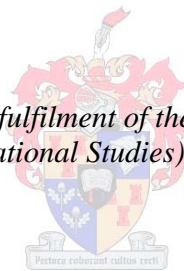


**The impact of the private security industry on
peace-building efforts in Africa: An assessment of
Executive Outcomes, MPRI and DynCorp**

by
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of Master of Arts (International Studies) at Stellenbosch University*



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Declaration

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Abstract

The emergence and rapid growth of the private security industry in the 1990s followed from the downsizing of the armed forces in the aftermath of the Cold War and the development of new security threats which increased demand for military manpower and expertise. This has led to a redefinition of security strategies and the restructuring of armed forces by Western governments, which has resulted in the elimination of non-core activities from the functions of many armed forces. Recently it has been argued that the private security industry can challenge what previously was believed to be a primary responsibility of states, namely to take on peacebuilding initiatives and support to other peace operations.

This study seeks to assess the impact of the private security industry in peacebuilding efforts in African conflicts. The study suggests that the private security industry have taken on a much stronger role in conflicts world wide since the 1990s, and that its activities have significantly changed. Companies such as MPRI and DynCorp have managed to keep close contact with their home governments, which arguably has been a crucial factor to their growing business. Furthermore, the private security industry have sought to distance itself from the negative connotations associated with mercenaries and the activities of companies such as Executive Outcomes in the 1990s, by avoiding operations involving elements of direct combat. This has been illustrated through the extensive case study of the activities of three private military and security companies: Executive Outcomes, MPRI and DynCorp. Furthermore, this thesis has confirmed an increased presence of the United States on the African continent post-9/11, illustrated by the presence of American-based private military and security companies which arguably are being used as proxies for US foreign policy purposes.

Furthermore, this study has discussed the various implications the private security industry has on the traditional notion of the state's monopoly on the legitimate use of force. This thesis has argued that the legitimate use to exercise violence is in the process of devolution from governments to other actors, which the extensive growth of the private security industry illustrates. Additionally, it has been argued that the privatisation of military and security services can harm the reliable delivery of essential services in conflict. Furthermore, the findings of this thesis has highlighted the dilemma that many countries do not want stricter regulation or elimination of the private security industry for the reason that these companies

are viewed as valuable assets in fulfilling foreign policy objectives that for various reasons cannot be fulfilled by national armies.

Opsomming

Die opkoms en vinnige groei van die privaatsekuriteitsbedryf in die 1990s was die gevolg van die afskaling van gewapende magte in die nasleep van die Koue Oorlog en die ontwikkeling van nuwe sekuriteitsbedreigings, wat die aanvraag na militêre arbeidskragte en kundigheid verhoog het. Dit het aanleiding gegee tot 'n herdefiniëring van sekuriteitstrategieë en die herstrukturering van gewapende magte deur Westerse regerings, met die gevolg dat nie-kernaktiwiteite van die funksies van talle gewapende magte uitgesluit is. Daar is onlangs aangevoer dat die privaatsekuriteitsbedryf aanspraak kan maak op 'n funksie wat voorheen as die primêre verantwoordelikheid van regerings beskou is, naamlik om vredesinisiatiewe en steun aan ander vredesverrigtinge te onderneem.

Die doel van hierdie studie was om die impak van die privaatsekuriteitsbedryf in vredesinisiatiewe in Afrika-konflikte te assesser. Daar word aan die hand gedoen dat die privaatsekuriteitsbedryf sedert die 1990's 'n baie groter rol in wêreldwye konflikte gespeel het, en dat die aktiwiteite van hierdie bedryf aanmerklik verander het. Maatskappye soos MPRI en DynCorp was suksesvol daarin om nabye kontak met hul tuisregerings te behou, wat stellig 'n deurslaggewende faktor in hul groeiende besighede was. Voorts het die privaatsekuriteitsbedryf gepoog om hom te distansieer van die negatiewe konnotasies wat met huursoldate en die aktiwiteite van maatskappye soos Executive Outcomes in die 1990's geassosieer is deur bedrywighede wat elemente van direkte stryd inhou, te vermy. Hierdie poging is geïllustreer deur die omvattende gevallestudie van die aktiwiteite van drie privaat militêre en sekuriteitsmaatskappye: EO, MPRI en DynCorp. Die bevindinge van die studie bevestig voorts die Verenigde State van Amerika (VSA) se toenemende teenwoordigheid op die Afrika-vasteland ná 9/11, wat duidelik blyk uit die teenwoordigheid van Amerikaans-gebaseerde privaat militêre en sekuriteitsmaatskappye wat stellig as volmag gebruik word vir die VSA se buitelandsebeleidsdoelstellings.

Die verskeie implikasies van die privaatsekuriteitsbedryf vir die tradisionele siening van die regerings se monopolie ten opsigte van die wettige gebruik van magte word ook in die studie bespreek. Daar word aangevoer dat die wettige gebruik van geweld in die proses van devolusie is vanaf regerings na ander rolspelers, wat deur die omvattende groei van die privaatsekuriteitsbedryf bevestig word. Daar word verder ook beweer dat die privatisering van

militêre en sekuriteitsdienste die betroubare lewering van noodsaaklike dienste tydens konflik kan benadeel. Die studie se bevindinge werp ook lig op die dilemma dat talle lande strenger regulering of uitskakeling van die privaatsekuriteitsbedryf teëstaan omdat hierdie maatskappye beskou word as waardevolle bates in die bereiking van buitelandsebeleidsdoelwitte, wat vir verskeie redes nie deur nasionale leërs bereik kan word nie.

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Abbreviations

ACOTA	Africa Contingency Operations Training and Assistance
ACRI	Africa Crisis Response Initiative
AFL	Armed Forces of Liberia
AFRICAP	Africa Peacekeeping Program
AMIS	African Union Mission in Sudan
AMISOM	African Union Peacekeeping Mission in Somalia
ANC	African National Congress
ARTEP	Army Readiness Training and Evaluation Program
AU	African Union
CCB	South African Civil Cooperation Bureau
CFT	Contract Field Teams
CPA	Comprehensive Peace Agreement
CSC	Computer Sciences Corporation
DoD	United States Department of Defense
DPKO	United Nations Department of Peacekeeping Operations
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
EO	Executive Outcomes
EU	European Union
EUCOM	United States European Command
FAA	Armed Forces of Angola (Forças Armadas de Angola)
GNP	Gross National Product
GPOI	Global Peace Operations Initiative
ICG	International Crisis Group
IDRC	International Development Research Centre
IMF	International Monetary Fund
IPOA	International Peace Operations Association
ISS	Institute for Security Studies
IW	International Warfare
JCATS	Joint Combined Arms Training System
LOGCAP	Logistics Civil Augmentation Program

MONUC	United Nations Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
MPLA	Popular Movement for the Liberation of Angola (Movimento Popular de Libertação de Angola)
MPRI	Military Professional Resources, Incorporated
NATO	North Atlantic Treaty Organisation
NCP	National Congress Party
NGO	Non-governmental Organization
NPRC	National Provisional Ruling Council
OAU	Organisation of African Unity
ONUC	United Nations Operation in the Congo
OSCE	Organization for Security and Co-operation in Europe
PAE	Pacific Architects Engineers
PMC	Private Military Company
PMSC	Private Military and Security Company
PSC	Private Security Company
PSI	Private Security Industry
RSLMF	Republic of Sierra Leone Military Forces
RUF	Revolutionary United Front
SADC	Southern African Development Community
SADF	South African Defence Force
SANDF	South African National Defence Force
SPLA	Sudanese People's Liberation Army
SPLM	Sudanese People's Liberation Movement
SRC	Strategic Resources Corporation
SSR	Security Sector Reform
UK	United Kingdom
UN	United Nations
UNAMSIL	United Nations Mission in Sierra Leone
UNITA	National Union for the Total Independence of Angola (União Nacional para a Independência Total de Angola)
UNMIL	United Nations Mission in Liberia
UNMIS	United Nations Mission in Sudan

UNOMSIL	United Nations Observer Mission in Sierra Leone
UNU	United Nations University
UPDF	Uganda People's Defence Force
US	United States
USA	United States of America
USIS	United States Investigative Services

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Chapter 1. Introduction

1.1. Problem statement

The rise of the private security industry (PSI) has been cemented in modern global political reality. Post-colonial Africa is often considered the origin of the modern mercenary and certainly exemplifies the potential for privately sponsored military activities within unstable states (McFate, 2008a: 118). Over the past two decades, the role of the private sector in security has grown both larger and fundamentally different than it has been since the foundation of the modern state (Avant, 2008: 1). Recently it has been argued that the private security industry can challenge what previously was believed to be a primary responsibility of states, namely to perform peacebuilding activities and peacekeeping operations (Brooks, 2000a, 2000b; Bures, 2008; Singer, 2008: 183).

Much of the literature on the involvement of the private security industry in Africa has focused on the role of private military companies (PMCs) such as Executive Outcomes (EO) and Sandline International in Sierra Leone and Angola, and the likes of mercenaries such as Mike Hoare and Simon Mann (Aning, Jaye and Atuobi, 2008: 613; Cleaver, 2000: 134-135; Musah, 2002: 912). However, it is crucial to recognise that the contemporary role of private military actors on the continent differs significantly from that in the late 1990s. Today, the military functions of the state are increasingly being transferred to non-state entities. This is consistent with a decreasing political will amongst both wealthy and poor states to sustain those financial and other costs embodied in the maintenance of a monopoly on the use of violence (Patterson, 2009: 92). Following this, the legitimate use of force is in the process of devolution from governments to other actors, which the extensive growth of the private security industry illustrates. Recent literature has focused on the potential role of the private security industry in peacekeeping operations. This follows the increasing importance of humanitarian response since the end of the Cold War¹ and the subsequent development of increased outsourcing of support functions in peacekeeping operations. Since the early 1990s the private security industry has taken on a much stronger role in conflicts world wide. This is most evident in developing countries, but also in Western countries in support of their global

¹ The Cold War refers to the period between the end of the Second World War and the collapse of the Soviet Union in 1991. The Cold War originated from an ideological conflict between capitalism and socialist communism, which manifested itself through conflicts and wars by proxy, in which the United States and the Soviet Union backed opposing sides in what was viewed as strategic countries in the developing world (Adebajo, 2005: 175-176).

military operations which include interventions, peacekeeping, peace-support, and conflict and post-conflict operations (O'Brien, 2007: 54).

This research project seeks to build on the literature of the private security industry in order to assess its impact in peacebuilding efforts in African conflicts. The study will look at the cases of the companies Executive Outcomes, Military Professional Resources, Incorporated (MPRI) and DynCorp in order to illustrate the changing role of the private security industry and the wide range of activities the companies within it offers. Furthermore, this research aims to analyse the increased importance and impact of non-state actors, illustrated by private military and security companies, within peacebuilding efforts in Africa. This research will focus specifically on post-conflict peacebuilding initiatives such as the military training of African forces by MPRI and DynCorp. However, aspects of peace enforcement will be discussed when assessing the impacts of Executive Outcomes, seeing that this was among the South African-based company's key activities.

1.2. Research question and objectives

The purpose of the research is to bring insight into the development of the activities of the private security industry on the African continent. Furthermore, it is also to critically explore the trends of outsourcing non-core military functions and the increased role played by the private security industry, particularly in United Nations (UN) and African Union (AU) peacekeeping operations in Africa. The overall research question of this study is the following: *What is the impact of the private security industry on peacebuilding efforts in African conflicts?*

Very few African states have effective regulatory frameworks that are aimed at addressing the phenomenon of private security. There is an overwhelming agreement in the literature that there is a great need for regulation and control of the private security industry at the national, regional and international level (Gumedze, 2009; Lilly, 2000a; Singer, 2008). Thus, assessing the impact and development of the private security industry in peacebuilding efforts in African conflicts is crucial in order to determine what steps should be taken for the future regulation of this industry. Previous MA studies have focused specifically on the regulation of private military and security companies by comparing the South African regulatory framework to domestic regulation in the United States of America (USA) and the United Kingdom (UK), as well as to international conventions. However, this research does not

specifically seek to analyse the current regulatory framework of the private security industry, but rather the implications for the allocation of legitimate authority that is entailed by the growth of the industry. Furthermore, earlier MA studies have focused solely on the activities of Executive Outcomes, thereby not adequately addressing the crucial influence of American-based private military and security companies following the increased US presence on the continent, specifically post-9/11². This research attempts to address this gap, and to assess the changing nature of private military and security companies, from Executive Outcomes to the more recent activities of MPRI and DynCorp. The continued growth and development of the private security industry has become vital in the last decade. While Executive Outcomes had a major impact in several conflicts in Africa during the 1990s, US-based private military and security companies have become increasingly influential. Today's private military and security companies tend to be hired by donor governments to perform activities such as the training of African state militaries, peacekeeping activities and post-conflict reconstruction, rather than the approach of the seemingly 'direct' military involvement of Executive Outcomes. The companies tend to be entrenched in the military and administrative structures of both the donor and recipient state, and thereby exercise their power within these structures. According to Aning et al. (2008), this does not necessarily change the political impact of the private security industry: however, it does essentially change the manner in which it needs to be analysed. It is also important to understand how these companies have become part of a broader corporate structure in order to be able to regulate them in the future.

Furthermore, this research will have the following sub-question: *What implication does the private security industry have on the traditional notion of the state's monopoly on the legitimate use of force?*

Robert Mandel argues that "the fundamental underlying question surrounding the privatization of security is who has, and who should have, the legitimate authority to use the physical coercion in pursuit of security" (Mandel, 2002: 29). The structure of the nation-state, reinforced by the concept of sovereignty, has control over the use of force at its core. The ultimate symbol of the sovereignty of a nation is often perceived to be precisely its ability to monopolise the means of violence and maintain military forces. Mandel argues that the justification for this exclusive government coercion has perhaps been the protection of human

² 9/11 refers to a series of coordinated suicide attacks by the terrorist network al-Qaeda in the United States on September 11, 2001 (Aning et al., 2008: 622; Brooks, 2002: 13).

life, although, historically motivations such as keeping the regime in power seem to have taken priority (Mandel, 2002: 29-30). The problem in analysing the source of legitimate authority to make use of coercion originates from the “clouding of temporal standards relative to today’s global setting” (Mandel, 2002: 30). The current international norms make it difficult to decide what sets of regulations or uses of military coercion are appropriate according to universally acknowledged historical principles. However, with the rise in power of well-respected transnational and sub-national groups offering security services similar in quality to those provided by governments, there is a growing opinion that the distinction between public and private security is becoming increasingly arbitrary (Mandel, 2002: 30).

1.3. Background and literature review

The 1990s witnessed the increasing use of private military and security companies in a number of contexts within conflicts. In Africa, private security companies are increasingly replacing the primary responsibility of the state to provide security both for the people and for profitable business activities (Cilliers 1999: 1). According to Peter W. Singer (2001/2002: 193-197) the end of the Cold War, changes in the nature of armed conflicts and a general trend of privatisation have led to the sudden increase in private military services. Cilliers further argue that “globalisation, the failure of African countries to achieve sustainable development, concomitant with the general weakening of the African state and Western peacekeeping disengagement from Africa after the Somali debacle, all provide a new context within which one should view historical mercenary patterns in Africa” (Cilliers, 1999: 1). The increase in private security can be tied to supply and demand, as with the development of any market. In the 1990s, the supply factors came from both local and international phenomena that caused militaries across Africa, as well as the rest of the world, to be downsized in the late 1980s and early 1990s. The downsizing led to a security gap across large parts of sub-Saharan Africa that the private market rushed to fill (Singer, 2008: 38-39, 49-51). In addition, the downsizing released experienced military personnel with intimate knowledge of other countries in the region (Singer, 2008: 49-53).

Since the end of the Cold War, many Western governments, with the United States in the forefront, have become increasingly reluctant to commit their national troops to multilateral peacekeeping and humanitarian missions unless key interests are at stake. Even when forces are provided, they are often slowly deployed, poorly trained, underequipped and “ineffective when challenged due to lack of motivation or a flawed mandate” (Singer, 2008: 183). This

trend became evident after the disastrous intervention in Somalia in 1993. Recently, it has been suggested that private military companies (PMCs) can provide the critical military 'muscle' to make peacekeeping work, as long as they have a legitimate international mandate from the United Nations or a regional organisation such as the African Union. PMCs have shown a willingness to intervene in many of the hostile environments of little strategic interest to the key global powers, while appearing not to suffer the same political constraints as governments when it comes to casualties (Lilly, 2000a: 16).

Within the peacekeeping sphere the military consulting and support industry sectors have already been outsourced for quite some time (Singer, 2003: 63). The post-Cold War world has already witnessed an exceptional increase in PMC involvement in peacekeeping operations. PMCs have been hired by Western governments, various non-governmental organisations (NGOs) and the UN to perform tasks that international peacekeepers were either not mandated to perform or incapable of performing (Bures, 2008: 7). It seems that outsourcing has become necessary in a bid to maximise limited resources due to the unavailability or inadequacy of funds for peacekeeping operations (Charles and Cloete, 2009: 2). However, PMCs have only been used in selective instances, such as logistical and support services, security and policing functions and military support (Lilly, 2000b: 4). For instance, the US-based company MPRI has carried out large parts of American military training overseas, such as in the Africa Crisis Response Initiative (ACRI) set up to create an indigenous peacekeeping force in Africa (Lilly, 2000b: 3). In addition, both public and private aid organisations hire private companies to ensure the protection of their operations in unstable areas. Humanitarian NGOs have been forced to recognise that, in order to fulfil their missions, they have little if any choice than to enlist the services of private security companies (PSCs) (Bures, 2008: 8; Leander, 2002: 4-5). Critics such as Musah and Fayemi (2000: 23-26) claim that the consequences of privatising security can be severe by threatening to undermine state control and democratic processes. On the other hand, optimists like Shearer (1998) and Brooks (2000a, 2000b) claim that private options offer solutions to intractable security problems that can operate within national interests and the values shared by the international community.

The term peacebuilding came into widespread use after 1992, when Boutros Boutros-Ghali, then United Nations Secretary-General, announced his *Agenda for Peace* (Boutros-Ghali, 1992). The history of UN military intervention in Africa is rich in diversity and includes both successes (Namibia and Mozambique) and disastrous failures (Somalia). In the last decades,

Africa has emerged as the major arena for UN peace operations. Of the 15 peace operations managed by the UN at the end of 2009, seven were in Africa (De Coning, 2007: 1; UN, 2010a: 3, 69). According to Karin Dokken, the peace operations in Congo, Somalia and Liberia in particular are all examples of missions that have taken place in the “ultimate challenge Africa has posed to the international system: the disintegration of the state as a viable unit” (Dokken, 2008: 151). The achievements of UN operations under such circumstances have been mixed, probably owing partly to a lack of understanding of the characteristics of the African state (Dokken, 2008: 151).

Lack of resources has been an abiding concern of the UN in recent times, as demands rose and states were reluctant to participate in risky ventures. The UN has strived to catch up with the evolving conflict environment and attempted to institute reforms agreeable to its most powerful member states (Pugh, 2008: 410). In 1997, then UN Secretary-General Kofi Annan announced that the UN would intensify cooperation with regional organisations “in all activities related to the maintenance of international peace and security” (Annan, 1997: §116). Annan emphasised, in 1998, that this was particularly important in Africa because the UN “lacks the capacity, resources and expertise to address all problems that may arise in Africa” (Annan, 1998: §41).

Pugh argues that the UN does not have, or never has had, a monopoly in peace operations and peacekeeping (Pugh, 2008: 418). Freelance missions have been an element in international relations at least since coalitions to manage the prolonged dismantling of the Ottoman Empire in the nineteenth century were formed. Pugh argues that hybrid operations, where regional organisations operate alongside one another, may reduce the problems arising from groups of self-appointed states keeping watch over their own interests that can add to the dynamics of the conflict (Pugh, 2008: 418). For instance, the United Nations Mission in Sudan (UNMIS) operates under the overall command of the African Union Mission in Sudan (AMIS). However, African intergovernmental organisations have never undertaken military enforcement action on behalf of the UN. Whether this will change with the development of a greater focus on security-political aspects of the African Union remains to be seen. The various regional organisations in Africa are already in the process of developing a stronger focus on such aspects (Dokken, 2008: 164-165). Although the UN has promoted hybrid initiatives, its universal legitimacy and a trend towards increased professionalism should continue to make peace missions a core function of the organisation. Freelance peace

missions will be only one of a range of international responses to wars and complex emergencies. However, Pugh argues that UN deployments will still be needed where regional bodies are overstretched, lacking in infrastructure or requiring legitimacy (Pugh, 2008: 418).

