam's regime has been removed and Iraq has emerged greatly weakened and, unable to balance Iran as a military, economic or ideological strategic competitor and second, Iranian influence has increased dramatically in Iraq as electoral democracy in Iraq has produced a friendly Shia-dominated government (Herd, 2005:8). Hardliners in Iran may now believe that the US and British troops are *de facto* Iranian hostages, providing Iran with potential military leverage against the US and UK should the US decide to use military force to disrupt Iranian nuclear ambitions. Thus, it is in Iran's strategic interest to have a weak authoritarian and Shia dominated or failed state in Iraq for an outcome of this nature is believed to weaken US regional influence, undercut strategic viability of US-sponsored regime change and discourage citizens in the Middle East to push for reform and democratisation (Herd, 2005:8).

Given the problems sketched thus far, it is not surprising that private military companies have flourished in the Middle East. In truth, private military companies constitute roughly

one-third of all military personnel in the Middle East and are not soldiers of the Bush/Blair axis; however, they have come to form part of the *Coalition of the Willing*.

Thus, Afghanistan and Iraq represent two very different models for managing a reconstruction. The first used modest means in pursuit of relatively modest objectives, though foreign contributions accelerated considerably by 2004, and sought wherever possible to offload responsibility to local actors, such as the Northern Alliance, as well as other international partners such as the UN or NATO allies. The Iraqi model put substantial US resources in the service of highly ambitious objectives, with an emphasis on US control of as much of the reconstruction effort as possible. Although the US sought to involve more outside countries in the Iraqi reconstruction, particularly as its cost began to escalate, the international community was not willing to assume the same sorts of responsibilities that the allies had in Afghanistan (Fukuyama, 2005: xi). The use of private military companies, both of the military or non-military type, fits this scenario.

4.3 Case Study: Iraq – Fighting for Democracy? Oil?

For many critics, the invasion of Iraq will prove to have been an irresponsible, if not idiotic miscalculation by Western leaders, particularly President George W. Bush of the United States and Prime Minister Tony Blair of the United Kingdom. As a result of their blunder, the United States, Europe, and even the Middle East are much less secure now than they were before the US-led invasion of Iraq in March 2003. As for those that argued that the invasion of Iraq was an appropriate means to pre-empt the threat of Iraqi proliferation and use of so-called weapons of mass destruction (WMD), the failure to discover such WMD arsenals can be described, at best, as an embarrassment for the American and British governments.

In 2000, soon-to-be National Security Advisor, Condoleezza Rice, outlined what would initially become President Bush's security strategy and wrote: "The President must remember that the military is a special instrument. It is lethal and it is meant to be. It is not a civilian police force. It is not a political referee. And it is most certainly not designed to build a civilian society" (Rice, 2000).

This section aims to highlight the inadequacies of the Coalition Provisional Authority (CPA) and the wider impact of the *War on Terror* on Iraq by focussing on the role of private military companies and the security vacuum that they have succeeded in filling.

4.3.1 Historical Context

To understand the current Iraq crisis, the events and interests that shaped the modern history of the country need to be identified. Most notable is the way in which the Western powers, particularly the US and UK, have used their military might and commercial prowess to dominate Iraq and control its oil resources. The period from the end of the first Gulf War in 1991 to the beginning of the second Gulf War in 2003 saw continuous military pressure on Iraq by the US and UK, launching major air strikes against Iraq on several occasions, as well as deploying threatening forces in Iraq's proximity and operating military air patrols to enforce "no-fly" zones (Anderson and Stansfield, 2004:98-99). Although international sanctions did weigh heavily on the Iraqi economy, Saddam Hussein had for years been able to manipulate them to his political advantage. Furthermore, in 1998, he engineered a crisis with the UN arms inspectors of UNSCOM, which resulted in their withdrawal from the country (Clarke, 2004:29). In early 2002, subsequent to the events of 9/11, threats of a US-led war for "regime change" in Iraq got steadily longer. By September 2002, it had become clear that Washington was planning a full-scale invasion of Iraq as it won authorisation for military action from the US Congress. However, it could be argued that "by relying on the old tactics of 'cheat and retreat'; by refusing to believe that the US were really serious; by bluff and inference, pan-Arab bravado and military sclerosis, Saddam Hussein wasted the various strengths of his position and consigned himself to a reactive role in the crisis, believing as erroneously as he did in 1991 that the United States would not, in the end, embark on war" (Clarke, 2004:33).

The attacks perpetrated by al-Qaeda on 9/11 were not the first against US targets but they were in respect of targets on American sovereign territory and underscored the consequences of the hostile perceptions to US policy and its effects in the Middle East as experienced by the citizens of the region on a daily basis. The US response to 9/11

encompassed three main components: the termination of the Taliban regime in Afghanistan, the pursuit of al-Qaeda, and the occupation of Iraq (Rogers, 2005:7). In an address to the America people in January 2002, following the fall of Kabul in Afghanistan and the ousting of the Taliban regime and most al-Qaeda elements, President Bush identified two states in the Middle East, Iraq and Iran (along with North Korea) as the elements of an “Axis of Evil”, declaring “states like these and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world”, and adding that “our war on terrorism has begun...” (State of the Union Address, 2002).

4.3.2 The War on Terror

After months of threats and a long military build-up, the United States attacked Iraq on Thursday, 20 March 2003, claiming to be in a coalition with some 44 countries (Embassy of the United States, 2003). However, on the political front, Washington’s *Coalition of the Willing* effectively consisted of the US, Britain and Spain; on the military front, of the US, Britain and Australia (Clarke, 2004:34). The reality was that for the first time since Vietnam the United States went to war without the support, or even the acquiescence, of most of its important allies. In fact, the war faced strong opposition from France, Germany, Russia, China and the great majority of UN member states as well as world public opinion. As a result, the US turned its attentions to the private military industry for support, and so the perpetuation of private military dominance in conflict was transplanted from Africa to the Middle East; only this time they were welcomed as legitimate roleplayers within the *Coalition of the Willing*.

4.3.2.1 The Private Military Industry in Iraq

Private military companies, such as Global Risk International, Aegis Defence Services, DynCorp, Vinnel, Blackwater Security Consulting and Erinys International to name only a few, operate extensively in Iraq. The sheer number of PMCs involved in Iraq, their often “mission critical” activities, and the fact that they are operating alongside the forces of a multinational coalition, confer a specific salience to the issue today. The services they offer to the occupation forces include military activities, non-military functions, as well as activities more difficult to categorise. In fact, through the massive intervention of

military professionals with civilian status, it is the very distinction between military and civilian that has become blurred.

Most analysts agree that more than 60 private military companies, with an aggregate total between 25 000 and 35 000 personnel, are currently operating in Iraq (Thompson, 2006). This rapidly increasing figure represents approximately 20% of the foreign military forces present in Iraq and comprise mostly of former British, American and South African soldiers (Thompson, 2006). Furthermore, the ratio of PMC employee to soldier has risen dramatically from 1:100 during the first Gulf War to 1:10 today (Thompson, 2006). These figures reveal some disturbing facts concerning the composition of the coalition forces as the overall number of private military contractors exceeding that of the British troops, which officially represents the second biggest contingent in Iraq (Isenberg, 2004:8). Even the South African security consultants, who are nationals of a country that has firmly rejected the war against Iraq, are, with about 1 500 troops, more numerous than the Dutch contingent (The Sunday Independent, 2004). In other words, official state policies are not as decisive as they used to be in the recruitment of forces for international coalitions. This development offers a powerful insight into the reason for the massive involvement of private military companies in a war that, from the beginning, has been internationally contested.

Many PMC personnel hired as independent contractors in Iraq are not merely ex-military, but rather former members of elite units, usually in the special operations forces community (Stetz, 2004). In the United States that means former Rangers, Green Berets, Delta Force and SEALs (Isenberg, 2004:24). In the United Kingdom, it refers to former SAS, former police officers from Scotland Yard's royalty protection squad and the Special Boat Service (Isenberg, 2004:24). For South Africa, it means former members of the SADF Special Forces units and the counter-insurgency unit, Koevoet (Clever, 2000:139). Most of the actual security teams operating on the ground are frequently composed of former and retired senior NCOs, men in their thirties and early forties (Isenberg, 2004:24). Typically, these special operations forces are more accustomed to interacting with foreign nationals than the average service member as language skills and

cultural appreciation are skills taught in their military training (Isenberg, 2004:24). Furthermore, security contractors working in less isolated, more localised environments have the opportunity to establish relationships with members of the community denied to the military, usually locked up on a base. As a result of the growth in demand for private military companies in Iraq, many former special operations forces personnel are thought to be planning the formation of their own security firms. However, it seems likely that “any proliferation of security firms will precede a period of consolidation, as those companies that acquire profitability absorb those that fail” (Conachy, 2004).

Private military companies are listed in the Coalition Provisional Authority (CPA) report as providing three categories of services: (1) personal security details for senior civilian officials; (2) non-military site security, such as buildings and infrastructure; and (3) non-military convoy security (CPA Report, 2004). However, it should be noted that the CPA report reflected only a partial picture of the reality on the ground, which has continued to evolve since the publication of its report in May 2004. Nonetheless, the report made it clear that most private military companies do not work directly for the US government, but under subcontract to prime contractors providing employee protection, or are hired by other entities such as Iraqi companies or private foreign companies seeking business opportunities in Iraq (CPA Report, 2004).

PMC operations in Iraq tread the difficult line in providing protection in a manner that meets the intricate demands of corporate, military and government ethics. To date approximately 261 PMC personnel have died in Iraq (Fernandez-Norera, 2006); however, because private military companies are not accountable to any electorate, the “body bag” count is of less significance to most civilians now than, for example, during the Vietnam War.

4.3.2.2 Private Military Operators and Operations in Iraq

There are a number of key private military companies operating in Iraq, which fulfil a broad spectrum of military functions.