1.4. Conceptualisation

1.4.1. The private security industry

The term ‘private security’ refers to security services provided to clients by non-state agencies. Its growth has been facilitated by the desire to reduce the burden on state agencies of protecting their citizens (Gumedze, 2009). Small further argues that privatised security today essentially refers to an industry that is exclusive and self-sufficient of the state, trading in professional military and security services, equipment, training and logistics (Small, 2006: 7). These actors have become important players in the security sector after the Cold War, especially in Africa (Dokken, 2008: 186-187). This is often cited as being due to the security vacuum caused by a combination of weak states and the lack of will in developed countries to intervene in internal conflicts in these countries (Brayton, 2002: 308).

The private security industry (PSI) generally consists of private military and security companies (PMSCs) that sell military and security services. It can be difficult to distinguish between the two kinds of companies, although PMCs are more often associated with activities designed to have a military impact, while private security companies (PSCs) are primarily concerned with protecting individuals and property. While PSCs can be defined as having the ability to provide a ‘proximate capacity’ for violence or defensive security services, PMCs possess an ‘immediate capacity’ for violence, offering more offensive military and security services (Small, 2006: 7-8). However, many companies provide both types of services (Dokken, 2008: 187; Lilly, 2000a: 14; Musah, 2002: 913). Schreier and Caparini have defined private security companies as “companies that specialize in providing security and protection of personnel and property, including humanitarian and industrial assets” (Schreier and Caparini, 2005: 2). Furthermore, Peter W. Singer defines private military companies as “corporate bodies that specialize in the provision of military skills – including tactical combat operations, strategic planning, intelligence gathering and analysis, operational support, troop training, and technical assistance” (Singer, 2001/02).

The Montreux Document describes private military and security companies as “private business entities that provide military and/or security services, irrespective of how they

describe themselves” (Montreux Document, 2008: 6). However, this definition does not recognise the fact that a service that private military and security companies provide is engaging in actual combat operations (as is the case in Iraq and Afghanistan). However, this definition highlights another important aspect, namely that private military and security companies tend to describe themselves differently (Gumedze, 2009: 2).

Brooks and Rathgeber argue that the distinction between private security companies and private military companies in terms of their definition creates regulatory problems, thus suggesting that the term PMCs should be preserved “only for the specialized firms that willingly engage in offensive operations, such as the no longer operational Executive Outcomes” (Brooks and Rathgeber, 2008: 18). Brooks and Rathgeber further argue that PSCs are clear in the provision of their work in that their civilian personnel provide only legal defensive and protective services (Brooks and Rathgeber, 2008: 18). Furthermore, unlike the PMC role, private civilian security is as common in stable countries as it is in contingency operations. However, this definition can be problematic, seeing that some PMCs offer security services and some PSCs offer military services. It is a general problem that definitions of military services and security services are open-ended, meaning that they can be interpreted to include a variety of services that may fall under the category of ‘other related activities’. Thus, the definition of private military and security companies remains complex because it is not comprehensive enough to cover everything that such companies are actually involved in (Gumedze, 2009: 2).

The distinction between PMCs and PSCs is hard to maintain, given the variety of services that any given company may provide and the increasing blur between traditional military and other security tasks in today’s conflicts (Avant, 2008: 451). The terms private security industry (PSI) and private military and security companies (PMSCs) are therefore used throughout this research to denote the whole range of for-profit security companies, because they both aptly describe the range of services these companies provide.

1.4.2. Peacebuilding

According to Neethling (2005), the concept of peacebuilding is the most important UN tool related to the changes in both the volume and the nature of UN activities in the field of peace and security. According to former UN Secretary-General Boutros Boutros-Ghali, peacebuilding consisted of “sustainable, co-operative work to deal with the underlying

economic, social, cultural and humanitarian problems [...]” (Dokken, 2008: 160; Neethling, 2005: 40). The umbrella term ‘peace operations’ includes a variety of activities. The UK government departments categorise them according to general objectives: conflict prevention, peacekeeping, peacemaking, peace enforcement and peacebuilding. In this categorisation peacebuilding is referred to as “support to the long-term regeneration of war-torn societies and for establishing sustainable peace through administrative, judicial, military, economic and political capacity-building” (Pugh, 2008: 410). While this is a relatively vague definition, the United Nations goes into further detail in the 2008 document, *United Nations Peacekeeping Operations Principles and Guidelines*. This document states that peacebuilding “involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development” (UN, 2008: 18). Thus, peacebuilding is a complex and long-term process in which it is necessary to address the deep-rooted, structural causes of violent conflict in order to create sustainable peace. Peacebuilding measures address core issues that effect the functioning of society and the state, and that seek to enhance the capacity of the state so that it can carry out its core functions effectively. The many ways of defining peacebuilding have created difficulties in understanding the usefulness of the concept as an object of empirical analysis. For instance, Eva Bertram argues that “full-scale peacebuilding efforts are nothing short of attempts at nation-building; they seek to remake a state’s political institutions, security forces, and economic arrangements” (Bertram, 1995: 389).

1.4.3. Peacekeeping

UN peacekeeping is an elusive concept that has undergone reconceptualisation and changes since the first UN peacekeeping operations. Some of the first UN peacekeeping operations included overseeing an Arab-Israeli ceasefire in 1948, and monitoring an Indo-Pakistani ceasefire in 1949. Peacekeeping was not envisioned in the UN charter and had no clear legal standing, as it occupied a middle ground between the provisions for the peaceful settlement of disputes in Chapter VI of the Charter, and the provisions for enforcement mechanisms in Chapter VII. The end of the Cold War brought about developments that challenged the conception that peacekeeping was about maintaining peace between states. In response to intrastate wars, humanitarian crises, human rights abuses and the collapse of civil order in a number of states, UN operations became both more numerous and more complex, involving a wide set of political, military, and humanitarian tasks (Dokken, 2008: 157).

Peacekeeping refers to “the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well” (Boutros-Ghali, 1992). Furthermore, the UK government refers to peacekeeping as “military forces and police operating with host consent to underpin a peace settlement or ceasefire, using force impartially and with severe restrictions (for example, in self-defense)” (Pugh, 2008: 410). In terms of Article 24 (1) of the UN Charter, the Security Council is entrusted with the “primary responsibility for the maintenance of international peace and security” (UN, 1945). Particularly in Africa, this responsibility is more critical, as Africa remains the most conflict-prone region in the world (Gumedze, 2009).

1.5. Research Design

The study will have a qualitative research design and will make use of an inductive and critical approach, meaning that theoretical propositions are developed as the data-collection process evolves. This research project will primarily make use of secondary (existing) data, such as academic literature, policy documents, newspaper articles and press statements. Few standardised procedures are predetermined. Stronger hypotheses will be developed throughout the data-collection process on the basis of the information obtained, rather than as a pre-stated hypothesis (Babbie and Mouton, 2001: 273). A non-linear and circular research path will ensure that new data is continuously collected that can shed light on the research question. As such, the research allows for switches in focus or changes in perceptions (Lewis, 2003: 47).

The research will be of a qualitative nature, and such research often includes a descriptive approach. Thus, the assessment of the impact of the private security industry in peacebuilding initiatives in Africa will be primarily of a descriptive nature. However, qualitative studies are seldom limited to a descriptive purpose, and this research will go beyond this by discussing the implications the private security industry poses to state authority, specifically the traditional notion that states are the sole legitimate actor on the use of force.

Previously, attempts at examining the private military and security industry as a whole have been lacking. Schreier and Caparini argue that the literature was often polarised between the pro-PMC analysts that identified and discussed a wider application of outsourced military force in resolution of modern conflict, and the opposing viewpoint that discussed a perceived

need for a more limited and defined application of private military force within modern conflict (Schreier and Caparini, 2005: 11). Thus, seeing that an extensive assessment of the role of the private security industry in peacebuilding efforts is a relatively new field of research, this study will also contain elements of exploratory research. The aim is that this research will lead to insight and comprehension, rather than the collection of detailed data. Research projects like this seldom provide satisfactory answers to specific research questions, but this research hopes to develop new hypotheses about the impact of the private security industry in peacebuilding efforts in African conflicts (Babbie and Mouton, 2001: 80).

Further, this research will make use of multiple, descriptive case studies. Case studies are particularly useful in order to examine the effect on the phenomenon that are being investigated (De Vaus, 2001: 232). Previous studies of the private security industry have concentrated on individual companies or of specific conflicts with little elucidation of the variations in activities of private military and security companies, their impact and the following implications. Therefore, this research will consist of multiple case studies. This type of study is essential if case studies are being used for inductive purposes. Given sufficient resources and access to cases, multiple case designs will normally provide more insights than single case designs (De Vaus, 2001: 227).

This research study presents the case studies of three private military and security companies: Executive Outcomes, MPRI and DynCorp. These case studies have been selected in order to provide illuminating examples of the impact of the private security industry in peacebuilding initiatives in Africa. Furthermore, the specific case studies have been selected because the three companies typically provide different activities and services and thus are used for different purposes. Executive Outcomes generally provide combat and operational support, MPRI offer military advice and training, while DynCorp primarily deliver logistical support. Furthermore, the main users of the three companies vary accordingly; while Executive Outcomes and MPRI tend to be hired by governments, DynCorp are primarily hired by multinational companies, humanitarian agencies and peacekeeping organisations (Lilly, 2000a: 11; Shearer, 1998). Brooks describes MPRI as a "passive PMC", meaning that they focus on training and developing a force structure and do not serve their client's militaries, as opposed to "active PMCs", which are willing to carry weapons into combat alongside their clients. He argues that this makes "passive PMCs" more acceptable than "active PMCs" in the

eyes of the UN and many NGOs. Executive Outcomes would, according to Brooks, be the classic example of an “active PMC” (Brooks, 2002: 11-12).

Currently, the Institute for Security Studies (ISS) is undertaking a project titled “The Involvement of the Private Security Sector in African Conflicts, Peacekeeping, and Humanitarian Assistance Operations” that it aims to complete in 2011. This shows the interest and relevance of such a study in relation to Africa. The ISS project will be executed in three phases. The first phase looked at the involvement of the private security sector in African conflicts (specifically in Angola, Sierra Leone and Sudan), was completed in 2009 and has resulted in the publication of several articles by senior researcher Sabelo Gumedze. The second phase aims to be completed in 2010 and will focus on the private security sector and peacekeeping missions (specifically in Liberia, Cote d’Ivoire and Sudan). Finally, the last phase will focus on the private security sector and humanitarian assistance operations (specifically in Cote, d’Ivoire, Somalia and Sudan), and is planned to be completed in 2011. The current project succeeded a previous project, titled “Regulation of the Private Security Sector”, which was completed in 2008 and co-funded by the United Nations University (UNU) and the International Development Research Centre (IDRC). This project was undertaken in response to the increased involvement of private military and security companies in African conflicts and focused specifically on the Democratic Republic of Congo, South Africa and Uganda.

1.6. Limitations

Descriptive studies tend to make use of pre-existing conceptual categories and often use implicit theories of what is relevant and what categories are important (De Vaus, 2001: 225). For instance, this study will make use of the existing concept of private military and security companies (rather than distinguishing between PMCs and PSCs) in order to represent the whole range of for-profit security companies because it appropriately describes the range of services these companies provide. Furthermore, this research will not enter the debate of whether or not private military and security companies essentially are equal to mercenaries, but rather this study seeks to discuss the development and corporatisation of the private security industry and to explore the following change in nature of their activities.

The level of secrecy is high in the private security industry, and thus the amount of empirical information will be limited, especially as relating to the specific terms of the contracts these

companies operate under. However, more information regarding the contracts of such companies has recently become available through newspaper articles, US government documents, as well as press statements by both the private military and security companies themselves and by the UN. Nevertheless, the information available depends on the nature of the specific company and the purpose of the contract undertaken.

In addition, because this research project focuses on the impact of the private security industry in peacebuilding in African conflicts, the large quantity of literature regarding the activities of this industry in Iraq and Afghanistan will not be analysed thoroughly. However, it might be useful to provide certain examples from Iraq and Afghanistan when analysing the specific case studies in order to make comparisons or clarify the nature of these companies. This study will make use of literature published up until May 2010, due to the fact that articles published after this period are difficult to retrieve through online databases. However, press statements made by the UN and by MPRI and DynCorp after this date will be included in this study.

1.7. Structure of the study

The thesis will have five chapters, organised in the following manner. Chapter 1 will introduce the theme, the problem and the objectives of the study. The problem statement will be presented and reasons for its significance will be provided. Central concepts will be defined. Chapter 2 will present the theoretical framework and a more extensive literature review of the private security industry. Chapter 3 will provide three case studies, that of Executive Outcomes, MPRI and DynCorp focusing on their activities and involvement in African conflicts and their corporate connections. Chapter 4 will assess the impact of the private security industry on peacebuilding efforts in Africa, primarily focusing on UN-led peace operations, as well as US policy towards Africa and the implications for African countries. Furthermore, Chapter 4 will discuss the implications of the privatisation of security on the traditional notion of the state as the sole legitimate actor on the use of force. Chapter 5 will conclude the thesis with the findings of the research.

Chapter 2. Theoretical and Conceptual Framework

2.1. Introduction

Functions traditionally performed by state armed forces are now increasingly outsourced to private contractors not only in complex emergencies but also in the context of day-to-day security provision. The increasing trend of globalisation and privatisation in the international system is partly responsible for the expansion of the private security industry and the changing form of its activities since the 1990s (Leander, 2002: 3). In recent years, research on global governance has begun to draw attention to the expanding role and importance of private, non-state actors exercising authority in a variety of fields, including the economy, environmental protection and security (Abrahamsen and Williams, 2007b: 237).

However, Leander argues that state authority is not always fulfilled by someone else. This does not mean that there is hierarchy, but merely that the international society lacks a well-defined decision-making body to appropriately deal with these new challenges facing the world today (Leander, 2002: 1). Furthermore, the expanding role of non-state actors hinders state capacity to govern the use of violence in its territory by making it more difficult to establish and maintain a monopoly on legitimate violence. It is within the creation of this security vacuum that the rise of private authority and the private security industry has been made possible. Private security providers have come to be seen as an indelible feature of large-scale military, and even humanitarian, interventions. The size of the private security industry is projected to reach US\$ 210 billion by 2010 (Perrin, 2008: 3).

This chapter will provide a theoretical overview of a number of concepts and theories that are useful in analysing the privatisation of authority and the impact of the private security industry in peace operations in Africa. First, the history of mercenaries will be presented, followed by a section considering the existing regulatory frameworks for mercenaries and why it is considered problematic. Thereafter, theoretical arguments on state authority and the privatisation of authority in the international system will be presented, as put forward by various scholars. The next section will look at the changing concept of security, followed by an examination of the privatisation of security in terms of the corporatisation of mercenaries and how this development came about. This will be followed by a section on privatisation specifically in Africa. The latter part of the chapter will focus on peace operations, outlining

theoretical frameworks for the analysis of the private security's increased impact on such operations on the African continent.

2.2. The history of mercenaries

Peter W. Singer states that “hiring outsiders to fight your battles is as old as war itself” (Singer, 2008: 19). In some eras these outsiders were individual foreigners, known as ‘mercenaries’, brought to fight for whichever side bid highest. In other periods they came along as highly organised entities. For both, the important factor was their goal of private profit, originated from the act of fighting (Singer, 2008: 19). The general assumption of warfare is that it is engaged in by public armed forces fighting for a common cause. The fact is that, throughout history, the participants in war were often private entities working for profit, not loyal to governments. Thus, Singer argues that the monopoly of the state over violence is the exception rather than the rule in world history (Singer, 2008: 19-20).

The proliferation of private military and security forces coincided with rising conditions of instability. Singer argues that “these included extreme changes in political orders or when standing armies were reduced at the end of a war, which particularly characterized the Hundred Years War period (1337-1453)” (Singer, 2008: 23). Private soldiers thrived in the absence of centralised control. Originally, many soldiers hired themselves out as freelancers, with the result that they were left without employment when a war ended. Many of these soldiers formed ‘companies’, which were organisations designed to facilitate their employment as a group (Small, 2006: 6). Eventually, these free companies evolved from temporary organisations, into permanent military and economic organisations that were systematically in the employment of multiple localities (Singer, 2008: 23-24).

By the seventeenth century, the conduct of violence had become a capitalist enterprise that was little different and, in fact, highly entangled with other industries. War had become one of the biggest industries in Europe (Singer, 2008: 28). At the time, European armies were often a mixture of hired mercenary companies. It was not until the seventeenth century that the use of official armies, loyal to the nation as a whole, was manifested in Europe. In many ways, the Thirty Years War³ was turning point in this regard, with the ultimate result being that the concept of sovereignty won out against that of empire (Milliken and Krause, 2002: 755). The

³ The Thirty Years War refers to the period from 1618 to 1648.

Peace of Westphalia in 1648⁴ solidified the emergence of the state by preserving the importance of sovereignty over affairs within borders (Singer, 2008: 29). Singer claims that, “it was within this context that hired armies of foreigners began to be replaced by standing state armies made up of citizens” (Singer, 2008: 29). Furthermore, as national armies became the norm, states began to pass neutrality laws, which banned their citizens from enlisting in foreign armies. State rulers’ interest in controlling their power over society was another motivating factor for the rise of this institution of neutrality. However, with the state’s monopolisation of the authority to deploy forces, came also the responsibility for the violence emanating from their own jurisdiction (Singer, 2008: 31).

Private businesses also began to take on military roles outside of governments through the charter company system, like the Dutch East India Company and the English East India Company (Singer, 2008: 34). Military activities were a vital part of trading companies because contributed to improve profits. However, the outsourcing of trade controls to private companies brought about unintended consequences, particularly as the private companies often engaged in activities that differed to their government’s national interests (Singer, 2008: 35-36; Small, 2006: 6-7).

Mercenaries as we know them today became well known during the decolonisation of Africa when they played reactionary roles and even committed various atrocities towards the civilian population (Singer, 2008: 37). For instance, in the Democratic Republic of Congo (what was once known as Zaire), the private security industry played a multiplicity of roles for all parties in the war. According to Singer, when long-term ruler Mobutu Sese Seko sought support for his falling regime in the mid-1990s, he began negotiations with MPRI and Executive Outcomes for aid against the rebellion led by Laurent Kabila (Singer, 2008: 10). Neither company opted to take on the contract, as the regime was about to fall and seemed unlikely to be able to pay. Eventually, Mobutu’s regime fell, and Kabila emerged as the new head of state. Reportedly the coup had been assisted by another private military company, namely the Bechtel company. However, Kabila’s new government was quickly threatened by a shifting coalition of rebel forces. Kabila sought support from all areas and hired the South African-based private military company Executive Outcomes which supplied his government with air

⁴ The Peace of Westphalia denotes a series of peace treaties signed between May and October of 1648 in Osnabrück and Münster. These treaties ended the Thirty Years War (1618-1648) in the Holy Roman Empire after five years of negotiation (Croxtton, 1999: 569).

combat support, electronic warfare assistance and security protection (Singer, 2008: 10). In other words, the use of private military companies in Africa is not just limited to legitimate governments or multinational companies (Singer, 2008: 10). In addition, these companies have reportedly worked for rebels in both Senegal and Namibia, as well as in Angola.

As a result of this, in the 1960s the international community recognised for the first time the need to regulate these private actors. Prompted by African states, the United Nations passed several resolutions condemning the mercenaries fighting against the newly independent African governments (Sandoz, 1999: 203-204). However, the private security industry that operates in Iraq, Afghanistan and post-colonial Africa today is very different from the mercenaries that operated throughout Africa during the 1960s. This development is not reflected in the definitions contained in international regulatory frameworks, which focus on mercenaries as individuals rather than corporatized firms. Lilly argues that, because the personnel of private military and security companies are involved in foreign conflicts for essentially financial gain, they might be considered mercenaries in the traditional sense of the word (Lilly, 2000b: 10). However, the former UN Special Rapporteur on Mercenaries, Enrique Bernales Ballesteros, has argued that private military and security companies cannot be considered as falling within the legal scope of mercenary status (Ballesteros, 1997). These definitional issues have prompted many scholars to argue that the regulatory framework that exists today is outdated and in need of renewal (Lilly, 2000b: 10).