Aegis Defence Services is a UK-based company that won a contract in May 2004, reportedly valued at up to a maximum of US\$293 million over a three year period, to provide 75 teams of 8 men to provide security on all major Iraqi government projects following the handover of sovereignty (Thompson, 2006). Furthermore, since June 2004, Aegis has been under contract to the US Department of Defense to provide security support services to the Project Contracting Office (PCO), responsible for managing the reconstruction programme in Iraq (Aegis Website, 2006). To achieve this, Aegis has established a Security Framework of Reconstruction Operations Centres (ROCs) throughout Iraq (Aegisworld.com, 2006), with six such ROCs situated alongside regional Coalition Military Headquarters and a National Reconstruction Operations Centre in Iraq (Thompson, 2006). Aegis states that its functions include: “maintaining situational awareness of logistical movement and reconstruction security operations, sharing of intelligence among security forces and reconstruction contractors, effecting co-ordination and liaising between reconstruction and military activity, and provides threat assessments and intelligence to contractors” (Aegisworld.com, 2006). The ROCs also provide continuous information on the viability of road movement throughout Iraq, which is tracked by a system of transponders, complimentary to the US military’s ‘Blue Force Tracker’ (Thompson, 2006). As well as security advice, co-ordination and emergency back-up to prime contractors, Aegis supplies a static guard force to protect the headquarters of the PCO, US Corps of Engineers and a small, close protection and vehicle escort capability to provide mobile security for journeys throughout Iraq to visit the numerous reconstruction projects (Aegisworld.com, 2006).

In October 2005, Aegis was contracted by the UN Office for Project Support to support the UN Electoral Assistance Division (UNEAD) and the Independent Electoral Commission Iraq (IECI) with the constitutional referendum and the General Election in December 2005 (Aegisworld.com, 2006). The requirement was to provide a mixed expatriate and Iraqi mobile security component to support electoral infrastructure inspection and liaison with Governorate Electoral Officers and to provide static site security teams to electoral logistic sites in all 18 Governorate capitals throughout Iraq (Aegisworld.com, 2006). In terms of commercial contracts, Aegis, in separate contracts,

also provides security to a number of significant foreign business interests and 'blue chip' companies operating in Iraq.

Global Risk Strategies is the UK's largest private military firm in Iraq and is aiding the Coalition and the Iraqi administration to draft new regulations (Isenberg, 2004:35). Global Risk Strategies is utilising a far cheaper source for its 1 500-strong private army, which is protecting CPA buildings and other high profile facilities (Conachy, 2004). The company has hired over 500 Fijian soldiers and a similar number of Nepalese, who had served in the British Army's Ghurkha regiments at a fraction of the cost of a British platoon (Conachy, 2004). Global Risk Strategies was contracted in 2003 to organise the secure changeover of Iraq's currency from that of the former Baath regime.

The British-South African company, Erinys International, was awarded a US\$100 million annual contract to provide security at Iraq's oil facilities and pipelines (Isenberg, 2004:33). The contract calls for an audit of the security environments of each oil region, and the "vetting, training and hiring of an estimated 14 000 Iraqi guards needed to do the job" (Catan and Filder, 2003). Large competitors have questioned, however, whether Erinys, a little-known small Johannesburg-based company, has the infrastructural size and financial reserves to handle the contract. In addition, involving so many Iraqis in the Erinys contract brings with it a unique security challenge, with the threat that the insurgents may use the training or information acquired.

Blackwater is an American private military company and has primarily supplied security for CPA facilities, escorting convoys, and providing the personal bodyguard for Paul Bremer, former head of the CPA (Conachy, 2004). Blackwater has also, on at least one occasion, been involved in direct combat. In April 2004, an attack by hundreds of Iraqi militia members of the US government's headquarters in Najaf was repulsed not by the US military, but by 8 Blackwater commandos (Isenberg, 2004:31). Many of the personnel on Blackwater's payroll are ex-US special forces, whose services come at a hefty price due to the particularly risky operations – such as attempting to take a shipment of supplies through Fallujah - that Blackwater undertakes in Iraq (Isenberg, 2004, 31).

Two other US private military companies, DynCorp and Vinnell, are primarily responsible for the hiring of police officers in the US to train police recruits in Iraq and training the new Iraqi Army, respectively. DynCorp was awarded a year-contract in a limited competition against SAIC worth up to US\$50 million in April 2003 from the US State Department to support law enforcement functions in Iraq (DynCorp International, 2006). The contract is geared towards aiding the Iraqi government organise effective civilian law enforcement, judicial and correctional agencies at national, provincial and municipal levels to assess threats to public order and mentor personnel at all levels of the Iraqi legal apparatus (DynCorp International, 2006). Vinnell, on the other hand, won a year-contract to train nine battalions of one thousand men each for the new Iraqi army, with an option to train all 27 battalions if was performed well (Isenberg, 2004:37-38). However, by the end of 2003, Vinnell was viewed as having performed badly, even though they had been paid US\$24 million and had subcontracted some of that work to other American private military companies (Rosenfeld, 2004). The CPA decided to use the Jordanian military to train Iraqi officers and other private military companies to train Iraqi non-commissioned officers. Vinnell's subcontractors are MPRI, SAIC, Eagle Group International, Omega Training Group, and Worldwide Language Resources (Fein, 2003).

Thus, the processes of privatisation and outsourcing have given rise to the numbers and strength of the PMC element within the *Coalition of the Willing*. Although the services rendered by most private military companies in Iraq have been effective and efficient, the intervention of these companies raises three fundamental political issues concerning the use of commercialised means of coercion. First, the issue of regulation; second, the issue of accountability; and third, their potentially destructive consequences. Unlike the widespread international criticism of PMC involvement in Africa, the Bush/Blair alliance have been far quicker to brush off these concerns and align private military companies with their national interests and agenda under the umbrella of a *Coalition of the Willing*.

4.4 Summary

The war in Iraq in 2003 saw the manifestation and, indeed, validation of a decades-long transformation of US and other western armed forces. History has played its part in the

impulse to improve armed forces: the US experience in Vietnam and, much later, Somalia; the end of the Cold War; and the start of the so-called *War on Terror* after 9/11. However, the transformation from vast, armour-heavy, largely static Cold War-style armed forces to the lighter and more responsive forces deployed to Afghanistan and Iraq has also been prompted by the availability of new technology in communications, intelligence gathering and target acquisition, and in the capabilities of weapons.

It is difficult to characterise the current nature and progress made towards sustainable state building in Iraq as well as the impact that these efforts will have on the wider region. Some analysts argue that Iraq is on a slide towards sectarianism, civil war, anarchy and Vietnam-style debacle, marked by growing international criticism of US action, uncertain prospects for stable self-governance and security, and a concurrent debilitating increase in US domestic opposition to the war effort. Others maintain that the strategic implication of democratic regime change in Iraq will precipitate domino democratisation throughout the Middle East region. Elliott (2006:18-21) argues “it isn’t rocket science, but the playbook for bringing stability to the Middle East requires...the US to really get involved, the caution not to forget about the Palestinians, the need to guarantee Israel’s security, the stabilisation of Lebanon, an apt manner of handling Iran and prayer for Iraq”.

Just as Iraq is the single largest US military commitment in more than a generation, so too is it the largest commitment for the private military industry. The numbers for the private military presence in Iraq dwarf any past operations. Perhaps more important than the raw numbers is the wide scope of critical jobs that contractors carry out and which are very different from those undertaken by civilians in past wars. In addition to war-gaming and field training before the invasion, private military employees have handled logistics and support for coalition troops during the build up to the war. Furthermore, their roles in Iraq have included a wide range of security sector reform and training activities for local forces, training programmes for the post-Saddam army, post-Saddam paramilitary force, and post-Saddam national police. Private military companies have also provided a range of tactical roles on the ground, supplementing the currently over-stretched coalition

forces. This scope of privatisation is a striking difference from past private military operations, both in terms of the mass numbers and the fact that the armed private military forces had previously only acted in zones where the great powers were absent, not right alongside their forces. Private military companies have thus been essential to the overall effort in Iraq. They have succeeded in filling a gap in troop strength and a variety of roles that US forces would prefer not to carry out. Without private military companies, the operation with its current structure would likely be compromised.

CHAPTER FIVE – CONCLUSION

5.1 Introduction

The increasing inability of weak governments to counter internal violence and the international commodities boom fuelled by the desire to secure access to scarce resources, have created a ready market for private military forces. Fuelled by a post-Cold War shift away from strategic confrontation of major powers, Western countries are more reluctant to intervene militarily in weak states, and their politicians are disinclined to explain casualties to their electorates (Brayton, 2002:308). Most Western armies are designed to fight the sophisticated international conflicts envisaged by Cold War strategists. The armies are neither trained nor equipped for low-intensity civil wars, which involve complicated ethical agendas, blurred boundaries between combatants and civilians, and loose military hierarchies. At the same time, Western governments' fears of sustaining casualties, entanglement in expanded conflicts, and the escalating costs involved in ill-defined missions have resulted in "slower, less ambitious and, sometimes, vetoed UN peacekeeping missions" (Brayton, 2002:308). Into this vacuum have stepped private military.

Private military companies have come a long way since the "hey day" of their mercenary counterparts; their commercial goals are to improve their client's military capabilities, permitting more effective combat performance and deterrence capability. The companies provide military assessments, training or weapons procurement, and whilst direct involvement in conflict is less common, many companies do advertise their skills in this area. Unlike national armed services, private military companies are unfettered by political constraints. Private military companies view conflict as a business opportunity and take advantage of the pervasive influence of economic liberalism in the late 20th century (Brayton, 2002:308). Furthermore, they have quickly adapted to the complex agendas of civil wars, unlike most national armed forces. An expanded pool of military expertise made available by reductions in major powers' forces has enhanced their ability to operate and "affordable Soviet weaponry easily purchased on the open market" (Brayton 2002:309), has helped strengthen the companies' capabilities.

In order to determine whether these entities represent a serious threat to international security, or whether they represent more efficient and cheaper models for peacemaking, this Chapter undertakes a comparative analysis of private military activity in Africa and the Middle East, based on the criteria set out in the preceding chapters, and places its findings within the current debate surrounding the use of private military companies. In conclusion, various options for the regulations of these companies will be discussed.

5.2 Comparative Assessment of Private Military Activity in Africa and the Middle East

The focus of the comparative analysis of private military involvement in Africa and the Middle East lies in the various actors and factors that have either operated in or are currently operating within the two regions. The comparative analysis will be based upon the criteria established in Chapter One and test their validity to the case studies.