2.2.1. Mercenaries and regulation

According to Lilly (2000a: 8), Africa's post-colonial history is the origin for the popular notion of a mercenary⁵. The mercenary activity of the 1960s led to a backlash by African leaders, who saw this development threatening their countries' rights to self-determination and their new-found sovereignty. The UN General Assembly passed its first resolution condemning the use of mercenaries in 1968. Since then, UN bodies have repeatedly condemned mercenary activity as an international unlawful act. In 1977, mercenaries were given legal status within international humanitarian law with the adoption of Article 47 to Additional Protocol I of the Geneva Convention (Lilly, 2000a: 9). This identifies a mercenary as a person who

⁵ The popular notion of a 'mercenary' is considered by Damien Lilly to be "someone who fights for financial gain in armed conflicts alien to their own nationality" (Lilly, 2000: 8).

- a) is specially recruited locally or abroad in order to fight in an armed conflict;
- b) does, in fact, take a direct part in the hostilities;
- c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, 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) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
- e) is not a member of the armed forces of a Party to the conflict;
- f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces (Shearer, 1998: 17).

Kevin O'Brien argues that there are two main flaws with this definition when it comes to applying it to the private security sector today. Firstly, in order to be defined a mercenary one has to fulfil all the above requirements. According to Lilly, Article 47 is not particularly useful for understanding the phenomenon as it exists today, and he claims that the definition was worded in this specific manner so as to allow states to retain the right to hire foreign soldiers as part of their national forces (Lilly, 2000a: 9). Secondly, the definition in Article 47 only concerns the actor, and not the activities that the actor engages in (O'Brien, 2002: 5). The focus of the definition is a person's motive, and this is problematic because it can be very difficult to prove an individual's motive in a court of law (Sandoz, 1999: 208).

Steven Brayton argues that the most important features of mercenaries are that "they are foreign to the conflict, they are motivated chiefly by financial gain: and, in some cases they participate directly in combat" (Brayton, 2002: 124). These are all traits that mercenaries share with several companies within today's private security industry. Former UN Special Rapporteur on Mercenaries, Enrique Bernales Ballesteros, agrees on this, even suggesting that one reason for the existence of private military and security companies is that mercenaries have realised that these companies are not covered extensively in regulatory legislation (Ballesteros, 1998: 15). Victor-Yves Ghebali highlights the point made by Ballesteros and further argues that another shortcoming of this definition is the requirement that the mercenary takes a direct part in the hostilities, because this excludes military advisers or counsellors (Ghebali, 2006: 221). These are among the activities that private military and security companies primarily promote. According to Cleaver, "Article 47 is generally deemed to apply only to inter-state conflicts and to 'wars of national liberation', and therefore it might be argued that civil wars remain outside its provisions" (Cleaver, 2000: 132). Cleaver further

argues that these conflicts are precisely the ones in which private military and security companies have prospered during the 1990s in Africa (Cleaver, 2000: 132).

Although not establishing criminal responsibility for being a mercenary, Article 47 served as an attempt to deter people from engaging in such activities. In the same year, members of the Organisation of African Unity (OAU) adopted the *Convention for Elimination of Mercenarism in Africa*, which came into force in 1985. The convention is a regional instrument prohibiting both mercenary activities and mercenarism as a crime against peace and security in Africa, whether committed by an individual, a group, an association a state or a state representative. Thus, the Convention covers the responsibility of private companies as well as individuals (Ghebali, 2006: 221). However, Ghebali argues that most states do not have effective legislation that criminalises mercenary activities, because weak states affected by violent conflicts are willing to hire private military and security companies as a means to whatever end they may seek. In addition, powerful states may hire such companies in order to use them as undercover tools of foreign policy (Ghebali, 2006: 221-222). The UN introduced a similar ban on mercenaries in 1989 with the adoption of the *International Convention against the Recruitment, Use, Financing, and Training of Mercenaries* (Lilly, 2000a: 9). Nevertheless, like Article 47 (to Additional Protocol I of the Geneva Convention), this Convention concerns the actor and not the activities that the actor engages in, thereby proving difficult to apply to the private security sector that exists today.

A modern definition of the term mercenary would be helpful in order to avoid confusion over several types of related but quite different types of employment. Yet the question of definition is surprisingly difficult (Patterson, 2009: 43). Some argue that international conventions define mercenaries in too detailed manner, to the point that the definitions become almost useless (Cameron, 2006: 578; Singer, 2004: 531). Current UN Special Rapporteur on Mercenaries, Sharista Shameem, argue that a new definition of mercenaries might be arrived at “only after a policy decision has been reached on the fundamental question of whether States wish to continue to be solely responsible for the use of force” (Shameem, 2005: §51).

2.3. State authority

Traditional notions of authority in the international system derive from the Weberian conceptions of the state and of the domain of international politics. For Weber, the essence of the state is its ability to claim “the monopoly of the legitimate use of physical force within a

given territory” (Weber, in Hall and Biersteker, 2002: 1). Since the late seventeenth century it has been widely accepted that states may, in part, be defined by their claim to a monopoly on legitimate violence. National defence and civil order have driven the creation of military budgets that have absorbed less than one per cent to something like 30 per cent of gross national product (GNP) in almost all states since 1945 (Patterson, 2009: 91). The right to legitimate violence has led to a system of belief within international law regarding criteria for statehood, one of which is the existence of government. Mandel argues that perhaps the primary stated justification for the exclusive government right on coercion has been the protection of human life (Mandel, 2002: 30). However, historically, other motivations, such as keeping the regime in power, have often actually taken precedence. In practice, over the centuries there always have been extra governmental applications of force at home and abroad, deemed by the international community to be unobjectionable. According to Mandel, the problem with analysing the source of legitimate authority to make use of force originates from the “clouding of temporal standards relative to today’s global setting” (Mandel, 2002: 30). Such a prediction becomes increasingly difficult due to the existence of so-called failed states and corrupt states, whose governments are unable or unwilling to manage security for their citizens. In addition, there are several so-called illegitimate states, whose governments have assumed power under irregular conditions. With the rise in power of transnational and sub-national groups offering security services equivalent in quality to those provided by governments, there is a growing sentiment that the distinction between public and private security is becoming increasingly arbitrary (Mandel, 2002: 30).

2.3.1. The privatisation of authority in the international system

Sometimes, governments have found it convenient to transfer some of their public responsibilities to the private sector due to cost issues, quality or efficiency. The terms ‘outsourcing’ and ‘privatisation’ are used to describe this relocation of service provision. Both are generally accepted practices and can be traced back as far as the founding economist Adam Smith’s writings in the 1700s. While health care and education are both examples of services that have been outsourced, there is one area in particular into which the debate over public or private has never ventured namely the military, the force that protects society (Singer, 2008: 7). By the time the state had been accepted as the dominant means of government, the service side of war was understood to be the sole domain of government, and one of the most essential tasks at that. Bruce Grant argues that for the last two centuries, the military profession has been seen as distinctive from all other occupations, because it

comprises experts in war-making and the organised use of violence (Grant, 1998). Grant further argues that

as professionals, military officers are bound by a code of ethics, serve a higher purpose, and fulfil societal need. Their craft sets them apart from other professionals in that the application of military power is not comparable to a commercial service. Military professionals deal in life and death matters, and the application of their craft has potential implications for the rise and fall of governments (Grant, 1998)

Singer thus argues that, since states started to replace rule by kingdoms in the 1600s, military services have been considered an area of services that should be kept within the political realm under the control of the public sector (Singer, 2008: 7-8). However, military functions of the state are today increasingly being transferred to non-state entities. This is consistent with a decreasing political will amongst both wealthy and poor states to sustain those financial and other costs embodied in the maintenance of a monopoly on the use of violence (Patterson, 2009: 92). The state monopoly on violence may no longer exist, but the authority to legitimise its use remains with states, and with the UN in certain circumstances. It is the legitimate exercise of this function that is arguably in the process of devolution from governments to others, thereby altering the role of the state (Patterson, 2009: 92).

In the current era, neo-liberalism has emerged as the defining economic programme by which state administrations are held accountable. Muthien and Taylor (2002: 183) argue that this has happened simultaneously with the globalisation process, thereby building a 'market civilisation' whereby states are increasingly subject to the arbitrary impulses of the market. Muthien and Taylor argue that the autonomy of states has "been reduced and the ability of administrations in the South to resist prescriptions emanating from the developed world" has been reduced (Muthien and Taylor, 2002: 183). This has been particularly the case in Africa, where international lending institutions have placed firm conditions on governments seeking funds to help them out of the economic situation they are currently suffering from (Muthien and Taylor, 2002: 183). Furthermore, with globalisation the boundaries between domestic and international have begun to blur as issues that previously were under the domain of domestic laws and politics now are both influenced and increasingly affected by international law and politics. Examples of such issues would be environmental standards and labour regulations. Simultaneously, a growing number of actors other than the state have taken on authoritative roles and functions in the international system. Robert Mandel argues that sub-national and transnational groups of all kinds have emerged in the last few decades, with an impact on

world affairs so significant that it is common to describe their authority relative to that of the nation-state as shared governance (Mandel, 2002: 40). Because the non-state groups have emerged out of a sense of latent dissatisfaction with the services the state provides, these groups inherently do not have much loyalty to national governments, pursuing ends that are either narrower (in the case of sub-national groups) or broader (transnational groups) than those of the nation-state (Mandel, 2002: 41).

While these actors are not states or state-based, they often appear to have been credited with some form of legitimate authority. Basically, they do many of the things traditionally associated with the state. States act in their own interests and sometimes employ force to achieve their objectives (Hall and Biersteker, 2002: 2). Hall and Biersteker argue that, “there is an implicit social relationship between those who claim or exercise authority and those who are subject to, or recognize, authority” (Hall and Biersteker, 2002: 3). While this relationship is public one (to the extent that claims of authority involve an open, visible process among the various actors), it does not mean that a state, or public institution, must be involved in the process, although they may take part in recognising the authority that is being claimed. Thus, this implies that the recognition of authority should be expressed publicly. Furthermore, this opens the possibility for the emergence of private, non-state authority, and the idea that authority does not necessarily have to be associated with state institutions. Hall and Biersteker argue that “the state is no longer the sole, or in some instances even the principal, source of authority, in either the domestic arena or in the international system” (Hall and Biersteker, 2002: 5).

With globalisation a great deal of attention has been focused on the authoritative role of the market and on market-based actors or institutions. Hall and Biersteker highlight Susan Strange’s argument that non-state actors are increasingly acquiring power in the international political economy and, to the extent that their power is not challenged, they are implicitly legitimated as authoritative. Often it is states that contribute to creating this authority of the market (Hall and Biersteker, 2002: 6-8).

2.3.2. Globalisation and the concept of ‘ungovernance’

Anna Leander argues that there is a tendency for academic critics of ‘globalisation’ to focus their attention on the institutions of global governance, such as the International Monetary Fund (IMF), the World Bank and the G7 countries, arguing that the accountability of these

institutions is insufficient. However, Leander further argues that there is a potentially more threatening tendency towards what she calls ‘ungovernance’ in the international system (Leander, 2002: 1). There has been a tendency to diffuse authority away from states. In Leander’s words, “state authority has moved upwards to international or regional institutions, sideways to firms and markets, but also downwards to (sub-national) authorities or regions” (Leander, 2002: 1). Nevertheless, when the authority of the state changes and it no longer fulfils the functions it used to, these functions are not always fulfilled by non-state actors, and in many cases these functions are not fulfilled at all. Leander argues that, this does not mean “that there is no hierarchy or competition involved. It is merely to say that there is no process of governance and in this sense there is ungovernance” (Leander, 2002: 1). In addition, because there is no well-defined body of decision-making on the international level, this condition of ‘ungovernance’ is difficult to contest, unlike the actions of international institutions (Leander, 2002: 1-2). It is important to recognise this development, because it means that some of the essential political developments in our time are taking place outside the realm of institutional politics (Leander, 2002: 15). By focusing on the tensions between states and international institutions, one overrates their significance in shaping politics at the expense of other actors (Leander, 2002: 2). For instance, Ann Leander argues that this increasing tendency of ‘ungovernance’ in the international system is partly responsible for the expansion of the private security industry and the changing form of its activities since the 1990s (Leander, 2002: 3).

2.4. Security

The end of the Cold War brought about a variety of demands to expand the concept of security. The background to this new approach is the feeling that a fundamental transformation is taking place in the international arena, and that it is moving away from the traditional world of territorial states and inter-state conflict. Today, completely different challenges and needs have moved to the top of the global and human agenda. While the traditional conception views the state as the sole agent responsible for its national security, “new views underline the interdependence of security relations and thus see security as common to humankind” (Miller, 2001: 22). In other words, there are global threats to all of humanity that cannot be addressed by nation-states alone. This conception leads to a focus on multilateralism rather than unilateralism in managing global security challenges, thus suggesting a key role for global agencies such as the UN. Furthermore, the new values are followed by a greater focus on the individual and human rights than on the state (Miller, 2001:

18-23). Miller argues that “the former core value of state sovereignty is in decline both as a result of the emerging new values and of rising transborder technological and socio-economic forces, which undermine state power and government control” (Miller, 2001: 23).

It is possible to identify two prevalent philosophies of security, each emerging from fundamentally different starting points. The first views security as being virtually synonymous with the accumulation of power. From this perspective, security is understood as a commodity. Power is believed to be the route to security, so that the more power (primarily military power) that actors can accumulate, the more secure they will be. On the other hand, the second philosophy challenges the idea that security flows from power and instead views security as being based on emancipation, a concern with justice and the provision of human rights. This differs from the first view in that security is understood as a relationship between different actors, rather than as a commodity (Williams, 2008: 6).

2.4.1. The privatisation of security

Mandel argues that “the fundamental underlying theoretical question surrounding the privatization of security is who has, and who should have the legitimate authority to use physical coercion in pursuit of security” (Mandel, 2002: 29). The growing international trend towards the privatisation of security and the outsourcing of state functions typifies the steady erosion of the state monopoly over all forms of organised violence. Mandel further argues that “the contemporary organisation of global violence is neither timeless nor natural. It is distinctly modern” (Mandel, 2000: 3). Singer claims that “the state monopoly over violence is the exception in history rather than the rule”, and that “the modern state is a relatively new form of governance” (Singer, 2001/2002: 190). The incidence of the Thirty Years War and the ensuing signing of the Peace Treaty of Westphalia are widely credited with the formation of the modern nation-state and the inter-state system. These modern states distinguished themselves from earlier political associations by agreeing to two main properties: the belief in absolute sovereignty and the belief in bounded territory (Small, 2006: 10). In essence, sovereignty granted each signatory state territorial integrity and the right to govern without outside interference, but, most importantly, the right to a monopoly on and over force within that space. Thus, it is with the rise of the modern state that the idea arose that violence and force should be brought under control within those entities, by those entities. The state essentially provided an organising structure and organising principles for a previously chaotic conflict-ridden international system. The core organising principle, and indeed the ultimate

symbol of the state, became its capacity to administer, regulate, and control all instruments of violence, force and coercion (Small, 2006: 11).

Many security analysts have begun to accept the inevitability of the entrance of at least the most respectable private military and security companies into the mix of ingredients providing national and international security. The legitimacy of this industry has been growing slowly over time (Mandel, 2002: 34). Since the beginning of the nation-state system, even with completely public security, there has been significant differentials in the levels of protection received by different segments of a society. In many societies, certain groups have been deemed to be completely outside the protectiveness umbrella of government security. Thus Mandel argues that the current crop of private military and security companies appears to be more evolutionary than revolutionary (Mandel, 2002: 33). Private military and security companies represent a reconstituted form of organised corporate mercenarism that is responding to the need for advanced military expertise in escalating internal conflicts. These companies also present new means of disguised efforts by their home states to influence conflicts in which the home states are technically neutral. In this sense, the emergence of private military and security companies is not a revolutionary development in military and geopolitical strategy, but a variation of past forms of mercenarism adapted to the demands of the post-Cold War world (Mandel, 2002: 33-34).

The spread of privatised security brings into question traditional understandings of the concepts of sovereignty and the self-determination of peoples (Mandel, 2002: 132). The international community constantly changes direction between the need for absolute protection of the national sovereignty of every state, and respect for peoples' right to self-determination. The very act of entering the territory of a state without the consent of the government is a violation of sovereignty, whatever the reasons for such an action may be. Even humanitarian relief operations conducted in the context of internal armed conflicts require the consent of the government. The reluctance shown by the UN to rule on the legitimacy of governments does not entitle a private entity to substitute itself for the international community to decide whether or not their support on behalf of an entity involved in a struggle against a government is lawful or not (Sandoz, 1999: 205-207).

2.4.2. From mercenaries to corporate structures in the private security industry

Private military and security companies are business providers of professional services intricately linked to warfare. Today, the private security industry is comprised of corporate bodies that specialise in the sale of military skills representing the evolution of private actors in warfare and the mercenary trade. Schreier and Caparini argue that globalisation and the deregulation of international markets have been influential in assisting the restructuring of mercenary activities and have made it possible for the private security industry to form large corporate groups operating across state lines (Schreier and Caparini, 2005: 7). The decreasing burden of bureaucracy and the increasing movement of people and services across borders have allowed for quicker and more flexible operations. Private military and security companies are hierarchically organised into integrated and registered businesses that trade and compete openly on the global market. Schreier and Caparini argue that the private security industry also benefits “from contemporary conditions that offer the type of organization best suited for the purpose, and allow them to take advantage of tax-havens” and “incentives for foreign investment” (Schreier and Caparini, 2005: 7). This corporatisation offers clear advantages in both efficiency and effectiveness. Schreier and Caparini claim that, an essential aspect of the rapidly growing demand for and supply of services offered by the private security industry “is that it has taken place in an overall ideological environment marked by the conviction that markets and efficiency are prime criteria for judging the desirability of any project” (Schreier and Caparini, 2005: 7). This has been crucial in making the private security industry succeed and in spreading the idea that the industry basically compromises businesses like any other (Schreier and Caparini, 2005: 7-8).

The identifying marker of the private security industry is their offer of services that traditionally fall within the domain of states. Singer argues that one of the critical features of the private security industry is that it is not a capital-intensive sector, unlike a public military structure (Singer, 2008: 73-74). Furthermore, the labour input is relatively cheap and widely available, both on international and local markets. The continuing supply drive behind the labour pool is the comparatively low pay by and prestige of many state militaries. Employees of private military and security companies tend to be paid anywhere from two to 10 times as much as in the official military and police. Thus, many of the public force’s best are drawn into the industry by the prospect of increased rewards. In developed countries, many ex-soldiers also seize the opportunity of combining their public retirement pay with a full private salary (Singer, 2008: 74).

According to Deborah Avant (2006: 510), the corporate form of today's private security industry is not necessarily something new. Avant further argues (2006: 510) that this industry bears similarities to the military enterprises of the late Middle Ages and early modern period (Avant, 2006: 510). However, some features of today's market are unique. For instance, the private military and security companies today do not so much provide the foot soldiers, but more "often act as supporters, trainers and force multipliers for local forces" (Avant, 2006: 510). In this sense, when they leave they leave behind whatever expertise they have conveyed, subject to whatever local political controls, or lack of thereof, exist (Avant, 2006: 510). Furthermore, Mandel argues (2002: 9) that the corporate structure that many companies in the private security industry exhibit today includes an ongoing intelligence capability, as well as a desire for good public relations. Such companies can handpick their employees, on the basis of proven accomplishments, from a large pool of qualified applicants. Companies are encouraged to keep control over their employees' actions in order to acquire further contracts. In addition, many of these companies often enjoy ties with major multinational companies, which provide increased funding, intelligence and political contacts (Mandel, 2002: 9).

Anna Leander argues (2007: 49) that the private security industry is regulated in certain areas by export licensing systems and international humanitarian law. In addition, the employees in the industry can be held accountable individually and both states and armed forces tend to regulate their relations with contractors. However, the regulation of the role of the private security industry in shaping understandings of security and politics remain unregulated.

2.4.3. The rapid growth of the private security industry

Peter W. Singer argues that it was the convergence of several changes at the start of the 1990s that led to the rapid re-emergence of this industry (Singer, 2001/2002: 193). Firstly, the end of the Cold War produced a vacuum in the market of security. The peace dividend led to a massive downsizing of the armed forces. The booming private military and security sector soaked up part of this manpower and expertise, wherever possible replacing soldiers with much better paid civilians. Western armed forces have focused on redefining and maintaining only core competencies. Non-core activities were eliminated and those activities that need not necessarily be performed by uniformed personnel thus became outsourced to the private military and security companies.