The first criterion is the existence of an “opportunity structure” for private military activity facilitated by the nature of weak states, which double as resource-rich states as well. The terms state failure and state collapse are synonymous with countries such as Sierra Leone and Iraq and result from the inability of governments to deliver political goods – most pertinent of which is security – to their citizens. As a result, security and even military functions are being outsourced to civilians as well as being contracted to foreign companies. This marks a profound change in the traditional state monopoly of the legitimate use of violence. The state’s possession of the means of coercion has been integrated into a general trend towards privatisation or commercialisation; its legitimacy, considered by Weber (1978) one of the defining criteria of the state, partly shifted onto the market. Complementary to the nature of weak states, the presence of natural resources in such countries determines the strategic interests of strong, predominantly Western states – with the exception of China. The end of the Cold War was marked by a declining strategic interest in Africa on the part of the superpowers. In fact, not even the lure of mineral resources, and more specifically diamonds in Sierra Leone, has warranted the military involvement of the superpowers in conflicts on the continent. The converse is true in the Middle East. The Middle East is characteristically rich in oil and the increased

dependence of highly industrialised nations on this natural resource and their desire to secure access to it has resulted in a global economic commodity boom, driven primarily by the United States and China. As such, the Middle East and Iraq, in particular, represents the foremost national strategic interest of an oil-dependent US.

In addition to this “opportunity structure” facilitated by weak and resource-rich states, lies the importance of regional instability. Africa and the Middle East are two geographical areas that have for decades been wrought with regional instability and conflict. In the case of Sierra Leone, the effects of regional instability resulting from the ‘spill over’ of conflicts in neighbouring countries and the support for the RUF rebels by Charles Taylor in neighbouring Liberia further weakened the Sierra Leonean government’s position to provide effective security and military functions. The contracting of private military companies as a result of their “successes” witnessed in African countries, such as Angola, was thus regarded by the Sierra Leonean government as a necessary survival measure. In the Middle East, regional instability is thought to result from the multiple military crises stemming from the Palestine-Israel conflict, the Gulf War, Iran, Iraq, Kuwait and Lebanon, to name only a few. Private military companies were first utilised in the Middle East in Afghanistan and have since been a dominant force in the *War on Terror* and the reconstruction of Iraq. It is highly probable that the growing dependence on private military companies for security in the Middle East will ‘spill over’ into the conflict in Lebanon, a country that cannot possibly equate its army to that of Israel. Thus, weak and resource-rich states, coupled with regional instability, combine to create a security vacuum and it is into this vacuum that private military companies, in Africa and the Middle East, have stepped.

The type of military actors present in both the Africa and the Middle East is another criterion for comparison. In the case of Sierra Leone, three private military companies were contracted by the government to fulfil various security and military functions. These companies were Ghurkha Security Guards, Executive Outcomes and Sandline International. All three private military companies were categorised as type-one, combat type firms. In Iraq, there are presently more than sixty private military companies

operating under the auspices of the *Coalition of the Willing*. Although most of these private actors are categorised as type-two, non-combat military companies (PSCs), there are several type-one, combat type private military companies, including Blackwater, DynCorp and Vinnell.

Another criterion relates to who was responsible for contracting the services of these private military companies. In Africa, in countries such as Angola after the 1992 election and more specifically Sierra Leone, private military companies – of the direct combat type – were employed by the Sierra Leonean government to ensure regime security and the dissemination of the rebel RUF insurgencies. In the Middle East, the case of Iraq is slightly more complex in that private military companies were not contracted by the Iraqi government itself; rather they entered the conflict under the banner of being legitimate roleplayers in the US-led *Coalition of the Willing*. This criterion is significant as it differentiates contemporary private military companies from mercenaries, in that private military companies - as respectable business entities - claim only to do business with legitimate governments.

The purpose or objectives of private military companies in Africa and the Middle East mark another point of comparison. In Sierra Leone, the main objective for private military companies was to restore the legitimate state power by ensuring the return of Kabbah to government and the suppression and termination of the RUF rebel forces. In Iraq, however, the primary objectives of private military companies – as role players in the *Coalition of the Willing* – were to facilitate the *War on Terror* and transformation of Iraq into a democracy. As such, private military companies in Iraq aided the ousting of dictator, Saddam Hussein, and his authoritarian regime and have been integral to the subsequent process of state building.

The support for private military activity in Africa and the Middle East constitutes another criterion. In Africa, and more specifically Sierra Leone, private military companies only ever received tacit support from major Western powers for their involvement in internal conflicts on the continent. In fact, it was due to pressure from the Western powers (US,

UK and the UN) that Executive Outcomes and Sandline International eventually withdrew from Sierra Leone to give way for international peacekeeping forces, such as ECOMOG and UNAMSIL. In the Middle East, although the international community has largely disapproved of the war in Iraq, there has been no explicit criticism for the use of private military companies and this is largely thought to stem from the credibility afforded to these companies in the wake of the post-9/11 security environment. Private military companies in Africa never received the same levels of approval as those present in the Middle East and this is because unlike the widespread international criticism of private military involvement in Africa, the Bush/Blair alliance have been far quicker to brush off concerns about the use of private military companies and have extensively aligned these companies with their national interests and agenda to form part of the *Coalition of the Willing*.