Secondly, with the end of superpower pressure from above, a raft of new security threats began to appear after 1989, many involving emerging ethnic or internal conflicts. The period since then has seen a massive increase in instability, which often resulted in failing states being unable to field sufficient armed forces to maintain internal order. In addition, non-state actors with the ability to challenge and potentially disrupt world society began to increase in number, power, and stature. Thus, for some fragile states, lacking support from the superpowers and unable to provide security for their citizens, the private security industry has provided a means of reaffirming political control and some resemblance of order (Schreier and Caparini, 2005: 4; Singer, 2001/2002: 193).

Thirdly, another critical underlying trend is the revolutionary change within warfare itself. One of the things that made nation-states the most effective organisations for waging warfare in the industrial age was the overwhelming expense of troops, equipment and supplies. However, technological and financial developments have made it possible for smaller organisations to wage war. At high-intensity levels of conflict, the military operations of superpowers have become more technologic and thus more reliant on civilian specialists to run their increasingly sophisticated military systems. At low-intensity levels, the primary tools of warfare have not only diversified, but have also become available to a broader range of actors (Singer, 2001/2002: 195). Furthermore, the developments are not limited to weapons. A significant area is the new importance of information warfare (IW). Information warfare involves diverse activities such as psychological warfare, military deception and electronic combat. The high-tech, low-personnel requirements of information warfare make it suitable for non-state organisations (Singer, 2008: 62-63).

2.4.5. Privatisation of security and the African state

The trend towards the outsourcing of core national security obligations is not limited to Africa, nor is it necessarily viewed negatively, particularly in the West. In developed economies, this trend is largely driven by market forces in search of less expensive and more effective ways of using scarce resources. However, while outsourcing and even commercialisation are common practices in countries such as the US, Britain, France and others, it is often core functions of statehood that are contracted out in Africa due to the inability of the state to fulfil such functions. Thus, the purpose is to fill the subsequent security vacuum (Cilliers, 1999: 5). The motivational picture for turning to private protection is radically different in the developing world compared to the developed world. Mandel

argues that developing countries have long experienced distinctive security problems, involving major challenging threats emanating from internal rather than external sources, and this predicament has taxed the coercive management capabilities of even stronger developing states (Mandel, 2002: 60).

Cleaver argues that, prior to the growth of the private security industry in the last decades, the activity of mercenaries in post-colonial Africa was characterised by the operations of groups led by individuals such as Mike Hoare, Bob Denard and Costas Georgiou (“Callan”). These men and others like them have been associated with all of the continent’s conflict zones: the Congo, Comoros, Seychelles, Zimbabwe and Angola to name a few. They usually operated to support factions in internal power struggles, and to overthrow regimes that were unfriendly to a foreign power (Musah, 2002: 912). Their involvement in civil wars and struggles for liberation earned them a reputation for brutality (Cleaver, 2000: 134-135). Cleaver (2000: 135) further argues that the activities of these individuals differ from today’s private security companies in that the connection with the companies that hired them remained covert, while today those connections are formalised through identifiable corporate linkages. Cleaver emphasises that the activities of these individuals are not the only examples of foreign military interference in the affairs of independent African states (Cleaver, 2000: 135). The newly independent states of sub-Saharan Africa have been the subject of intervention both covertly and overtly, by African and non-African states. An example is South Africa’s use of units such as the famous 32 Battalion in Angola in support of the National Union for the Total Independence of Angola (UNITA) (Cleaver, 2000: 135). Many individuals from this battalion later joined the private military company, Executive Outcomes, when the apartheid regime came to an end. Abrahamsen and Williams argue that “this is not to say that the possibility of private armies intervening in African countries has disappeared” (Abrahamsen and Williams, 2007a: 137). There have been coup attempts by mercenary groups that distinguish themselves from these corporatized companies that characterise the private security industry today. In March of 2004, the government of Equatorial Guinea arrested 19 soldiers accused of plotting a coup in the small, oil-rich country. Meanwhile, the Zimbabwean government arrested another 70 soldiers supposedly en route from South Africa to support the coup. The coup was led by Mark du Toit, a former employee of Executive Outcomes, and Simon Mann, one of the founders of Sandline International. The operation was financed by, among others, Sir Mark Thatcher (son of former British Prime Minister Margaret Thatcher), and the intention of the

coup was to replace President Obiang Nguema with the long-exiled opposition leader Severo Moto (McSherry, 2006: 23; Small, 2006: 8).

While the growth of the private security industry is a global phenomenon, it is arguable that its most extreme manifestation can be found in sub-Saharan Africa. Cleaver argues that “the factors leading to the creation of this environment are both international and African in origin” (Cleaver, 2000: 137). Since the end of the Cold War, Africa has suffered from international marginalisation. However, during the Cold War, African countries became proxies on the battleground between the superpowers, and many African leaders managed to exploit this to their political and economical advantage. Following the collapse of the Eastern Bloc in 1989, Africa lost its political worth and this political marginalisation has been followed by growing economic isolation. The end of the Cold War saw increasing expectations of a peace dividend, particularly in the West. The means to achieve this was through the reduction of military forces, a phenomenon was not just limited to the Western powers. According to Cleaver, this development led to a “reduced military capacity among the Western states and an increasing reluctance to become involved in areas not deemed to be vital to their national interests” (Cleaver, 2000: 137). Cleaver further argues (2000: 137) that Africa usually falls into this category. The reduction in military forces released experienced manpower into the private market and facilitated the growth of the private security industry. Cleaver argues further (2000: 138) that the military retrenchment in South Africa following the end of apartheid created a pool of experienced manpower available for private employment. Cleaver states that “these political and economic circumstances, together with Africa’s underdeveloped natural resources, have created an opportunity for those able to exploit it” (Cleaver, 2000: 138). Within Africa, a number of factors have contributed to a subsequent deprived security environment. The lack of popular legitimacy for state institutions and its political processes has characterised the African state in post-colonial times. The legitimacy of politicians and the state itself has been undermined by widespread systematic corruption. Furthermore, this has directly contributed to the poor performance of local security forces (Cleaver, 2000: 138).

In addition, Western militaries are increasingly using private companies to provide logistical services. Furthermore, in the economically weak states of Eastern Europe and the former USSR, the arms industries were often the most advanced and competitive fragments of the economy. Thus, these states sought to maximise their earnings through increased arms exports

to the world's conflict zones (Cleaver, 2000: 137). The 1990s also saw a dramatic decline in international participation in peacekeeping on the African continent. The unfortunate US intervention in Somalia that ended in 1994 is a case in point (Cleaver, 2000: 138). The experiences from Somalia have influenced the scale and nature of UN peacekeeping operations, with the number of personnel involved falling from 76,000 in September 1994 to around 19,000 in August 1997 (Shearer, 1998: 33). According to Cilliers

the extreme case of a territory so thoroughly privatised that the slightest semblance of statehood has disappeared, must be Somalia, where warlords are most plausibly regarded as commercial operators, each with a private military force recruited largely on a clan basis and dealing in straightforward looting, arms trade, narcotics, and the considerable profits to be made out of humanitarian relief and, most ironically, international peacekeeping (Cilliers, 1999: 4).

2.6. The private security industry and peace operations

Schreier and Caparini argue that as states and international organisations prove less capable or unwilling to meet security threats, the private security industry will continue to assume functions formerly performed by national armed forces (Schreier and Caparini, 2005: 44).

This is opening the path to the privatisation of warfare, as well as of peacebuilding efforts.

In the last two decades, the private security industry has played increasingly significant roles in peace operations, raising questions about its potential to help satisfy the increasing global demand for peacekeeping. The challenge facing the UN and other international organisations is therefore to find a suitable balance between the public and private provision of peacekeeping (Bellamy and Williams, 2010: 321). The UN's official documents on peace operations do not disclose much information about the roles that private contractors play within such operations. The Brahimi Report (UN, 2000) makes only two brief and vague references to supporting private contractors; the *Handbook on United Nations Multidimensional Peacekeeping Operations* (UN, 2003) alludes to the 'private sector' a couple of times, but not to private military and security companies specifically; while the UN *Principles and Guidelines* (UN, 2008) document does not mention them at all. According to Bellamy and Williams, this is "surprising because private contractors have played important roles in the conduct of peace operations and have done so for a considerable period" (Bellamy and Williams, 2010: 322). While the UN's member states have showed a general reluctance to establish peace operations led by private actors, this has not stopped the UN from hiring private contractors to conduct a wide variety of tasks within its own peace operations (Bellamy and Williams, 2010: 323).

Private companies have long been involved in the conduct of peace operations, and many of them are listed on the supply database for UN and UN-related organisations. In broad terms, they have played advisory roles and provided logistical, intelligence and other forms of support. A variety of operations, including the United Nations Mission in Sierra Leone (UNAMSIL), the Economic Community of West African States Monitoring Group (ECOMOG) and the African Union Mission in Sudan (AMIS), received logistical support from several private companies (Bellamy and Williams, 2010: 326-327).

However, to date the UN has shied away from using contractors in peace enforcement activities. The intervention choices of both the UN and regional groups are normally limited by the weaknesses of their member states, in terms of material capabilities and willingness to deploy forces. Currently, UN operations increasingly make use of military support companies, but more controversial, however, are recent discussions of using private military and security companies in privatising the peacekeeping role. The argument is that, by privatising aspects of peacekeeping, the effectiveness and efficiency of operations might be increased. Private companies lack the procedural processes that often impede international organisations, and therefore can take quicker and more decisive action (Singer, 2008: 182-183). The concept of the private sector profiting from peace operations has the potential to fundamentally alter the very nature of UN peacekeeping (Singer, 2008: 186). The key to understanding these different types of companies and activities lies in developing a good overview of the services the companies provide and the contracts they are hired to undertake (Bellamy and Williams, 2010: 323). Meanwhile, private military and security companies are becoming significant 'expert' voices in current debates about peace operations (Bellamy and Williams, 2010: 327). For instance, Doug Brooks argues that, in relation to the crisis in Darfur, private contractors were involved from the start, "providing logistics, base construction, management and operations, medical services, and transportation for the African Union troops" (Brooks in Leander and Van Munster, 2007: 202).

There are both benefits and disadvantages to UN troops as well as private soldiers. According to Mandel (2002: 18), UN peacekeeping troops have greater legitimacy, accountability and public acceptance, while private military forces are less restrained in terms of what they can do to maintain order, have often trained and fought together for years, can deploy where needed much more rapidly in weeks or even days, and usually are less costly. Leander argues

that, by outsourcing peacekeeping missions and humanitarian interventions to the private security industry, one risk creating a vicious circle where supply pushes demand. It follows from this argument, that by selling security, insecurity will increase. This will create an ever increasing market for private military and security companies (Leander, 2002: 9). Leander further argues that private military and security companies are likely to be a hindrance to state building, because such companies tend to relieve the state of the need to build institutions capable of providing security. In addition, employees within the private security industry are often untrained in the culture of peacekeeping. Many of them tend to come from elite forces that fundamentally are about combat, rather than peacekeeping (Singer, 2008: 187). Another great concern in relation to private military and security companies has to do with their accountability. At the moment, there is no international regulatory scheme that brings the operations of such companies under the authority of international law. Therefore, neither the law of the state where the company is based, nor that of where it operates applies (Bures, 2008: 13). Furthermore, both peacekeeping and the operations of private contractors often take place in states where absence of the rule of law tends to be the norm, thus making legal oversight unlikely (Bures, 2008: 14). However, states often use private military and security companies precisely because they fall outside these accountability mechanisms that are present for members of armed forces. This allows them to operate in less regulated environments, and the state that hires the PMC will not be responsible for their conduct if their behaviour is controversial (Heinze, 2008: 9-10).

2.7. Peace operations

On the surface there is little agreement between analysts, governments and international organisations about what peace operations are, and on the differences between terms such as peacekeeping, peacemaking and peacebuilding. Both governments and international organisations have been known to label different kinds of military activity as peacekeeping sometimes in an attempt to legitimise their activities (Bellamy and Williams, 2010: 14). The situation is not helped by the fact that the terms peacekeeping and peace operations are not found in the UN Charter. Furthermore, the term peacekeeping is a political activity, and thus two actors looking at the same phenomenon might come up with two quite different ways of defining and conceptualising their experience (Bellamy and Williams, 2010: 14). Member states of the UN remain divided as to the proper scope of UN interventionism and the relative concepts such as neutrality, impartiality and the use of minimal force. The UN's *Handbook on Multidimensional Peacekeeping Operations* simply lists the military and civilian tasks that

peacekeepers are commonly required to perform. This approach was continued in 2007 by the United Nations Department of Peacekeeping Operations (DPKO) when it came to developing what was initially referred to as ‘capstone doctrine’ to guide the conduct of its peace operations. Peacekeeping is thus identified as one of five ‘peace and security activities’: conflict prevention, peacemaking, peacekeeping, peace enforcement and peacebuilding (Bellamy and Williams, 2010: 14).

Boutros-Ghali’s *An Agenda for Peace* (1992) marked something of a defining moment for the way peacekeeping was defined and conceptualised. Here, peacebuilding was defined as “action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict (Boutros-Ghali, 1992: 21). Furthermore, Boutros-Ghali defined peacekeeping as “the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peacekeeping is an activity that expands the possibilities for both the prevention of conflict and the making of peace” (Boutros-Ghali, 1992: 20). The significance of Boutros-Ghali’s definition lay not in its wording, but in its broader conceptualisation, namely the idea that peacekeeping was one of several ways in which third parties might contribute to preventing, resolving or managing violent conflict and the rebuilding of communities thereafter.

Cedric de Coning argues that “contemporary UN complex peace operations are in effect peacebuilding operations, in that they have mandates that combine political, security, development, rule of law and human rights dimensions in the post-conflict phase aimed at addressing both the immediate and root causes of conflict” (De Coning, 2007: 4). He further claims that the UN’s capability to undertake such system-wide peacebuilding operations is what sets the organisation apart from NATO and the AU. The EU is the only other multilateral body that currently has the potential to develop such a complex peacebuilding operations capacity in the mid- to long-term (De Coning, 2007: 5).

2.7.1. Traditional peacekeeping

The United Nations was established to ‘save succeeding generations from the scourge of war’ and one of its main purposes is to maintain international peace and security. Despite not being explicitly provided for in the Charter, peacekeeping has evolved into one of the main tools used by the United Nations to achieve this purpose. The legal basis for the Security Council to

establish a United Nations peacekeeping operation is found in Chapters VI, VII and VIII of the Charter. While peacekeeping has traditionally been associated with Chapter VI of the UN Charter, the Security Council does not need to refer to a specific Chapter of the Charter when passing a resolution authorising the deployment of a United Nations peacekeeping operation. Linking such operations with a particular Chapter can in fact be misleading for the purposes of operational planning, training and mandate implementation (UN, 2008: 13).

Traditional conceptions of peacekeeping are premised on the so-called holy trinity of consent, impartiality and the minimum use of force. Bellamy and Williams (2010: 173) argue that “traditional peacekeeping intends to assist the creation and maintenance of conditions conducive to long-term conflict resolution by the parties themselves, often in conjunction with international mediation”. In practice, this means non-coercive, consent-based activities, primarily to support a peace operation or interim ceasefire, in order to prevent the resumption of violence and to establish a stable peace. Traditional peacekeeping usually takes place in the period between a ceasefire and a political settlement, and is designed to cultivate the degree of confidence between belligerents that is necessary to establish a process of political dialogue.

UN peacekeeping is an elusive concept that has undergone reconceptualisation. While it was not envisioned in the UN Charter, former UN Secretary-General Dag Hammarskjöld has described peacekeeping as being nestled in a nonexistent “Chapter six-and-a-half” in the Charter (Dokken, 2008: 155). Peacekeeping missions were created under the authority of the United Nations Security Council. Missions were deployed between states in support of a ceasefire or a peace settlement. Thus, peacekeeping operations were to be impartial and deployed with the consent of the host states.

2.7.2. Peacekeeping operations in Africa

While Western attention in the past has been directed toward the Balkans, Afghanistan, and Iraq, Africa has emerged as the major arena for UN peace operations. Seventy-five percent of the approximately 100,000 military, police, and civilian UN peacekeepers currently deployed are in Africa (Dokken, 2008: 147). The peacekeeping roles of the United Nations in Africa have varied. Norrie MacQueen attempts to classify the different UN operations that have been completed in Africa (MacQueen, 2006: 180-183). There have been operations responding to conflicts in failed or collapsed states, aimed at restoring state capacity. Second, there have been operations responding to conflicts spurred by internal divisions and contested state

legitimacy, where the state has come under challenge either from groups excluded from power within it, or from the outside by other states and their clients. Third, the UN has assisted in conflicts spurred by decolonisation and the transfer of power to post-colonial regimes. According to MacQueen, this categorisation offers a tool for making sense of the enormous complexity of African conflicts and the peacekeeping response to them (MacQueen, 2006: 183).

Cleaver and May argue (1995: 490) that, prior to 1990, perhaps the most extensive peacekeeping operation undertaken in Africa was the United Nations Operation in the Congo (ONUC) between 1960 and 1964. According to Karin Dokken (2008: 149), this operation is highly important when looking at the history of peacekeeping in Africa, because it posed some of the same difficulties the UN was to counter in the 1990s in Somalia, Sierra Leone and in the Democratic Republic of Congo. In all of those operations, the UN found itself in a situation where no state or only a weak state existed. The ONUC force had been deployed under the mandate of traditional peacekeeping as provided for in Chapter VI of the UN Charter. However, the force gradually became embroiled in the civil war and was therefore authorised to use force against rebel forces. The operation became a *de facto* peace enforcement operation. Dokken argues that “the ONUC experience became a classic example of discrepancy between mandate and situation, and of the problems encountered when a peacekeeping operation is deployed in the absence of a peace to keep, a cease-fire to monitor, or a legitimate authority to grant consent to the operation” (Dokken, 2008: 150).

African countries have always been major contributors to United Nations peacekeeping operations around the world. As of 1994, Africa stood second only to Europe in the number of countries contributing troops to UN peacekeeping operations. Thirty-four African countries contribute 28% of the UN’s uniformed peacekeepers (De Coning, 2007: 1). Peace operations are also a dominant theme for the African Union. Over the last half decade, the African Union has undertaken three major peace operations of its own, in Burundi, Sudan and Somalia, involving approximately 12,000 peacekeepers.

2.7.3 Peace support operations

Peace support operations are multifaceted missions that combine a robust military force with a significant civilian component (Bellamy and Williams, 2010: 279). Such operations typically involve the deployment of multinational forces, usually (but not exclusively) authorised by

the UN Security Council, that have both the means and the mandate to respond effectively to breaches of the peace and other activities associated with actors who use violence to undermine peace processes for political, religious or economic reasons. The purpose of military force is to provide public security, actively disarm belligerents and help to implement either a peace agreement or the wishes of the UN Security Council. Peace support operations are often associated with Western peacekeepers, and thus have often been used to create a functioning state alongside an ongoing transitional administration or in other operations where the West is heavily invested⁶. This involves heavy expansion of peacekeeping functions to include the maintenance of public order, policing, capacity-building in the security sector, infrastructure, reconstruction, and national reconciliation.

The sources of the concept of peace support operations are set out in three important places. The first source is the British peacekeeping doctrine (Wilkinson, 2000; Woodhouse, 1999). According to this doctrine, peace support operations are

multi-functional operations involving military forces and diplomatic and humanitarian agencies. They are designed to achieve humanitarian goals or a long-term political settlement and are conducted impartially in support of a UN or OSCE mandate. These include peacekeeping, peace enforcement, peacemaking, peacebuilding and humanitarian operations⁷ (HMSO, 1999: 1.11).

The second source is the *Report of the Panel on United Nations Peace Operations*, the so-called Brahimi Report (UN, 2000). This report contends that UN forces must be able to defend themselves effectively, and that this should include impartial defence in the mandate (Bellamy and Williams, 2010: 280; Pugh, 2008: 413, UN, 2000). Bellamy and Williams argue that both documents represent a response to the perceived failings of wider peacekeeping and peace enforcement operations in the 1990s. Particularly, in the light of Lt. Gen. Roméo Dallaire's distressing experience in Rwanda, the Brahimi Report suggested that peacekeeping needed to be more flexible and robust. Pugh (2008: 413) argues that the Brahimi Report was seriously flawed in its assumptions that a strategy could be devised for both peacekeeping and enforcement by the same forces as if they were a part of a spectrum of force (whereas peacekeeping is on a spectrum of non-force). The third source is the American doctrine on "support and stability operations" and "peace operations", although it takes a slightly different approach and uses different terminology (Bellamy and Williams, 2010: 280).

⁶ Bellamy and Williams (2010: 279) suggests that a liberal democratic state is often what is considered a functioning state. For instance, such operations were deployed in East Timor and in Bosnia and Kosovo.

⁷ OSCE is the Organization for Security and Co-operation in Europe.

In military terms, the concept peace support operations insist that it is possible to use force in a peace operation without losing impartiality. This move is based on the idea that neutrality and impartiality are quite different things. Whereas neutral peacekeepers play no political role, refusing to take sides even in the face of breaches of a ceasefire, peace agreement or Security Council resolution, impartial peacekeepers discriminate between belligerents according to their compliance with the terms of the peace operations mandate and treat breaches in similar ways (Bellamy and Williams, 2010: 281). In other words, impartiality simply means treating everyone according to the same principles, whereas neutrality means opting to not take a position. Peace support operations rest on the view that it is possible to use force occasionally without undermining a mission's impartiality. However, any use of force must be directed against a specific breach of the mandate, linked to a clearly defined outcome. In order to achieve this, the military component of a peace operation must be 'robust', as the Brahimi Report suggests. Where necessary, it must be able to move swiftly from a traditional peacekeeping posture, based on concept and cooperation, to peace enforcement and back again (Bellamy and Williams, 2010: 281-282).

Military tasks in peace support operations often need to be related to the broader tasks of the mission, such as maintaining and constructing infrastructure, assisting with institutional capacity-building, and cooperating with other community projects by providing manpower. This involves recognition of the fact that military peacekeepers play a supporting role to civilian agencies and thus deepen local consent. Ultimately, it is civilian-led activities, such as the delivery of humanitarian assistance, institution-building and the establishment of good government, economic reconstruction and national reconciliation, that lay the foundations for self-sustaining, stable peace. According to the concept of peace support operations, the role of military peacekeepers is to create an environment that is conducive to those activities. As such, the military component is seen as one of several components and not necessarily the most significant (Bellamy and Williams, 2010: 283-284).

2.7.4. Integrated and hybrid peace support operations

The UN has never had a monopoly in peace operations, or even peacekeeping. Under the UN system, the US-sponsored Multinational Force and Observers in the Sinai after the Egypt-Israel Peace Treaty of 1979 is a prominent example of a non-UN mission. The trend has been for the UN to opt out of operations likely to involve combat, and this has allowed groups of

states to act as proxies (Pugh, 2008: 417). Pugh argues that hybrid operations, in which freelance or regional organisations operate alongside one another, may reduce the problems arising from groups of self-appointed states policing their own interests, which can add to the dynamics of conflict. For instance, the UN Mission in Sudan (UNMIS) operates under the overall command of the AU's African Mission in Sudan (AMIS) (Pugh, 2008: 418).

Such hybrid operations place a high premium on effective coordination and integration, which has not often been apparent. Pugh argue (2008: 418) that although the UN has promoted hybrid operations its universal legitimacy and a trend towards increased professionalism should continue to make peace missions a core function of the organisation. Pugh further claims that freelance peace missions will be only one of a range on international responses to wars and complex emergencies (Pugh, 2008: 418). Nevertheless, freelance peace operations could be a positive development if regional organisations beyond Europe are able and willing to conduct multilateral missions in their region.

2.8. Conclusion

This chapter started out with presenting the history of mercenaries, in order to highlight that hiring outsiders to fight your battles has been a common practice throughout history. This chapter has further pointed out that current regulatory frameworks have proved relatively unsuccessful when applied to the private security industry that exists today, due to a focus on individuals' motives rather than organised entities and the activities they engage in.

Furthermore, this chapter has theorised the privatisation of security and authority within the international system, and in Africa in particular. The conclusion can be drawn that non-state actors are experiencing increased legitimate authority, and furthermore, that the spread of privatised security brings into question traditional understandings of the concepts of sovereignty. Moreover, this chapter has discussed the corporatisation of the private security industry, a development that came about due to the end of the Cold War and the consequent downsizing of armed forces; the emergence of new security threats in the post-Cold War environment; and transformations in the nature of warfare. Furthermore, this chapter has defined central concepts such as peacebuilding, peacekeeping and peace support operations. This has been done in order to further discuss the increased involvement of the private security industry in peacebuilding efforts, and the challenge of the United Nations and other international organisations to find a suitable balance between the public and private provision of peace-related initiatives. The next chapter will present a case study of the military and

security companies Executive Outcomes, MPRI and DynCorp, with a specific focus on their activities and involvement in Africa.

Chapter 3. The impact of Executive Outcomes, MPRI and DynCorp in peace operations and peacebuilding efforts in Africa

3.1. Introduction

During the 1990s, companies within the private security industry began to specialise, thereby taking advantage of new opportunities within strategic consulting, military training, operational support and logistics, armed protection and military operations. The privatisation of military operations has relied heavily on demobilised personnel from special forces and on specially qualified military officers, exemplified by companies such as the former Executive Outcomes, MPRI and DynCorp. The trend of outsourcing parts of military operations gained momentum after the end of the Cold War (Lock, 1999: 27-28). As discussed in Chapter 2, the tendency of privatising security has certainly played a significant role in post-colonial Africa. As a result, the United Nations came to condemn mercenary activities, and still has a special rapporteur on the issue. However, this condemnation of the private security industry is increasingly fading. The United States and its increasing reliance on the private security industry to carry out military support missions has been a major contributor behind this shift in opinion. Within the private security industry, MPRI and DynCorp are among the leading American-based contenders. Towards the end of the 1990s, the interventions of Executive Outcomes in Angola and Sierra Leone were viewed as the forerunners of a continued privatisation of international military relations (Lock, 1999: 28).

In recent years, private military and security companies, such as DynCorp and MPRI, have frequently been hired to deliver different forms of US foreign military support, including training under the Africa Crisis Response Initiative (ACRI), the Africa Contingency Operations Training and Assistance (ACOTA) and the Global Peace Operations Initiative (GPOI) programmes. These companies are involved in a varied and differentiated set of activities such as the post-conflict peacebuilding process in Liberia and the provision of logistics support to the African Union Mission to Sudan (AMIS) and the conflict in Darfur with strong emphasis on military security issues. The outsourcing of such programmes to private companies is certainly following the US administration's recognised commitment to the dictates of neo-liberalism and the emphasis on privatisation. Moreover, these ideas are increasingly also being applied in states where private military and security companies perform (Aning et al., 2008: 616). In addition, as business unites, private military and security

companies are often tied through complex financial arrangements to other firms within as well as beyond their industry.

This chapter will provide case studies of three companies representing different activities within the private security industry on the African continent. Executive Outcomes generally provided combat and operational support (previous to its closure in 1999), MPRI offers military advice and training, while DynCorp primarily deliver logistical support. As a result, the main users of the three companies vary accordingly; while Executive Outcomes and MPRI tend to be hired by governments, DynCorp is primarily hired by multinational companies, humanitarian agencies and peacekeeping organisations (Lilly, 2000a: 11; Shearer, 1998). The case study of each company will look at its background, corporate connections and major operations, with a particular focus on involvement in Africa. This chapter will end with a concluding section, focusing on the corporate functions of the three companies, as well as their efforts to take on operations with seemingly humanitarian agendas.

3.2. Executive Outcomes

Within the privatised military industry, Executive Outcomes (EO) is perhaps the best known company. According to Singer (2008: 101) it is also the most celebrated player in the implementation subsector, conducting openly public military operations all over the globe, and thus embodies much of what any definition of a private military company is all about. Originally, EO was set up in 1989 as an intelligence training unit for South African Defence Force (SADF) special forces to be run by Eeben Barlow. Barlow was a former assistant commander of the 32nd Battalion of the SADF before he became the head of an external South African Civil Cooperation Bureau (CCB) cell that allegedly could be tied to the murder of African National Congress (ANC) activists in Europe. Through his time with the CCB, Barlow likely developed many of his corporate connections that would later prove useful for EO (Singer, 2008: 102; Shearer, 1998: 41). Lafras Luitingh was also one of EO's founders, with a background in South Africa's apartheid-era special forces (Cleaver, 2000: 139). The company registered in South Africa, but quickly began running operations in other countries. Its first contracts were to provide covert espionage training to the SADF special forces units, as well as security provision for corporate clients such as the diamond firm DeBeers (Singer 2008: 107). In 1997, both Barlow and Luitingh left EO and the company was then headed by Nick van den Bergh, a former officer in the South African parachute regiment. Cleaver argues

that it “appears that his past was a little less controversial than those of his predecessors and thus better for the corporate image” (Cleaver, 2000: 139).

Executive Outcomes formally dissolved itself early in 1999 and is thus a defunct company. However, the activities of EO throughout Africa hold significant importance, both for the growth of other companies within the private security industry and, thus, for the analysis of private military and security companies. EO’s defining organisational characteristics lay in its origin in the elite forces of the apartheid-era South African Defence Force and its tight business links to other mining and oil corporations (Singer, 2008: 101). Kevin O’Brien claims that EO was the world’s first ‘corporate army’ and, while many viewed it as a mercenary force, some argue that it was the only effective peacekeeping force on a continent that more or less had been left by the Western world to find its own solutions (O’Brien, 1998: 84).

Canadian journalist James Davis categorises EO as a private military company within combat services, meaning that it was a commercial entity conducting combat or combat support operations (Davis, in Patterson, 2009: 60-62). Such companies supply command and control, fire support, communications, intelligence, planning and combat troops. While EO for many represents the modern face of mercenary activity, its corporate mission statement differed little from that of MPRI or other companies offering military assistance. EO claimed to “create a climate for peace and stability for foreign investment” and that it only works for ‘recognised’ governments. By recognised EO meant pro-Western rather than necessarily democratic governments (Shearer, 1998: 40).

EO had unique expertise in low-intensity conflict, drawing on its years of experience. It recognised that the concept of frontlines was meaningless in such wars and aimed to keep the enemy force constantly off balance. Surprise long-range helicopter assault operations against targets deep within enemy territory, supported by ground attack aircraft, became a hallmark of EO operations. EO was innovative and adjusted to changing situations by using ad hoc tactics not found in the books, options perhaps less possible in a public military (Singer, 2008: 116).

3.2.1. Corporate connections

For two reasons, EO’s main contracts were with countries holding valuable mineral resources. First, mineral wealth is one of the few means available by which developing countries can afford the services of an outside force. Second, the types of conflict in which EO became

involved were often fought to win control of this wealth, thus making these countries likely places of conflict. EO denies a formal link in the shape of shareholdings with larger corporate entities, although EO has been paid for its services in mining concessions granted to companies with which it has close connections (Shearer, 1998: 43). Pech (1999: 90) argues that EO's operations facilitated the granting of some of the richest diamond concessions in the world, valued at over US \$3 billion. Furthermore, evidence suggests a close relationship between an umbrella organisation originally formed as Strategic Resources Corporation (SRC), and the Branch-Heritage Group of mining and exploration companies. Through SRC, EO was closely linked to a number of other private security companies, such as Lifeguard Security and Saracen Security. EO also had a close business relationship with the Branch-Heritage Group, which was based in the same London office building as the agents acting for EO (Cleaver, 2000: 139). The Branch-Heritage group, consisting of several subsidiaries, has specialised in developing mineral and oil deposits in insecure areas. This 'high-risk, high-gain policy' has benefited from the company's relationship with EO and its subsidiaries (Shearer, 1998: 45). The Branch-Heritage Group also includes another private security company, namely Sandline International (Cleaver, 2000: 140). Shearer argues (1998: 43) that links between the directors of the Branch-Heritage Group and African leaders were often instrumental in negotiating EO's entry into countries such as Sierra Leone and Angola, and its securing of mineral concessions. However, proof of formal corporate links between Branch-Heritage and EO is difficult to find and, according to Shearer, is likely buried in offshore company-registration offices (Shearer, 1998: 43).

Another company that was an integral part of the EO story is Ibis Air, which could essentially be described as the private air force of Executive Outcomes. Although it was a separate holding in the umbrella group, the links between the two companies would make them almost undistinguishable to outsiders. Ibis Air accompanied EO on its most significant operations, and was also leased out to the client or state that had hired EO. The close ties with Ibis Air gave EO the ability to lift and deploy a fighting force anywhere around the globe, a capability even most state militaries lack (Singer, 2008: 106). For example, during the time of EOs operations in Angola and Sierra Leone in 1995, Ibis Air reportedly operated about 20 helicopters (Singer, 2008: 106). In addition, the links between EO and Ibis Air resulted in a company policy that all operations had the support of at least one attack helicopter and a medical transport plane on standby. Cleaver argues that, although there are no official

corporate links between EO and the Branch-Heritage Group, they both share interests in Ibis Air (Cleaver, 2000: 140).

3.2.2. Major operations

Executive Outcomes carried out operations in Uganda, Kenya, South Africa, Indonesia and Congo to name a few. However, the Angola and Sierra Leone episodes capture the impact that an effective military provider company can have in altering the process and outcome of a conflict. The only known unsuccessful EO operation was in the Congo, where the company was not defeated in battle, but rather betrayed by the government that had hired it (Singer, 2008: 116). African governments that most need the services of private military companies can often least afford to pay them. Angela MacIntyre and Taya Weiss (2007: 71) argue that Sierra Leone provides a case study for the complications inherent when PMCs are compensated in the form of concessions to extract natural resources from the client country.

3.2.2.1. Sierra Leone

The post-colonial regime in Sierra Leone, led by Siaka Stevens, quickly devolved into a one-party kleptocracy (Singer, 2008: 111). The fighting in Sierra Leone began in March 1991, when a small group of fighters led by Foday Sankoh crossed the border from Liberia, fighting under the flag of the Revolutionary United Front (RUF)⁸. Although lacking any clearly defined political agenda, RUF's willingness to use violence against the regime was evident. It quickly became apparent that the government's ability to resist the RUF was undermined by its very corrupt nature. The army had been largely ceremonial, completely unprofessional and was recruited from among the same alienated youths as the RUF. Consequently, the RUF met little resistance and quickly lost terrain to the rebels (Singer, 2008: 111). By April 1995, the RUF had advanced toward the capital of Freetown. Grasping at options when the UN, the UK and US had all declined the government's request to intervene, Executive Outcomes was hired to bolster the National Provisional Ruling Council (NPRC) government of Valentine Strasser⁹. The contract was for approximately \$15 million dollars and called for the defeat of the RUF and their clearance from the capital region and several key industrial sites. The original one-year contract called for a total of 160 EO personnel to be deployed on the

⁸ Sankoh had earlier been excluded from the army in Sierra Leone, before joining the RUF. During training at a revolutionary camp in Libya in the 1980s he made acquaintance of Charles Taylor, an aspiring rebel leader in Liberia. Taylor's bid for power in Liberia had stalled when the Nigerian-led ECOMOG intervention force stepped in. The government of Sierra Leone had supported this operation, prompting Taylor to support Sankoh in return, with money, arms and mercenaries in order to destabilise Sierra Leone (Singer, 2008: 111).

⁹ The NPRC government had come to power in a coup against the RUF in 1992 (Shearer, 1998: 49).

ground. It was later supplemented by contacts for additional manpower that brought the total cost to \$35 million for the 21 months that the company was in Sierra Leone (Singer, 2008: 112). While some commentators have argued that this was too high a price for a financially crippled government to pay, the bill only represented one-third of the total cost of the government's war effort. The UN force that had been planned to stay in the country for eight months after the peace agreement was signed was to cost \$47 million (Shearer, 1998: 51). Furthermore, the IMF had given its approval for payments to EO as part of Sierra Leone's overall budget, recognising the need for stability to attract investment (Shearer, 1998: 53).

As mentioned, EO first made an appearance in Sierra Leone to drive the RUF back from an assault on Freetown in 1995. Later that same year, EO expanded their operations into rural Sierra Leone, re-taking the diamond areas. In early January 1996, EO reclaimed control over the Sierra Rutile mine, formerly a major source of revenue for the country. Both the diamond mine in Kono and the Sierra Rutile mine have become post-war flashpoints in the conflict between government and civilians over armed private security and local governance issues such as housing and development. It is generally agreed by all parties that the players involved in private security and mining had close personal connections, also after the war ended (McIntyre and Weiss, 2007: 72).

The EO operation in Sierra Leone was planned closely with government commands, although intelligence leaks caused EO to deviate from the initial plan. EO's military success in Sierra Leone testifies to its expertise in low-intensity conflict. The company increased its effectiveness by using cheap ex-Soviet weaponry generally purchased by the host government but operated by EO personnel. According to Shearer (1998: 54), EO's greatest strength in Sierra Leone, and in Angola, was the use of its intelligence capabilities to build a profile of enemy activities. For instance, night-sighting equipment, radio-interception devices and aerial reconnaissance were used extensively. In addition, EO made good use of local expertise, which usually stood in contrast to the strongly electronic orientation of modern Western military intelligence-gathering. In Sierra Leone, the Kamajors¹⁰ became an essential part of EO's information-collection network. Familiar with the jungle and sworn enemies of the

10 The Kamajors are a Mende group from the south-east of Sierra Leone, based on traditional hunter guilds and skilled in bushcraft. EO supplemented the Kamajors by providing additional training in counter-insurgency. The use of the Kamajors grew from the efforts of a retired army officer, Captain Hinja Norman, to mobilise a local militia force for the defence of Tetu Bogor, a chiefdom south of Bo of which he was the regent chief, during 1994. Chief Norman's activities saw the Kamajor militia grow to 2,000 to 3,000 strong (Douglas, 1999: 183).

RUF, the Kamajors reported the movements and locations of rebel units to the EO. They became fiercely loyal to the South African company, whom they and the majority of the population regarded as liberators. Douglas argues that, as time progressed, the protection of civilian life and property increasingly became the recognised role of the Kamajors and the EO, while the efforts of the Republic of Sierra Leone Military Forces (RSLMF) and the RUF were generally viewed as self-serving (Douglas, 1999: 183).

The Kamajors provided information and intelligence to EO and, in some cases, acted as guides for assault operations. The Kamajors eventually became recognised as protectors of civilian life and of regional defence operations (Douglas, 1999: 183). EO had an advantage in that they managed to establish and maintain a positive relationship with the public, as well as cooperating with local forces. Establishing local ownership is, among other aspects, essential in post-conflict reconstruction and security sector reform. However, the military training of the Kamajors would become significant later, as it created an additional armed force in Sierra Leone not tied to the government. The Kamajors' rise to power has since complicated domestic politics in Sierra Leone and thereby provides an illustration of the unintended consequences that private military and security companies can have on conflicts (Singer, 2008: 113).

In 1996, after a series of setbacks, the RUF agreed to negotiate with the government for the first time. In February of that year, some stability had been achieved and a multiparty civilian presidential election was conducted¹¹. The elections brought to power Ahmed Tejan Kabbah, a former UN administrator (Singer, 2008: 113). When the RUF pulled out of the peace agreement in October of that year, EO went back into the field and destroyed its headquarters. As a result, the RUF leader signed the peace accords in November of 1996, which mandated EO's withdrawal as a condition of signature. However, the stability that EO prompted was not long-lasting. Facing opposition from the international community for the continued employment of EO and expecting the deployment of a UN peacekeeping force, President Kabbah terminated the company's contract early and EO left in January 1997. Due to renewed RUF opposition and the failure of any donors to supply the necessary funding, the expected UN force did not deploy. Instead, a Nigerian-led ECOMOG force entered in its place. EO had warned Kabbah that their premature departure would result in another coup, predicting that

¹¹ In the interim, a new leader General Julius Bio, whom EO preferred to Strasser had taken over the government in Sierra Leone. It was suspected that EO had contributed to his coup. While this was not the case, EO did approve of the coup, as Bio was considered easier to work with (Singer, 2008: 113-114).

one would occur within 100 days. This prediction proved correct when, 95 days later, the RUF in cooperation with mid-level army officers toppled Kabbah's government in May 1997 (Singer, 2008: 114). On June 1998, the Security Council established the United Nations Observer Mission in Sierra Leone (UNOMSIL) for an initial period of six months. Due to continued rebel attacks, the Security Council on 22 October 1999 authorised the establishment of the United Nations Mission in Sierra Leone (UNAMSIL), a new and much larger mission with a maximum of 6,000 military personnel. UNAMSIL continued to increase in size and, by 2001, it was the largest peacekeeping force in the world, with over 17,000 military personnel (UN, 2005a). UNAMSIL concluded its mandate at the end of 2005, having declared that its mission was complete (UN, 2005b: 1).