The sheer volume of private military companies utilised in Africa and the Middle East further illustrates the increasing credibility of these companies. In Sierra Leone, three private military companies were employed by the government; however, only ever one private military company was contracted at a given time. In other words, at any given point in time, there was only ever one private military company at a time operating within Sierra Leone. In Iraq, private military companies have been contracted to such an extent that they currently represent approximately one-third of all foreign military personnel.

In addition to the volume of private military companies in Africa and the Middle East, lies the scope of activities undertaken by these companies. Although the general activities or services of private military companies in Africa and the Middle East are similar – in both instances private military companies have assisted in offensive combat operations; armed security services; military surveillance, strategic advice and intelligence; military training; as well as logistics and supply for military operations – private military companies in Iraq have been given a far greater mandate or scope than the private military companies in Sierra Leone. Private military companies in Iraq are increasingly responsible for the successful transition of Iraq to a sustainable democracy and its efforts to ensure state building. These services now include providing security for reconstruction

programmes, and constitutional referendums; aiding the drafting of a new regulations and securing currency changeovers; securing oil facilities and pipelines; escorting convoys; as well as the hiring and training of police recruits and the new Iraqi Army. As a result, of the overlapping mandate and scope of activities in Iraq, private military companies find themselves in a position where, for the first time, they are working alongside the national forces of a number of states.

The last criterion centres itself upon the means to afford private military services. In the case of Africa, state rulers that preside over weak, yet resource-rich states, have been able to afford the services of the private military sector by mortgaging future profits from their valuable resources or simply using mining concessions as a means of payment. In Iraq, private military companies have been awarded contracts for their services, based on a tender system, which has resulted in numerous multi-million US dollar contracts to perform tasks that members of the international community are not willing to support, let alone carry out. Thus, private military companies have gained great affluence for performing security and military functions where a security vacuum has been created.

Thus, the activities and involvement of private military companies in Africa and the Middle East present some interesting levels of comparison in terms of their respective “opportunity structures”, including weak and resource-rich states and regional instability; objectives; volume; scope; levels of international support and methods of payment. Most importantly, the criterion set out for the comparison of private military companies in Africa and the Middle largely differentiates these modern, business-like entities from the rogue mercenaries of the past.

5.3 Debates Surrounding the Privatisation of Security

In the last decade, stimulated perhaps by the multiple crises in Africa and the Middle East, there has been a renewed debate on the usefulness and dangers of private military companies. Small (2006:23) argues that concerns about private military companies stem not so much from issues about proficiency but more from the broader set of ramifications that come through their agency. In order to determine how the commodification of

violence affects state authority, one must look at how private military companies have fared practically (Small, 2006:23). Some perceive private military companies from the old mercenary “dogs of war” point of view, but this can only be valued with regard to how they have performed. Similarly, those who perceive private military companies as agents for the state in the realm of peacekeeping must examine the implications that their agency has on the state. The following section summarises some of the preceding arguments at the centre of the private military company debate.

The lack of clear lines of accountability draws attention as one of the main problems associated with private military companies. National armies are accountable domestically through the political process: in national and International courts and to their electorate. First, soldiers who commit war crimes together with their military commanders and political superiors who bear responsibly are prosecuted in national courts as well as the International Criminal Court. This liability, under international humanitarian law, should also apply to employees of the private military companies. In many cases, however, this is a highly theoretical proposition: a weak government that is dependent upon a private military company for security may be in poor position to hold it accountable. Second, the death of national army soldiers in unpopular wars further aggravates the “body bag” syndrome that all politicians aim to avoid, let alone explain or account for.

Thus, in reality, the real extent of accountability by private military companies may depend upon who is employing them. Furthermore, Herbst (1998) argues that private military companies are different from freelance mercenaries in that they have a continuing corporate existence and wish to maintain a reputation as respectable organisations who only do business with legitimate governments; whilst others (Zarate, 1998) argue that regulation by respectable host governments is an important element in the accountability of private military companies. Another key issue for accountability is transparency. This is because when private military companies operate in war zones, it is difficult to know exactly what they are doing. As a counter-measure, Sandline International has proposed monitoring, which they argue should be paid for by the international community (Sandline International, 2006).

The existence and, indeed, activity of private military companies is also viewed by some as a threat to sovereignty. A report to the Commission of Human Rights, UN Rapporteur, Enrique Ballesteros concluded that “within the historical structure of the nation state, which is still the basis of international society, it is inadmissible for any state legally to authorize mercenary activities, regardless of the form they take or the objectives they serve. Even when legislation is lacking or deficient, mercenarism is an international crime. Mercenary activity arises in the context of situations that violate the rights of peoples to self-determination and the sovereignty of state” (Ballesteros, 1999). This is, of course, an extreme point of view, which does not appear to take into account all the principles of the UN Charter, including the right of self-defence in Article 51 (UN Charter, 1945). There are notwithstanding, a number of ways in which mercenaries or private military companies may be a threat to legitimate governments. In the 1960s and 1970s, mercenaries were a real threat to legitimacy and self-determination. They were often associated with attempts to preserve quasi-colonial structures and they took part in a number of *coups*. Neither of these has been the case with private military companies in the 1990s. There does, however, remain a theoretical risk that they could become a threat to the governments that employ them (Machiavelli, 1985). Although this danger cannot be completely discounted, it is difficult to predict what a modern private military company would have to gain from trying to take over control of a country. There is also the concern that the monopoly of violence remains essential to the notion of a state. Nevertheless, the fact that a force is private or foreign does not prevent it from being under the control of the state and although such arrangements may not be ideal, they may be far less damaging to sovereignty than an unchecked rebel movement.