Leslie Hough argues that EO had several advantages over the ECOMOG and UNAMSIL in intervening in the conflict in Sierra Leone (Hough, 2007: 20). While the ECOMOG and UNAMSIL in particular suffered from unclear and at times inappropriate mandates, EO had a clear peace-enforcing mandate. In addition the ECOMOG and UNAMSIL suffered from inefficient multilateral structures, which led to communications problems and conflict of interests within the headquarters, and insufficiently trained and inexperienced troops (Hough, 2007: 20). Furthermore, EO had advantages such as its "unitary structure, the elite training and experience of its forces in counterinsurgency techniques, its intelligence gathering capabilities, its role as a force multiplier, as well as the financial and professional incentives for its soldiers and headquarters to win against the RUF as quickly and efficiently as possible" (Hough, 2007: 20).

3.2.2.2. *Angola*

A ceasefire between the Popular Movement for the Liberation of Angola (MPLA) and the National Union for the Total Independence of Angola (UNITA) was agreed in Portugal in 1992¹², thereby clearing the way for elections in September of that year. The polls were declared free and fair by the UN, and MPLA won the election. UNITA leader Jonas Savimbi refused to accept the result, and fighting resumed. UNITA concentrated on their traditional

¹² The war in Angola can be traced all the way back to its abrupt independence from Portuguese colonial rule in 1975. Hundred of thousands of Portuguese, the majority of the educated population, left the country leaving Angola in a difficult state. For the better part of the next 25 years the superpowers, their proxies, and white minority governments in the region refuelled the conflict by injecting cash, arms and military personnel. The Soviet Union and its allies supported the communist MPLA, while the US and South Africa supported UNITA. By the time EO became involved in the Angolan conflict in 1993, the end of the Cold War had left the Angolan government without external support, as many of its Soviet-bloc allies now ceased to exist (Singer, 2008: 107-108).

areas of support and quickly achieved successes. By 1993, UNITA controlled 80% of Angola, including the Soyo oil centre (Shearer, 1998: 46).

The origins of EO's activities in Angola are not entirely clear. Singer argues that although the details of the initial contract are not public, it is clear that this is the point that EO made its first mark on the Angolan conflict (Singer, 2008: 108). Shearer argues that the Angolan government hired EO to regain the Soyo area on behalf of the Angolan army (Shearer, 1998: 46; Singer, 2008: 108). Cleaver argues that the company initially was retained by a number of oil companies in 1992 to protect their installations in the Soyo region of Angola, where Heritage Oil and Gas and the state-owned oil company Sonogal had interests (Cleaver, 2000: 140). In March 1993, EO was contracted by the Angolan government to assist in the recapture of the strategically vital Soyo region. Backed by Angolan forces, EO was successful in recapturing the facilities (Cleaver, 2000: 140). The Soyo operation and EO's openness about its involvement in the operation caused observers to be amazed at the company's overall effectiveness. However, it also created suspicions due to the fact that they were fighting alongside the Angolan government, which had been the fiercest enemy of the private company's employees when they were serving the SADF¹³.

However, the control over the Soyo oil centre was subsequently lost again after EO's departure; this action led the Angolan government to offer EO a \$40 million dollar one-year contract to train its forces. The contract was renewed continuously until January 1996. However, after a series of setbacks in 1994, UNITA agreed to sign a peace accord in Lusaka in November of that year. Defence strategists have credited EO with being an essential component in restructuring the Armed Forces of Angola (FAA) and turning the tide of the war. The critics of EO argue that the company played a minor role, and that the MPLA's military successes were the result of UNITA's international isolation, together with the lifting of the arms embargo on the government. However, Shearer argues that EO's entry into the war coincided precisely with the turning point in the MPLA's military successes. Furthermore, in a seeming recognition of EO's effectiveness, UNITA made a condition to its signature that the company leaves the country (Singer, 2008: 109). Much of EO's contribution was based on tactical advice, and possibly was supported by intelligence information on

¹³ Many of EO's employees had been involved in the Angolan conflict in the late 1980s while serving in the SADF, supporting and fighting alongside Jonas Savimbi and his rebel movement UNITA. On numerous occasions the SADF intervened to prevent UNITA's defeat and also to punish Angolan support of rebels fighting apartheid rule in Namibia and South Africa (Singer, 2008: 107-108).

UNITA's activities leaked via South African sources. EO continued to assist the FAA until December 1995, when it was requested to withdraw by Angolan President Eduardo dos Santos after personal lobbying by then US President Bill Clinton (Shearer, 1998: 48; Singer, 2008: 109). In the aftermath of the contract's termination, a UN peacekeeping operation was deployed, but it was unable to secure the peace and fighting resumed. The war continued for several more years, until the death of Jonas Savimbi in February of 2002. This brought about a ceasefire and, on 4 April 2002, the FAA and UNITA signed a memorandum of understanding that halted the fighting, and peace was formally declared on 2 August 2002 (Human Rights Watch, 2003: 13).

3.2.3. The end of Executive Outcomes

Despite the efforts to polish its image, the past came back to haunt EO. The company was never able to shake its link to the apartheid past of its founders, and clients found it easier to hire a competitor. The South African government largely overlooked the fact that EO launched its operations from South Africa, thereby leading to speculations as to whether the government privately tolerated or even supported EO (Shearer, 1998: 54). Because it was linked to the history of the apartheid regime's defence, the new South African government was embarrassed by EO's activities and fears persisted among ANC figures that EO represented a so-called 'Third Force' of the old regime that had come close to hindering the country's transition. However, most unease was felt towards individual employees, especially those formerly with the CCB, rather than towards the company as a whole (Shearer, 1998: 55).

As a result, domestic legislation was formulated in 1997 that sought to regulate the new trade in private military and security services. Under the provision of *The Regulation of Foreign Military Assistance Bill* of 1998, a company such as EO was compelled to seek the South African government's authorisation for each contract. At the time, many analysts took this to mean that such military provider companies that offered implementation and combat services were no longer viable. However, rather than truly ending their business, it appears that EO simply devolved its activities, illustrating the final advantage that private companies have. A number of companies once associated with EO, such as Sandline, Lifeguard and Saracen, are all still active in the private security industry. In addition, a number of new companies headed and staffed by former EO personnel have opened up since EO shut down in 1999 (Singer,

2008: 118). In other words, although EO technically closed down, it simply globalised and transformed its activities to suit the market better.

3.3. Military Professional Resources, Incorporated (MPRI)

MPRI has probably become the best-known and largest current US private military company. Initiated and led by an elite of retired US military personnel, it has taken a prominent place in the lucrative market offered by the outsourcing of many former military functions (Cilliers and Douglas, 1999: 111). MPRI was established in 1987, when eight former senior military officers of the US military incorporated the company under the business-friendly laws of the state of Delaware, USA. The company's headquarters are located in Virginia, USA, a short distance from the Pentagon, implying a continuing close relationship. MPRI originally planned to tap into the domestic military market that opened up as the Pentagon downsized at the end of the Cold War (Singer, 2008: 120). MPRI is encouraged to undertake profit-making military ventures that are aligned with the national security interests of the US, and does so overtly. Instead, the opening up of the global market of military services led it to take on an increasing range of international operations, many in settings where the US military is prohibited (Singer, 2008: 119). MPRI claim that the firm is distinguished by its professionalism and loyalty to US foreign policy goals, and that they work only in a training capacity and not in direct combat. The company's key asset, as with Executive Outcomes, is a carefully managed database of former military personnel, among whom the company can replicate every single military skill. MPRI have no standing force, and personnel selection is specifically tailored to each contract's requirements.

James Davis has categorised MPRI as a military train-equip company within non-combat services (Davis, in Patterson, 2009: 60-62). Davis argues that such companies typically provide military consulting, training and support excluding a commitment to engage in combat (Davis, in Patterson, 2009: 60-62). For instance, they can carry out staff training for air, ground and sea operations; supply arms and offer planning and force development programmes; train forces in modern electronic, intelligence and logistics operations; and are able to coordinate the training of units on the ground in combined arms to enhance their effectiveness.

3.3.1. Corporate connections

Indeed, MPRI's most distinguishing feature is the prevalence of former senior military figures among its employees and the contacts with the US military that this implies. The hierarchy within the company broadly appears to reflect the former seniority of rank within the military (Shearer, 1998: 56). Unlike many of its larger corporate counterparts, military work has remained at the core of the MPRI's activities. Where EO was not successful in maintaining close ties with its home government, MPRI has managed to keep close contact with former colleagues still in public service. This gives MPRI a decided advantage over corporate rivals, because these ties provide the firm with a steady flow of business recommendations and information (Singer, 2008: 120-121). However, the concern with such ties is that they defeat the notion of competition that underlies the advantages of privatising services. Some have also raised questions as to whether these close ties to the US military simply make MPRI an extension of the US military. However, it certainly gives MPRI an advantage in that they can go into areas where the US military cannot. This, in addition to the company's close ties with the US government, creates advantages over other companies in the private security industry.

According to MPRI, the company "manages programs throughout the United States and in more than 40 countries overseas" (MPRI, 2008). In June 2000, defence giant L-3 Communications acquired MPRI for \$40 million. L-3 was started in 1997 by former Loral Corporation executives Frank C. Lanza and Robert V. LaPenta, along with the Lehman Brothers investment banking firm. MPRI has since "acquired Ship Analytics, Inc. (December 2002), Haven Automation, Ltd. (March 2003), BeamHit LLC (May 2004), GE Driver (May 2004), and Hitec-O (November 2005)" (MPRI, 2008). MPRI states that these "acquisitions have provided complementary service lines to MPRI's traditional offerings and enhance the company's ability to support its customers' needs" (MPRI, 2008).

3.3.2. Major operations

3.3.2.1. Former Yugoslavia

MPRI has capitalised well on the business opportunities offered by post-Cold War Europe and an expanding NATO. Of MPRI's operations, its activities in the former Yugoslavia have attracted the most international attention. Under a contract signed with the US State Department in mid-1994, 45 MPRI personnel served as border monitors for the UN sanctions against Serbia from 1994 to 1995 (Singer, 2008: 125). The contract ended 18 months later, when sanctions were lifted with the signing of the General Framework Agreement for Peace

in Bosnia and Herzegovina (the Dayton Accords) in November 1995 (Shearer, 1998: 38). In 1994 the company was contracted by the Republic of Croatia to help with its military's transition to a professional force (Singer, 2008: 125). Under that contract, MPRI was to design a long-term management programme for the Croatian Ministry of Defence with strategic capabilities to increase the possibilities of Croatia becoming a member of the North Atlantic Treaty Organisation (NATO).

It especially has been the company's alleged role in Operation Storm, a coordinated offensive against the Serb-held Krajina region by Croat forces in August 1995, that has received attention. Serb defences collapsed rapidly and the whole territory was recaptured within a week. The scale and sophistication of the operation greatly surprised Western military analysts. This new-found coordination is generally believed to have been achieved with covert involvement of the US government. However, the US administration downplayed Operation Storm's humanitarian consequences, namely the creation of 120,000 Serb refugees. Since the US military was not involved in the area at the time, suspicion turned to MPRI. The company denies any link to the operation, claiming that its involvement was limited to instructions on civil-military relations, and not on weapons training. Either way, the suspected involvement of MPRI has generally benefited the company, enhancing its reputation and raising its profile above that of larger established companies due to the fact that the operation was of such complexity (Shearer, 1998: 59).

3.3.2.2. Minor contracts in Africa

MPRI does not possess the same record of extensive operations in Africa as Executive Outcomes or DynCorp. However, since the mid-1980s, USA has been using private military and security companies such as MPRI to maintain a high-profile presence in Africa, especially in the Great Lakes Region, and the company has conducted several small-scale operations throughout the continent (Musah, 2002: 922). One of MPRI's acknowledged contracts in Africa were a minor operation to train Nigerian forces in the use and maintenance of US-supplied military vehicles in Liberia. MPRI's efforts concentrated on training and retooling a punitive rapid reaction force with high-speed gunboats to pacify the restless oil-rich Niger Delta basin, much to the irritation of local commanders (Musah, 2002: 931).

In 1996, MPRI negotiated a \$60 million contract with the Angolan government to provide a training programme for its military and police forces. EO had bid for the contract, but lost out,

despite most observers feeling that the South African company was better suited for the conflict situation in Angola (Singer, 2008: 131). The likely rationale behind MPRI gaining access to Angola ran in two directions. For the United States, it would provide enhanced influence over the local situation, whereas the Angolan government saw it as a way to bind the US closer and further isolate UNITA. Political advantage seems to be the real impetus behind the deal, rather than MPRI's specific training programme and expertise (Singer, 2008: 131). However, the contract was never fulfilled, for a variety of reasons. Initially, there were disagreements over the duration and cost of the contract. Renewed fighting between the government and UNITA also complicated MPRI's role. Although not confirmed, it has been suggested that the problem was not the actual contract numbers, but rather the absence of bonuses, or 'bribes', for the Angolan Army officers involved in the contract negotiations¹⁴ (Singer, 2008: 131).

Internationally, MPRI point out that it only works on contracts approved by the US government. For instance, in 1995 the company made a bid to work for long-time ally Mobutu Sese Seko in former Zaire, but, due to policy shifts, this was rejected by the State Department, illustrating that the private company's inclinations are not always in line with all branches of the US government (Singer, 2008: 122). However, in some cases, MPRI's close connections with former colleagues still employed in the public sector make the company able to lobby and sway the US government to approve licences for certain contracts.

MPRI's involvement in Equatorial Guinea exemplifies how its close connection with the US government has enabled the company to influence decision-making processes. McIntyre and Weiss argue that an intriguing illustration of the private force-state-corporate nexus exists in Equatorial Guinea (McIntyre and Weiss, 2007: 76). As a major African oil producer, Equatorial Guinea was already attracting exploration in the 1970s, but it was only in the 1990s that the boom really began. The country has become an important destination for foreign, and particularly for US investment. However, Equatorial Guinea's paranoid and fratricidal regime has invested negligibly in anything but its own security and a highly personalised interest in the oil industry. The country is ruled by a small elite, and oppression seems to prevent any political opposition. MPRI was hired in 1997 to train Equatorial Guinea's coastguard which was necessary to protect offshore oil installations (McIntyre and Weiss,

¹⁴ Such off-budget bribes are typical in Angolan business. According to the US Department of Energy, Angolan officers received \$900 million in bonuses/payoffs in 1999 (Richardson, 2000; Singer, 2008: 297).

2007: 76). The involvement of MPRI, although small in scale, is significant in that the company was initially denied a licence to take on the contract by two separate US State Department offices, holding up its signing for two years due to Equatorial Guinea's appalling human rights record (Schreier and Caparini, 2005: 73). Nevertheless, the company lobbied successfully and managed to convince US authorities that the work would, in fact, be serving foreign policy interests, and the licence was eventually granted. Furthermore, MPRI convinced US policymakers that if they were not allowed to take on the contract, another foreign private military and security company would¹⁵ (Schreier and Caparini, 2005: 73). McIntyre and Weiss argue that "at best, this did not bode well for self-regulation in the industry; at worst, it indicated a willingness on the part of the US government to support a pariah state" (McIntyre and Weiss, 2007: 77). The growing importance of African oil reserves to the United States is among the possible justifications the US government could have accepted in reversing its original decision (McIntyre and Weiss, 2007: 77).

3.3.2.3. ACRI, ACOTA and GPOI

In 1996 the US government launched the African Crisis Response Initiative (ACRI), a seven-nation training programme established to help developing African countries' capacity to create effective, rapidly deployable peacekeeping units (Singer, 2008: 131). ACRI's official mandate was to provide training for both peacekeeping and humanitarian aid. One of the purposes of the initiative was to modernise local armed forces and bring them in line with US norms, particularly in response to the emerging terrorism in Africa. Its other purpose was to avoid a repeat of the Somalia disaster (Abramovici and Stoker, 2004: 687). Since the Somalia operation and the genocide in Rwanda, US policy has centred increasingly on developing the capacities of African countries to undertake peace operations under the pretext of 'African solutions to African problems'. However, Kenneth Mpyisi argues that ACRI's establishment acknowledges the fact that the US is unlikely to intervene in armed conflicts on the African continent (Mpyisi, 2007: 35). Aning et al. further claim that the establishment of ACRI is merely a convenient alibi to conceal US inaction (Aning et al., 2008, 615). Although ACRI is the creation of the US State Department, it is the US army's European Command (EUCOM) that coordinates military resources, particularly the use of Special Forces. Private companies specialising in the sector, such as MPRI, provide logistical support, including equipment or specialist civilian personnel (Abramovici and Stoker, 2004: 687).

¹⁵ Schreier and Caparini argue (2005: 73) that another contender for the contract in Equatorial Guinea was a French private military and security company.

The ACRI programme revolves around the principle of using minimal equipment for maximum training. It is based on six key objectives: standardisation, inter-operability, training the trainers, transparency, support and team-work. Bah and Aning (2008: 121) argue that, because ACRI had been crafted around Cold War peacekeeping doctrine designed for interstate conflicts, it quickly proved inappropriate for intrastate conflicts that often are characterised by disregard for international humanitarian law. However, while several countries embraced ACRI, the two regional powers, Nigeria and South Africa, remained opposed to what they viewed as a foreign initiative that did not address African concerns (Bah and Aning, 2008: 121). After the attacks of September 11, 2001, the US boosted military investment in Africa, particularly to avoid African countries from being used as bases for terrorism. Following this, ACRI was succeeded by the Africa Contingency Training Assistance (ACOTA) in 2004, an initiative of the administration of President George W. Bush. ACOTA, like its predecessor, was based on bilateral agreements between the United States and its recipient states, but it also allowed for the possibility of support to regional and sub-regional organisations. Furthermore, the ACOTA initiative placed more emphasis on peace enforcement versus peacekeeping skills (Mpyisi, 2007: 38). Abramovici and Stoker argue that, “while the forces deployed within the ACRI framework were never placed in a situation in which their security was threatened, those in the ACOTA framework will have to be prepared to face danger, since they will be responsible for restoring peace” (Abramovici and Stoker, 2004: 688). ACOTA is linked to the training centres of the Joint Combined Arms Training System (JCATS). The JCATS are run by MPRI and are described as essential, because they make it possible to maintain levels of qualification and military groundwork by using sophisticated simulation software that imitate battlefield situations (Abramovici and Stoker, 2004: 688).

From late 2004, the ACOTA initiative was largely folded into the broader G8 Global Peace Operations Initiative (GPOI), which aimed to train 75,000 new peacekeepers worldwide, but with a focus on Africa, by 2010 (Bellamy and Williams, 2010: 124). Starting from fiscal year 2006, US funds for peacekeeping training in Africa are now being channelled primarily through the GPOI, which incorporates the ACOTA and other US funds. Nina Serafino argues that under ACRI, private contractors, such as MPRI, were initially hired to conduct classroom training, while US soldiers were to provide field training. However, because of the increased demand for US soldiers in Iraq and Afghanistan, MPRI also began to conduct field training.

By the time GPOI was initiated, private contractors conducted most of the training, while active-duty military officers played a minimal role (Serafino, 2007: 5). McFate (2008b: 16) argues that until recently, the US State Department had outsourced the GPOI programme in its whole to private military and security companies. In 2006, the US Department of State awarded the GPOI contract to MPRI, as one of three contractors. It was a one-year contract with a possibility of being prolonged for up to four years, with a contract value ceiling of \$500 million through 2011 (McFate, 2008b: 16). However, the contract was cancelled in 2008 and the US State Department did not disburse any money to these companies (McFate, 2008b: 16).

3.4. DynCorp International

There is a growing market for corporate logistics and hybrid peacekeeping services. American-based DynCorp International is one of the largest companies filling this niche (Burton-Rose and Madsen, 1999). DynCorp's services range from equipment maintenance to paramilitary security forces to training police. DynCorp International has provided logistical support in Sierra Leone and Kuwait, intelligence and monitoring for the US in Croatia and Kosovo, training of police forces in Iraq, and personal security for government officials in Afghanistan (Schreier and Caparini, 2005: 31-33). The company provided logistics for the United Nations peacekeeping mission in Somalia from 1992 to 1995. Similar to the MPRI, DynCorp International has close ties with the US government. Since 2004, DynCorp has held an umbrella US State Department contract for peacekeeping, capacity enhancement and surveillance efforts in Africa. The contract was valued at between \$20 million and \$100 million depending on the number of assignments (Tomlinson, 2007). In 2009, this contract was followed up by a new, indefinite delivery contract under the US State Department's Africa Peacekeeping Program (AFRICAP) (DynCorp, 2009).