Another concern is that private military companies could be considered a threat to sovereignty through economic exploitation; however, this does not seem to be the case when private military companies are invited by legitimate governments and are paid for their services. Furthermore, in these instances, private military companies have not overstayed their welcome with the host government. It is striking that the countries in Africa and the Middle East most associated with the use of private military companies – Sierra Leone and Iraq respectively – are those with readily available natural resources. A

number of authors (Francis, 1999; Musah and Fayemi, 2000) argue that it is wrong for governments to pay for security by mortgaging future returns from mineral exploitation. However, if a government is faced with the choice of mortgaging some of its mineral resources or exposing themselves to rebels; it could be seen as a legitimate course of action for them to take. Other authors (Zarate, 1998) argues that the association of private military companies with mineral extraction has a potential benefits: it may be one of the few ways that private military companies can guarantee their payment, and an interest in mineral extraction could give private military companies a vested interest in peace and stability.

The fact that private military companies are paid to deal with conflict situations leads many to question their interest in bringing conflict to an end. This problem could be eradicated by including performance clauses into contracts so that private military companies have a clear incentive to complete whatever tasks they have been employed for. In practice, however, it is often the parties to the conflict that wish to prolong its existence, often so that they may exploit mineral resources illegally. An extension of this view is the argument that private military companies are prone to switch sides, selling their services to the highest bidder, if one emerges. This is always possible, but highly unlikely as this sort of behaviour would ruin a private military company's reputation and its future business prospects.

In addition, it is a frequent charge against mercenaries and private military companies that they are guilty of abuses of human rights. In the 1960s and 1970s, mercenaries committed many abuses; the position is less clear for private military companies in the 1990s. There are reports of misconduct by Executive Outcome forces in Angola and of the use of controversial weapons, such as cluster bombs and fuel air explosions (Vines, 1999:174-175). Of the former, the best that can be said is that EO probably behaved better than any of the other combatants; of the latter that these weapons have also been employed by Western armed forces. In contrast, there have been only limited accusations and not always well-substantiated accounts of abuses by Executive Outcomes during its operations in Sierra Leone. The question about human rights is less, however, about

whether these abuses have been committed, but rather whether such abuses are inherent in the nature of private military companies. Such an argument could be made in the case of traditional mercenaries; however, private military companies have a greater incentive for discipline. In fact, if Vines' (1999) analysis is correct, it may well be that EO decide to clean up its act for Sierra Leone, following the stories about its behaviour in Angola.

A number of serious critics argue that private military companies are not a real solution to the problems of conflict. The UN Rapporteur writes, "The presence of the private company, which was partly responsible for the security of Sierra Leone, created an illusion of governability, but left untouched some substantive problems that could never be solved by a service company" (Ballesteros, 1999). Francis (1999: 329) argues that "putative strategic impact of EO is often exaggerated. Its so-called stability and coercive security is often fragile and does not address the fundamental political and socio-economic issues that prompted the conflict". These assertions are unquestionably true. However, private military companies are hired for a military task; thus, it cannot be a criticism of a military body that it has failed to address underlying socio-economic problems. The function of military and other security organisations is to create an environment in which it becomes possible to tackle those problems. The fact that others may have exploited this opportunity is hardly a criticism of private military companies in general.

There are frequent accusations that private military companies stand as proxies for governments. This is true in the case of MPRI, in particular, and the sixty-plus private military companies in Iraq, who undoubtedly functioned as an instrument of US policy. It is the contention of many that there is nothing wrong with governments employing private sector agents abroad in support of their interests; however, only where such links are transparent and thus, less likely to give rise to misinterpretation.

Finally, the debate on private military companies seems to be wrought by double standards and conducted with the notion that private military companies are bad and that

national armies are good. In practice, as was the case in Iraq, national armies are often guilty of precisely those abuses with which private military companies are charged.

Thus, the issues of contention surrounding the debate on private military companies include a wide range of factors, with many commentators either in favour or vehemently opposed to their existence in the global security environment. However, contentious these issues are, the arguments are all in the eye of the beholder. Private military companies have proved, through their actions in Africa and the Middle East, that they are viable military options for weak states. Private military companies in Sierra Leone and Iraq have accomplished tasks which both African and Western governments have approved of, but have hesitated to attempt themselves because of financial or political costs. While the United Nations and some nations may deploy peacekeeping forces, they rarely agree to sending peace-enforcing, or combat, units. Private military companies should thus be seen less as a threat to sovereignty and more as representing effective and efficient, cheaper models of peacekeeping.

5.4 Options for Regulation

There are a number of reasons for considering action to regulate the activity of private military companies, most important of which is the fact that actions in the security sphere have implications that go beyond those of normal commercial transactions. They may involve the use of force and the taking of lives; or they may impact upon the stability within a country or region, which may be the case even where private military companies are not directly engaged in combat. At present, private military companies exist in a so-called “legal vacuum”, which should not be seen as a shortcoming on their part, but rather depictive of the lack of will on the part of the international community. Regulation could be seen as having a number of positive benefits: first, it would set guidelines for the industry and provide a clear indication of what is acceptable or expected of them by the international community; second, it would help establish a respectable and therefore more employable industry.

The following represents the main options for the regulation of private military companies on a national level (FCO, 2002: 22-26). Although there are commentators that believe that a ban on military activity abroad would be the most direct way of dealing with an activity that many find objectionable, it is neither practical nor realistic. The preceding Chapters have illustrated that private military companies are not only mushrooming, but gaining credibility in the wake of the post-9/11 security environment. In fact, there has been a marked dependence of major powers on these companies in conflict zones, such as Iraq. To suggest an outright banning of the industry is not only laughable, but ludicrous at best. A number of other options for regulation are thus considered.

First, a *licensing regime for military services* would require companies or individuals to obtain a licence for contracts for military and security services abroad. The activities for which licences would be required would be defined in the legislation and include, for example, recruitment and management of personnel; procurement and maintenance of equipment; advice; training; intelligence; and logistical support; as well as combat operations. Since the government licences the export of military goods, it would seem logical to licence the export of military services and would be a far more flexible instrument than an outright ban. However, enforcement difficulties persist because the activity that is licenced takes place in a foreign country and it would be arduous to know, or prove, whether the terms of the licence were breached. In addition, circumstances under which a licence was issued may change or could give rise to delay and the industry would need some reassurance on the question of confidentiality (FCO, 2002:24-25).

Second, *registration and notification* would require private military companies wishing to accept contracts for military or security services abroad to register with their home government and notify them of any contracts for which they were bidding. This option would require a light regulatory framework and increase the government's knowledge of the sector and provide it with an opportunity to deal with potential problems before they arose. However, this option is essentially a licensing system, though one in which a licence is automatically granted unless the government takes action to withhold it. As

such, it is subject to many of the criticism of the second option for regulation, the only difference in that there would be no risk of delay and costs would be lower (FCO, 2002:25).

Third, a *general licence* for private military and private security companies would mean that the government could licence the company itself for a range of activity possible in a specified list of countries. In doing so the agreement could set out standards it expected the companies to meet. On its own such a system would provide little protection for the public interest yet it may be useful on conjunction with one of the other options. It could also be employed as an alternative to licensing individual service contractors or, more credibly perhaps, as an additional measure. This latter is the practice in the United States. However, this option could put a government in the position of lending credibility to companies of whose operations it knows little about or whose character may change (FCO, 2002:25-26).

Lastly, an option of *self-regulation or a Voluntary Code of Conduct* (which is the most preferred method indicated by private military companies themselves) would require companies in the private military and security sector to become members of a trade association. Governments could then request the association, in consultation with the companies, with their clients, NGOs and government itself, to draw up a Code of Conduct for all work abroad. This Code could cover matters such as the respect for human rights; respect for international law, including international humanitarian law and the laws of war; respect for sovereignty; and transparency, including access for monitors or government representatives. Governments could regard this membership as providing an assurance of respectability and would be able to recommend to companies or foreign governments that they should employ only companies who are members. Furthermore, this type of option would not involve a government in unenforceable legislation or regulation as the voluntary code would be policed by the industry itself, although provision for external monitoring would provide a further check. In addition, it would be a relatively unburdensome form of regulation and would help establish some standards of behaviour within the industry and would enable outsiders to identify respectable business

partners. However, this would not meet one of the main objectives of regulation, namely to avoid a situation where companies might damage a host government's interests. The lack of legal backing would mean that the government might be compelled to watch whilst a company pursued a course that was contrary to the public interest. The industry "association" could also run into difficulties either because of an inability to be sure exactly what was happening abroad; or if it was obliged to discipline one or more of its important members (FCO, 2002:26). All this said and done, this option of self-regulation is by far the most plausible option for regulation.

The regulation of private military companies can only ever truly be effective if national legislation is adopted and enforced by each and every host government that employs the services of private military companies. A major problem in obtaining any anti-mercenary or PMC laws and conventions, however, is that no major power has taken any serious interest in promoting them. An overarching legal framework would ensure international standards of legislation and regulation and provide for monitoring mechanisms and an apt system for the prosecution of those guilty of contravening international and national laws. Thus, for the successful regulation of the privatized military industry there are three requirements: international law; home state legislation; and host state legislation. Furthermore, such regulation requires the ratification and compliance of all home and host states. A case in point is South Africa, whose anti-mercenary legislation is the first of its kind; however, the country is neither a signatory to the UN Geneva Conventions nor those prescribed by the OAU in the form of CEMA. The issue of extra-territoriality, however, will remain a problem that will continue to plague policy makers, unless a system of regulation is established that will see infringements and contravention upheld in courts of law. For now, however, private military companies exist in a "no-man's land" (Smith, 2005, 24) as they are illegal internationally, have no rights or obligations, and are outside the Geneva Convention and the International Criminal Court.

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