According to James Davis, DynCorp is a company that can be placed within different categories of non-combat services (Davis, in Patterson, 2009: 62-63). In many ways it is a military train-and-equip company that provides military consulting, training and support excluding a commitment to engage in combat. Their operation in Liberia stands as an example of this type of activity. However, DynCorp also provides travel security for executives, supplies corporate intelligence and analysis and conduct corporate fraud and forensic investigations, and thus can also be categorised as a civilian security services company. In addition, DynCorp perform other activities that are not involved in combat functions, such as

logistic support. Logistic support companies have grown to the point where many militaries, and the US in particular, cannot sustain campaigns without them (Patterson, 2009: 62-63).

3.4.2. Corporate connections

DynCorp International has its origin with two companies formed in 1946, namely Land-Air Inc. and California Eastern Airways. Contract Field Teams (CFT) provide mission support and depot-level repair to US military aircraft and weapons systems worldwide. DynCorp and its predecessors have provided services under the CFT programme continuously since being awarded that first contract. In 1951, Land-Air Inc. was acquired by California Eastern Airways. After several name changes, the corporation eventually took the name DynCorp in 1987. In March 2003, DynCorp and its subsidiaries were acquired by Computer Sciences Corporation (CSC). While DynCorp remained the parent of its existing subsidiaries, CSC became their ultimate 'parent'. In 2004, CSC made a strategic decision to separate itself from its non-core businesses, including security and aviation services. As part of that decision, CSC transferred its aviation services business segment to a separate CSC subsidiary, DTS Aviation Services. The US Government approved the transfer of government prime contracts that were part of this business to DTS Aviation Services on September 30, 2004. On April 12, 2010, DynCorp International and private investment firm Cerberus Capital Management, announced a proposed merger, which was completed on July 7, 2010. As a result of the merger, DynCorp International became a private subsidiary of entities created by affiliates of Cerberus (DynCorp, 2010a; DynCorp, 2010b).

3.4.3. Major operations

3.4.3.1. Liberia

The fourteen-year-long civil war in Liberia came to an end in 2003 when President Charles Taylor fled into exile. In an effort to bring an end to the war in Liberia, the parties signed the Comprehensive Peace Agreement (CPA) in Accra, Ghana on 18 August 2003. An important aspect of this peace agreement was the restructuring of the Armed Forces of Liberia (AFL) (Aning et al., 2008: 624). Part of the CPA requested that the US play a role in the restructuring programme, and therefore this role has largely been discharged by the US government through the Security Sector Reform (SSR) programme. One of the central questions of SSR in a country like Liberia is how to transform the military from a symbol of conflict into an instrument of democracy (McFate, 2008c: 645-646). The AFL was accused of being complicit in human rights atrocities and the descent into civil war, and the objective of

the joint US-Liberia SSR programme was thus to demobilise and reconstitute Liberia's armed forces. According to Sean McFate, the most controversial aspect of this programme was the US's decision to completely outsource this critical task to private military and security companies. McFate argues that, throughout history, rarely has one sovereign nation hired a private entity to restructure a military for another sovereign nation (McFate, 2008c: 646). The decision to outsource the task of reconstituting the AFL to the private sector was mainly due to resource restraints, driven by US commitments in Iraq and Afghanistan (McFate, 2008c: 646).

Currently, several private military and security companies are involved in the peacebuilding process in Liberia. DynCorp and Pacific Architects Engineers (PAE) are involved in the SSR programme, under contract from the US State Department, to train a newly recruited armed force of 2,000 and to provide Liberia with training assistance administered by the UN Mission in Liberia (UNMIL) for civilian police forces (Aning et al., 2008: 624). DynCorp is in charge of the vetting, recruitment and basic military training, while PAE supplies specialised and advanced training services, equipment, and logistics (Krahmann, 2007: 95).

The initial DynCorp proposal consisted of putting 2,000 men through training supplemented with a "significant rule-of-law and human rights component emphasising such things as respect for international humanitarian law and the law of war, separation of army and police responsibilities and the centrality of civilian control of the military" (International Crisis Group, 2009: 10). International Crisis Group (ICG) claims that the primary reason for awarding DynCorp the contract was because of the innovative human security paradigm at the centre of its proposal. However, before DynCorp could begin training the new army, it had to go through several preliminary tasks (International Crisis Group, 2009: 10). One of the most challenging aspects of this preliminary work was the demobilisation of the AFL and Liberian Ministry of Defence, and much of DynCorp's work through 2006 consisted of this complex task. The basic training appears to have been successful, despite significant delays between recruitment and its commencement. The process picked up pace only in mid-2007, by postponing the human rights and rule-of-law training, thereby reverting DynCorp from their initial concept, with human security at its centre. The delay between recruitment and training was unavoidable given the need for vetting; however, the delay was much longer than would normally have been required. As a result, a major portion of the SSR budget was used for paying DynCorp staff who were unable to do their jobs. Although the delay was not

necessarily DynCorp's fault, greater transparency around the contract might have encouraged further discussion to find a potentially better solution (International Crisis Group, 2009: 12-13).

Aning et al. (2008: 624) argue that the activities of DynCorp and PAE have been accused of expending over \$172 million meant for the training of the army without input from the Government of Liberia. This situation, according to the Liberian Minister of Defence, has arisen because the allocation of funds for the project was not done in consultation with the Government of Liberia. This means that the Liberian government may have little influence over how the training of its own military is conducted, which poses a problem in relation to ensuring national ownership of such training programmes, no matter the company contracted to undertake it. As of 31 August 2008, DynCorp had completed the training of 2,000 soldiers (Aning et al., 2008: 624). By late 2009 or early 2010, the army was to undergo the Army Readiness Training and Evaluation Program (ARTEP) to test its ability to function as an integrated brigade. Once it passes this evaluation, the US-funded training by DynCorp and PAE will be finished (International Crisis Group, 2009: 13).

3.4.3.2. Somalia

Somalia has been without a stable government for nearly 20 years, and since the withdrawal of UN peacekeeping forces in the mid-1990s, it has suffered civil strife, war, and a prolonged humanitarian crisis. Uganda and Burundi provided contingents of soldiers for the African Union Peacekeeping Mission in Somalia (AMISOM), but have faced serious equipment, deployment and sustainability challenges. In 2007, the US State Department hired DynCorp to equip, deploy, sustain, and train all AU peacekeepers from the Ugandan and Burundian contingents of AMISOM. The initial task was to equip and transport the vanguard force of 1,650 Uganda People's Defence Force (UPDF) soldiers into Mogadishu (DynCorp, 2010). In addition, DynCorp was to provide logistical support to the AU peacekeepers in Mogadishu, thereby giving the US a significant role in the critical mission without assigning combat forces (Hansen, 2008: 593). DynCorp International will be paid \$10 million to help the first peacekeeping mission in Somalia in more than 10 years (Tomlinson, 2007). The US State Department has committed \$14 million for the African Union peacekeeping mission to Somalia, and has asked the Congress for an additional \$40 million. DynCorp's work force includes many former US troops who frequently work in hostile areas. This operation was not DynCorp's first in Somalia. During the ill-fated UN peacekeeping mission in Somalia from

1992 to 1995, DynCorp provided logistical support. Hansen argues that, “in this setting, DynCorp emerges as key component of contemporary US Africa Policy in a way that other companies that sought contacts in Somalia have not” (Hansen, 2008: 594).

DynCorp claims to have “provided a wide range of rapid-response ground and air deployment, sustainment and operational support services, including extensive maintenance of the equipment fleet, to AMISOM” (DynCorp, 2010). Furthermore, the company claims that while peacekeeping missions worldwide are experiencing severe deployment delays, they have ensured that “all AMISOM peacekeepers from troop-contributing countries have been deployed safely, well equipped,” (DynCorp, 2010). DynCorp was able to transport the first AMISOM peacekeepers into Somalia within a month of the UN Security Council’s authorisation.

3.4.3.3. Sudan

In 2004, the US pledged more than \$200 million in the form of private contracts to support the African Union Mission in Darfur (AMIS). The contract was awarded to DynCorp and PAE and was worth \$20.6 million (Chatterjee, 2004). Since November 2004, DynCorp has provided logistical support such as housing, office equipment, and transport and communication equipment to African forces in Sudan (Aning et al., 2008: 624; Gumedze, 2007: 4). The US State Department awarded the contract to DynCorp, ignoring the accusation that the employees of DynCorp exhibited “aggressive behaviour” in Afghanistan (Chatterjee, 2004). The Sudan operation was being carried out under a five-year task order issued by the US State Department on 27 May 2003. The open-ended contract allows the US State Department to use DynCorp and PAE anywhere in Africa. However, the specific details of the contract are not open to the public (Chatterjee, 2004). The director of Sudan programmes for the US State Department, Charles Snyder, argues that “private companies can do the job more quickly and efficiently in the short term than a government bureaucracy” (Snyder, in Chatterjee, 2004). Nevertheless, a cause for concern is the lack of transparency in the contracts between DynCorp and PAE on the one hand, and the US State Department on the other, due to “business confidentiality” (Chatterjee, 2004). This is a reoccurring problem in the private security industry, and makes it difficult to analyse their activities because of uncertainty about what they actually do.

In 2007, DynCorp was awarded a contract to begin training members of the former Sudanese People's Liberation Army (SPLA) in order to recruit soldiers to a new Sudanese Army following the 2005 Comprehensive Peace Agreement between the ruling National Congress Party (NCP) and the Sudanese People's Liberation Movement (SPLM), the south's largest rebel movement¹⁶. The total worth of the contracts was reported to reach \$40 million, which did include weapon deliveries. The project would be overseen by the government in southern Sudan. However, DynCorp lost its contract after numerous irregularities and misconduct by two of its advisors in the field was revealed. The contract was then turned over to United States Investigative Services (USIS), another private security company with close ties to the US administration (McGregor, 2008).

3.4.3.4. Africa Peacekeeping (AFRICAP)

AFRICAP is a US State Department programme that uses contractors to provide military training, perform advisory missions and provide logistical support and construction services consistent with the US Department of State's peacekeeping policies for developing countries in Africa (Isenberg, 2010). On September 11, 2009, the US State Department announced that DynCorp was one of four companies chosen to perform various services under the AFRICAP Recompete programme. The \$1.5 billion is divided at \$375 million each between the companies (Bennett, 2009). The AFRICAP Recompete programme supports regional stability in Africa by building the capacity of African countries and regional organisations to prevent, manage and resolve conflicts on the African continent. This new indefinite delivery/indefinite quantity contract is a follow-on contract to DynCorp's 2004 Africa Peacekeeping contract, under which it supported contingency and security sector reform programmes in Africa for the US State Department (DynCorp, 2009). The new AFRICAP contract establishes a mechanism for DynCorp and the three other companies to compete for task orders to provide training and advisory services, equipment procurement, logistical support services, and construction services to African countries. The period of performance is a base year plus four one-year options, beginning on September 11, 2009 (DynCorp, 2009). As part of the contract, DynCorp is on standby to provide services anywhere on the continent. These services include support of peace operations by training specific countries' armed services to enhance their abilities,

¹⁶ The two signatories form the Government of National Unity (GoNU), which rules the country until the status of the South is determined by referendum in 2011. The SPLA is the armed wing of the SPLM, (collectively known as SPLA/M) a predominately southern Sudanese rebel movement turned political party (McGregor, 2008).

provide logistics supports and work with regional organisations to prevent and resolve conflict (Tomlinson, 2007).

3.5. Corporate versus humanitarian aspects of private military and security companies

Unlike mercenaries, private military and security companies compete on the open global market and are in general considered legal entities that are contractually bound to their clients. In some cases, they are at least technically tied to their home states through laws requiring the registration and licensing of international contracts. While most mercenaries deny their existence, most companies within the private security industry publicly advertise their services through maintaining their own websites. Many companies also exhibit a desire for good public relations and a positive corporate image (Schreier and Caparini, 2005: 8). Unlike DynCorp and MPRI, Executive Outcomes had few ties with its home government in post-apartheid South Africa, and its mercenary label caused discomfort for the administration, even if the criticism was directed to the company and not the government itself (Singer, 2008: 118). Arguably, this is perhaps one of the reasons why EO as a corporate entity ceased to exist, while MPRI and DynCorp seems to be thriving in the market for privatised security today.

The vast majority of private military and security companies have not been hired to take part in direct combat and enforcement operations, with EO being one of the few that has done so. EO's activities in Sierra Leone, and to some degree in Angola, generated heated debate about the most appropriate relationship between the UN and private companies in relation to peace enforcement (Bellamy and Williams, 2010: 332-333). According to Bellamy and Williams (2010: 333), EO's ability to tilt local balances of power is particularly significant, given that the concept of peace support operations also attempts to alter local politics in favour of those actors that support the construction of liberal democracy as a long-term solution to conflict (Bellamy and Williams, 2010: 332-333). Shearer argues that, if there had been a structured relationship between EO and the UN in Sierra Leone, the military coup that ousted elected President Ahmed Tejan Kabbah four months after EO's withdrawal could have been avoided (Shearer, 1998: 78-79). Shearer further argues that EO personnel "could have maintained a threat of enforcement against the RUF, giving the UN the breathing space it needed to implement its post-conflict programmes fully and to provide adequate reassurances for the RUF to demobilize" (Shearer, 1998: 78-79).

Another unique and perhaps less recognised legacy of EO's operations is its apparent devotion to humanitarian support. EO, like many other private military and security companies, had several spin-off subsidiaries that it left behind when the contract expired. In an effort to expand its civilian role, subsidiaries in the SRC holding company offered medical services, civil engineering, water purification, and hospital construction. Furthermore, EO even set up water filtration networks and free medical dispensaries in Angola and Sierra Leone (Singer, 2008: 117). These services are not unlike those that are offered by many other companies with humanitarian agendas in today's private security industry. Furthermore, EO's intervention in Sierra Leone enabled thousands of displaced persons to resettle in the Kono region, although this may have been an incidental consequence of an extractive agenda. It seems that EO also assisted civilian resettlement while providing security, logistics and intelligence to humanitarian groups (Patterson, 2009: 68).

EO also conducted an exploration of whether it would have had the capacity to intervene in the Rwandan genocide of 1994. Internal plans claim that the company could have had armed troops on the ground within fourteen days of its hire and been fully deployed with over 1,500 of its own soldiers, along with air and fire support (roughly equivalent to the US Marine force that first deployed in Afghanistan), within six weeks (Bellamy and Williams, 2010: 334; Singer, 2003). One might speculate as to why EO apparently devoted some effort to humanitarian support, which was not strictly a military necessity. Zarate (1998: 97) suggests this was undertaken with an eye to future legitimacy, something necessary in order to engage new clients and address broader international politics. Although EO ceased to exist despite this newfound humanitarian approach, it appears that both MPRI and DynCorp have generally succeeded with this direction, increasingly gaining access to contracts within peacebuilding and peacekeeping.

Like other corporations, private military and security companies today operate as any other, meaning that they focus on their relative advantages in the provision of military services. They target market niches by offering packaged services covering a wide variety of military skill sets to an increasingly wider variety of clients. Some companies cover everything from consulting, training, maintenance and logistics, operational and direct combat support, to post-conflict reconstruction (Schreier and Caparini, 2005: 8). Many private security providers are subsidiaries of larger corporations listed on public stock exchanges (Schreier and Caparini, 2005: 7-8; Singer, 2001/2002: 192). Particularly for some of the military-oriented

multinational corporations in the US, the UK and in Canada, the addition of military services to their list of offerings can help them to maintain profitability in times of shortages of public contracts. And for those multinationals engaged in the mining and energy extracting sectors, links with private military and security companies provide a welcome means for the management of their political risks in dangerous areas and volatile situations abroad (Schreier and Caparini, 2005: 8). Companies such as DynCorp and MPRI have become major growth forces for the private security industry. MPRI originally began these efforts by teaming up with several traditional defence manufacturers to assist international clients in the introduction and integration of new weapons. However, the military skill training and advisory contracts with other governments quickly attracted the most attention. The packages that MPRI offers make it possible to completely restructure a military from the bottom up and become compatible to NATO-level standards (Singer, 2008: 122).

Nevertheless, the deregulated structure of activities is creating problems of transparency. Schreier and Caparini argue (2005: 9) that private military and security companies sometimes form part of large multinational corporations, making it difficult to establish where they begin or end. These corporations are often registered as businesses in other territories, which complicates issues such as governmental control over their activities. Moreover, contracts are often obtained on a subcontracting basis, thereby further complicating control and the issue of responsibility for their operations (Schreier and Caparini, 2005: 9).

3.6. Conclusion

This chapter has presented a case study of three private military and security companies, namely Executive Outcomes, MPRI and DynCorp. These specific companies were chosen in order to illustrate the different categories of companies within the industry, as well as the diverse activities performed by private military and security companies on the African continent. Each company has been presented by its background, its corporate connections and its major operations, with a specific focus on their involvement in Africa. EO generally provided combat and operational support, MPRI offers military advice and training, while DynCorp primarily deliver logistical support. Furthermore, this chapter has argued that the interventions of EO in Angola and Sierra Leone towards the end of the 1990s, often are viewed as the forerunners of a continued privatisation of international military operations. In the private security industry today, MPRI and DynCorp are among the leading American-based contenders. MPRI has played a large role in US initiatives to train African militaries in

order for African countries to establish peacekeeping operations on their own. ACRI, ACOTA and GPOI are all examples of such initiatives. Furthermore, DynCorp has held umbrella contracts with the US State Department for peacekeeping and the capacity enhancement of African militaries, as well as for personnel supporting UN and AU peace operations. In addition, this chapter has discussed the corporate nature of these companies, as opposed to the humanitarian aspects of private military and security companies. The conclusion can be drawn that, the security and military-related functions these private companies perform remains their primary scope. However, an increasing number of private military and security companies have additionally demonstrated an apparent devotion to humanitarian support. The next chapter will make an assessment of the impact of the private security industry in peacebuilding efforts in Africa, and the following implications for the exercise of legitimate force.

Chapter 4. Assessing the impact of the private security industry in peacebuilding efforts and implications for the exercise of legitimate authority.

4.1. Introduction

Armed non-state actors may undermine a state's ability to provide security to its citizens, but at the same time may exist in response to the inability of the state security sector to provide such security (Bryden, 2006: 6). The practice of outsourcing military functions is part of the effort to create more efficient armed forces. But this notion also has an inherent danger, since a central function of the state, namely the monopoly of force, could be damaged or endangered (Wulf, 2006: 93). Optimists have argued that the privatisation of security is likely to yield benefits for states, because the private security industry will deliver new security services cheaply and flexibly in ways that will enhance state security, and thus global governance. Pessimists have argued that privatisation will be costly to states, eroding accountability, and enhancing conflict and thus challenging global governance (Avant, 2004: 154).

This chapter will assess the impact of the private security industry in peacebuilding efforts in Africa and the subsequent implications for the exercise of legitimate authority and violence. First, a short theoretical overview of the industry's impact on state responsibility and the dangers that follow, as put forward by Robert Mandel. That will be followed by an analysis of the UN and its views of, and relationship with, the private security industry. The next section will discuss the increased importance of private military and security companies in US policy towards Africa. Then there will be a section assessing the specific impact of the private security industry on African countries and the peace operations on the continent. Next, this chapter will discuss the political influence of the private security industry and its implications for the nation-state. The latter part of the chapter will focus on the changing nature of the private security industry, from the activities of Executive Outcomes to the more recent activities of MPRI and DynCorp. The concluding section of this chapter will focus on assessing the impact of all three companies on peace operations.

4.2. The private security industry and its impact on state responsibility

The most extensive potential impact of security privatisation is on the nature of the state itself. Mandel argues that, regardless of whether government functions end up being outsourced to

internal private providers, or to external private providers, the impact on the state government in question is frequently deemed to be negative (Mandel, 2002: 79). In this view, the growth of privatised security and the decline of national governments ability to maintain a monopoly on the provision of security appear to be inextricably interconnected. Mandel further argues that there are seven specific dangers to effective delivery of services that emerge from this privatisation (Mandel, 2002: 79). These are poor contractor performance; entrance of contractors into specific engagements that they have not anticipated or trained for, and thus not equipped to handle; significant unanticipated degradation of the overall environment in which they operate; engagement of contractor personnel in unauthorised or unlawful acts; protracted delays of competition-related problems in acquiring contracts, leading to inefficiencies; transformation of the contractors into targets for hostile intelligence services; and unwillingness of contractors to do the work specified by the government due to financial disagreements (Mandel, 2002: 79). Considered together, these consequences should highlight for the international community the jeopardy and vulnerability that may emerge from a transfer of protection to the private security sector. However, Mandel also points out that this “hollowing out of the state” may simply represent minor changes in government functions that not necessarily indicate the deterioration of state authority (Mandel, 2002: 80). Historically, nation-states have undergone a wide variety of adjustments in the services they perform for their societies. The emergence of private sub-national and transnational organisations seemingly taking on the role of the state may simply represent a transformation of both the “expectations and the reality of what the state performs for the society, altering in the process the social contract between ruling regimes and their citizenry” (Mandel, 2002: 81).

4.3. The United Nations and its relationship with the private security industry

The increase in peacekeeping in recent times has placed a great additional strain on UN resources and personnel, as well as on member states’ ability to contribute funds, troops, or peacekeepers, support personnel and equipment (Charles and Cloete, 2009: 3). Furthermore, Lilly argues that the activities of private military and security companies have revealed many shortcomings of the UN and other multilateral organisations when responding to a growing number of global crises and that they could be used to take up the slack where these bodies are unable to or unwilling to intervene (Lilly, 2000b: 1). The enrolment of individuals seeking employment as mercenaries in the 1990s was perhaps of less concern to the United Nations than the proliferation of security companies with increasingly open links to their governments.

In a UN report on the use of mercenaries from 1995, it is stated that, member states should “prohibit their public authorities from resorting to mercenary activities, and counter any intelligence or security machinery which, through covert operations, uses mercenaries or does so through third organizations” (UN, 1995: §78). This, as later events relating to the US-based MPRI demonstrated, was exactly what governments did not wish to do. Deborah Avant argues that, during the 1990s, every multinational peace operation conducted by the UN was accomplished with the presence of private military or security companies (Avant, 2004: 153-154). Changes in the nature of conflicts have played a role in this development, “leading some tasks less central to the core of modern militaries (such as policing and technical support) to be more and more at the front and center of maintaining security, and private security companies provide these services readily” (Avant, 2004: 154). Another key tool in conflicts today is international civilian police. Most states do not have an international civilian police force, and thus, in the 1990s used private military and security companies to recruit and deploy international civilian police. For instance, the international civilian police sent by the United States to Bosnia and Kosovo were all DynCorp employees (Avant, 2004: 154).

According to Guy Arnold, the United Nations faces three major obstacles to achieving agreement regarding an international framework to regulate the private security industry. The first concerns the nature of the power at the disposal of the United Nations. As long as the principal member states, starting with the United States, are unwilling to provide the international body with the authority, finances and military capacity to conduct effective peacekeeping, alternatives will be sought. Further obstacles come from the major powers themselves: despite periodic condemnations of mercenary behaviour, they view private military and security companies as a useful weapon of policy and have no intention of depriving themselves of it. This readiness to use such companies became even more certain during the 1990s, with the rise of the corporate security industry with its concealed links to government military and foreign affairs establishments (Arnold, 1999: 167-168). A third obstacle to UN-inspired reform is the simple one of immediacy. If small countries overwhelmed by civil war are unable to obtain the assistance they require from the UN or some other regional or international body, they will turn elsewhere, and the private security industry is the obvious alternative (Arnold, 1999: 168).

Since effective peacekeeping often comes at a high price, Charles and Cloete argue that, to truly become efficient, outsourcing non-core functions can allow the UN to reduce costs and

create funds for vital but non-funded activities (Charles and Cloete, 2009: 3). The degree to which private security services can be contracted in an open and accountable way increases with the amount of political capital invested. Holmqvist argues that such political capital is likely to be higher in a multilateral peace operation than when states unilaterally contract support from the private security industry (Holmqvist, 2005: 19). However, the use of private military and security companies in multilateral operations indicates a relinquishing of state control over the means of violence, and in this sense, represents a break with the principles of the UN Charter in this context: that member states take responsibility, under UN authority, for the maintenance of peace and security. The capacity of multilateral institutions to manage such a transferral of responsibility will have a crucial impact on the legitimacy and effectiveness of private sector support for multilateral peace operations. According to Holmqvist, the UN and regional organisations currently lack satisfactory structures to ensure high standards of conduct for the private security industry, and for the long-term sustainability of operations (Holmqvist, 2005: 19).

4.3.1. The United Nations and the challenge of clear mandates in peace operations

Although peacekeeping and peace enforcement may seem similar, the role of the private sector in each is different. Military action is not the primary objective in peacekeeping, since a ceasefire has already been reached. By contrast, in peace enforcement operations, armed force is required. Both parties generally look to go beyond a ceasefire or truce to a negotiated peace agreement. In peacekeeping operations, military force is required only for monitoring the ceasefire, and lethal action is only used in self-defence (Patterson, 2009: 85). Although devotion to the terms of mandate for engagement is as important in peacekeeping as in peace enforcement, flexibility often becomes a necessity. All too often, peacekeeping situations disintegrate into renewed conflict, requiring peace enforcement to maintain order. Here the private sector can step in to provide flexible yet accountable security (Patterson, 2009: 86).

Patterson argues that, by privatising peace enforcement, many of the problems of private military and security companies can be addressed (Patterson, 2009: 88). In a private company the chain of command is clear. While the UN or another international organisation or government deals with how its mandates will be implemented, the ground troops will know precisely where it receives its commands. Problems that are global in nature demand an honest agent to seek resolution. Ideally, a United Nations force can rise above national sovereignty to play such a role. Or it can sponsor neutral parties to do so through the

sanctioned and regulated employment of private security companies (Patterson, 2009: 88-91). However, this argument assumes that the private company tasked with such this particular role is not from a state which is perceived as a threat to the country where the operation takes place. Thus, while this possible scenario might be true in theory, it can be problematic when transferred to a real-life situation.

Today, the UN's effort to patch together complex peacekeeping operations is continually determined by the fact that peace enforcement may be a necessary prerequisite to achieving sustainable ceasefires. For instance, nowhere is the tension and interplay between peacekeeping and peace enforcement more clearly revealed than in the UN's effort to cope with the crisis in West Africa and the African Great Lakes region (Patterson, 2009: 88-91). However, Lilly argues that although companies within the private security industry might appear not to possess many of the political constraints of traditional peacekeeping forces, the UN Security Council (through exercising Chapter VII of the UN Charter) remains the only actor that can authorise mandates for peacekeeping operations (Lilly, 2000b: 10). Lilly claims that using private military and security companies does not prevent this requirement, nor does it overcome many of the political difficulties faced by the Security Council (Lilly, 2000b: 10). Many of the political constraints attached to mandates in UN peace operations are a result of the often lengthy negotiations and decision-making processes between the members of the UN Security Council. Even if it became feasible to use private military and security companies in a given instance, the process of issuing a mandate for the specific operation will most likely remain complex and lengthy, seeing as the interests of the UN member states often plays a major role in determining the outcome.

4.3.2. The current United Nations view

For the present, the UN remains in a conflicted position regarding private military and security services. While it publicly condemns them, member states employ them in various ways. The existence of the *International Convention against the Recruitment, Use, Financing and Training of Mercenaries* of the United Nations is inadequately drafted and lacks widespread support. Meanwhile, UN organs face escalating threats to their operations, which at times require them to hire armed contractors to secure the safety of employees. However, the organisation has yet to demonstrate any consistency towards the modern private security industry as possible collaborators. Over the past 17 years, the UN has invested resources in reports and a recent expert committee; however, the organisation is only now beginning to

engage with the industry in order to develop ethical models of operation and a suitable legal regime (Patterson, 2009: 60). Patterson argues that, at present, it remains too early to predict whether the private security industry will find eventual acceptance within the UN. Patterson argues further that it is equally possible that these companies will continue to be treated with fluctuating ambivalence, where acceptance is prevented by obstructive conduct that serves interests other than the purposeful service of the Charter objectives (Patterson, 2009: 60).

4.3.3. The United Nations Working Group on the use of mercenaries

The UN Working Group on the use of mercenaries was established in July 2005, comprising of five independent experts. It succeeded the mandate of the Special Rapporteur on the use of mercenaries, which had been in existence since 1987 and which role was filled by Enrique Ballesteros from 1987 to 2004 and currently by Sharista Shameem (UNCHR, 2005; UN, 2010b: 1.1). In March 2008, the UN Human Rights Council extended the mandate of the Working Group for a period of three years (UNCHR, 2008). The Working Group has been monitoring the impact on human rights of the activities of private military and security companies and their lack of accountability. The rationale for the working group is that the existing *International Convention against the Recruitment, Use, Financing and Training of Mercenaries* does not cover the activities of the private military and security companies. Thus, the Working Group has focused on the ongoing work for the elaboration of a possible new international Convention on the regulation of the activities of the private security industry (UN, 2010b).

The Working Group was expected to present a report of its findings and a proposed new Convention to the Human Rights Council in September 2010. However, already in early 2010, the Working Group shared with all UN member states the elements for a new Convention, urging governments to support and set up an inter-governmental mechanism to draft and adopt a new convention (OHCHR, 2010a). According to the Chair of the Working Group, José-Luis Gómez del Prado, “the proposed Convention would reaffirm the principle that States should retain the monopoly on the legitimate use of force which is increasingly being eroded” (OHCHR, 2010b). In order to assure this, the proposed Convention would ban the outsourcing of inherent state functions, thus preventing companies taking part directly taking in hostilities or assuming police roles. Furthermore, the proposed Convention would require states to lift all immunity agreements that cover private military and security companies. This would mean that “supervisors, such as government officials or company

managers, may be liable for crimes under international law, committed by personnel under their authority and control” (OHCHR, 2010b). Nevertheless, a number of countries in which private military and security companies are headquartered have expressed resistance to a legally binding approach. While many governments have adopted regulations at the national level, and the industry has showed efforts to self-regulate, del Prado argues that it is not sufficient because “there remains a legal gap covering such activities at the international level” (OHCHR, 2010b). Del Prado points out an important point that every new scandal involving private military and security companies reinforces the notion that self-regulation by such a powerful industry is not sufficient, thus the need for a new Convention that includes these companies in addition to mercenaries. However, whether all UN member states will agree upon such a new Convention is questionable, given the close relations they maintain with their domestic military establishments. For instance, Ghebali argues that private military and security companies are used by major Western states as tools for a covert parallel or proxy foreign policy (Ghebali, 2006: 225).

4.4. USA and the reliance on the private security industry

The US government has a long history of looking to the market for military services. Up until the Second World War, most of these services were in the area of logistics support and weapons procurement. However, during the Cold War, the US began hiring private military and security companies to perform military training missions (Avant, 2008: 447). States have also tended to ‘rent out’ their forces to other states. For instance, Avant argues that, in the 2003 war with Iraq, the USA paid forces from other countries to participate in the coalition (Avant, 2008: 447). Furthermore, it has become increasingly common for some UN member states to subcontract their commitment to provide peacekeepers to private military and security companies. In the United States, private military and security companies are employed primarily by the Defense and State departments, but the entire government (including the 16 agencies in the intelligence community), along with the departments of Homeland Security and Energy, relies on contractors (Isenberg, 2009: 7).

The Logistics Civil Augmentation Program (LOGCAP) was established by the US Army in 1985 and paved the way for the widespread use of civilian contractors in wartime and during other emergencies. In 1995 the Defense Science Board report suggested that the Pentagon could save up to \$12 billion annually if it contracted out all support functions except actual war fighting. In addition, in 2000 then presidential candidate George W. Bush promised

during the elections to let private companies compete with government workers for 450,000 jobs. In 2001, this resulted in the Pentagon's contracted workforce exceeding civilian Defense Department employees for the first time (Isenberg, 2009: 19). However, since the Obama administration took over, it has sought to reverse the outsourcing of military and security functions. For instance, the Quadrennial Defense Review Report of 2010 states that, in order to reduce the government's dependence on contractors the US Department of Defense (DoD) introduced its 'in-sourcing' initiative in the 2010 budget. This initiative seeks to reduce the number of private contractors to their pre-2001 level of 26 percent of the workforce (from the current level of 39 percent) over the next five years (Department of Defense, 2010: 55). The 2010 budget does not specifically estimate the cost of this initiative, other than saying that it aims to better the value for the taxpayers and improve the transparency of the cost estimates of the activities of private contractors (Department of Defense, 2010: 78).

While private military and security companies sometimes are contracted directly by a weak state to bolster its security capabilities, more often than not they are contracted by a donor government to carry out military training or increase other capacity within security sector institutions. One aspect of donor-sponsored Security Sector Reform (SSR) that has seen a high degree of private sector involvement is the provision of military training in weak states. US-based private security companies trained militaries in more than 42 countries during the 1990s. In Africa, the US State Department and the US Department of Defense outsourced military training to MPRI and DynCorp, among others. Holmqvist argues that the outsourcing of military training may be most successful when companies support regular forces rather than assuming full responsibility for the mission (Holmqvist, 2005: 16).

Among the programmes that were designed for this exact purpose is the GPOI, which was initially designed as a mechanism to contain conflicts throughout Africa and the world. The GPOI initiative is different in approach from previous programmes, such as ACRI and ACOTA, since it focuses on building the capacity of states rather than deploying its own forces in conflicts. Mpysisi states that "the provision of peacekeeping training by the US under different initiatives has positively impacted on the quality of peacekeeping operations delivered by African countries" (Mpysisi, 2007: 39). However, most peacekeeping missions have failed because of the lack of basic logistical resources. The GPOI, with assistance from the private security industry, has offered resources such as training and military hardware, which will have a greater impact in alleviating some of the logistical problems. However,

Kenneth Mpyisi argues that the rationale behind initiatives such as GPOI is often associated with reducing or avoiding the direct involvement of US troops in African peacekeeping operations. By providing peacekeeping training, the US hopes to preclude its need to intervene militarily in Africa. Mpyisi further claims that, despite its stated objective, the GPOI and its various programmes are designed to boost the US position in Africa for the purpose of securing energy (the US has become increasingly interested in Africa for its oil) (Mpyisi, 2007: 39).

Although there is scepticism about the real motive behind GPOI, the programme seems to be influential in raising the capabilities of African states to face complex humanitarian emergencies by themselves, in line with the continent's objective of finding African solutions to African problems. The GPOI and other previous US initiatives have been criticised for concentrating on military training and the question of whether to focus on military developments only or the full range of tasks necessary for peacekeeping is at the centre of the criticism. Mpyisi claims that the "US's willingness to deploy forces has been overshadowed by its inability to provide logistical support and basic field equipment such as field lodgings, mess facilities and medical facilities" (Mpyisi, 2007: 40). In order to consolidate the capacity of African states genuinely, the provision of peacekeeping equipment is a fundamental component.

4.4.1. Has the private security industry become indispensable for the US military?

The private security industry has seemingly become indispensable, and many of the reasons for such a development stem from the United Nations. During the 1990s, a belief that the military seemed to be particularly well-suited to the use of contractors because the need for its services fluctuated so radically and abruptly, gained acceptance within the US administration. In the light of such sharp spikes in demand it was thought that it would be more efficient for the military to call on a group of temporary, highly trained experts in times of war, rather than to rely on a permanent standing army that drained resources (with pension plans, health insurance, and so forth) in times of peace (Isenberg, 2009: 19). Aning et al. argue that the private security industry has become central to US military training initiatives. US military training of African personnel is largely outsourced to private contractors (Aning et al., 2008: 625). As such, contemporary private security involvement in Africa is substantially different from that in the late 1990s, when Executive Outcomes were hired by weak African states to defeat their internal enemies in civil wars. According to Aning et al., this development raises

a series of questions “regarding the relationship between the stated US objective of training and democratising African militaries and the pursuit of US foreign policy objectives on the African continent” (Aning et al., 2008: 625). Undoubtedly, many African militaries are in need of professionalisation, and much is to be gained by strengthening their respect for human rights and democracy. However, whether private military and security companies are the most suitable teachers is questionable at best. Their human rights records are not good, and the lack of transparency can make it difficult for African states and civil society actors to gain information about their activities and contracts, and hence challenge their operations (Aning et al., 2008: 625-626).

In February 2009, the Obama administration introduced a “set of reforms designed to reduce state spending on private-sector providers of military security, intelligence and other critical services and return certain outsourced work back to full-time government employees” (Isenberg, 2009: 15). Isenberg argues that the Obama administration is less committed to outsourcing in principle than the previous administration. For instance, the introduction to Obama’s 2010 budget noted that the administration would clarify what is essentially a governmental function and what is a commercial one, and furthermore, that critical government functions would not be performed by the private sector for purely ideological reasons (Isenberg, 2009: 16). According to Isenberg, the Obama reforms overall reflect the administration’s recognition that contractors are fully integrated into national security and other government functions (Isenberg, 2009: 16). This goes far in acknowledging that the United States cannot go to war without them.

In August 2009, the Working Group voiced concern over the limited scrutiny of private security contractors by the United States Government, calling on greater transparency to prevent impunity for human rights violations. The Working Group said in a statement that “the responsibility of the State to protect human rights does not stop with contracting or subcontracting” (OHCHR, 2009). Furthermore, the Working Group noted that, in spite of mechanisms created by US authorities to better monitor private military and security companies, “there is very little information accessible to the public on the scope and type of contracts” (OHCHR, 2009). In addition, the Working Group voiced concern about the stated US policy intention to increase the number of private security contractors to match the surge in troops in Afghanistan. However, the Working Group seemingly “received assurances from

the US Government that it is not and does not intend to relinquish its State monopoly of the legitimate use of force” (OHCHR, 2009).

4.4.2. Concerns regarding dependence on the private security industry

The concern with military privatisation, even in seemingly inoffensive support areas, is that the entire military machine could quickly break down. Today, public military personnel may no longer have the basic skills or equipment to perform the tasks that have been privatised. However, this has largely been ignored amidst the rush to privatise. Under its own doctrine, the US military is supposed to privatise only those services that are not “emergency-essential support” functions, meaning those functions that would not weaken the military’s mobilisation and wartime operations (Singer, 2008: 162). At the start of the 1990s, the US Department of Defense Inspector-General warned that a number of emergency essential services were beginning to be performed by civilian companies, and that the US military could not ensure that their service would continue during crisis periods. Nevertheless, little evidence exists that concerns about lost control have been addressed since. Rather, more than a million personnel have left the US armed services and increasingly more of the public armed service functions have been privatised (Singer, 2008: 162).

It is particularly within logistics and support areas that the private security industry is becoming increasingly indispensable. Companies specialising in these functions cover activities within military operations ranging from construction to heavy lift and aviation, mine action, medical services, communications, warehousing and armoured vehicle servicing to unexploded ordinance disposal. Wright and Brooke argue that, in an era of military downsizing and globalisation, most sovereign governments have come to recognise that outsourcing these non-combat service support functions gives them access to valuable experience, saves money, and allows their militaries to commit their limited budgets and resources to their core functions of fighting wars and enforcing peacekeeping mandates (Wright and Brooke, 2007: 106). Regardless of their expanding activities, Singer argues (2008: 162) that military personnel currently lack the training and skills to fill potential privatised voids. If the military keeps privatising key jobs, it may find in times of crisis that private military and security companies are unwilling to comply with its exact needs.

4.5. Implications of the private security industry for African peace operations

The African Union shares the same stance as the UN regarding the use of private military and security companies. The heads of the United Nations and the African Union still refuse the idea of using the private security industry in peace operations, although some member states, aid organisations and even UN agencies do not agree with this standpoint. A number of important regional bodies also engage in peacekeeping and peacebuilding activities, including the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) (Johnston, 2004: 36).

Despite the standpoint of the UN and the AU, private military and security companies already provide numerous services to the UN and other international organisations. To some extent these private companies use local resources and hire locals, stimulating local growth to the benefit of stability in the community. Part of the solution lies in the capabilities of the private sector and its ability to support peacekeeping forces. Taylor argues that these private security companies have a great deal of experience in Africa and in peace operations, and thus can be used to assist the AU, the UN and other international organisations (Taylor, 2009: 113). Already there are successful African peacekeeping support programmes that make use of private sector resources. These include (as mentioned in Chapter 3) the ACRI, which developed into the ACOTA, which is responsible for the training of thousands of peacekeepers, the US State Department's Africa Peacekeeping Program, which offers training, logistics and construction programmes for building sustainable African capacity, and initiatives such as the GPOI, which has trained some 40,000 peacekeepers worldwide (Taylor, 2009: 114). Leander argues that, because the private security industry is already extensively involved, any reasonable approach must be pragmatic (Leander, 2005: 610).

The implications of privatising security and the influence of the private security industry on peace operations in Africa entail a diversion of human resources from the public armed forces (Leander, 2005: 616). The private sector offers better salaries, particularly for the more competent and professional employees. The salaries in many African armed forces are low and often not paid at all. Hence, it is not surprising to discover that African soldiers work as contractors for private companies, where the pay is higher. Moreover, the market for force drains human resources by eroding the status of public forces and accentuating the blurring boundaries between public and private forces. African governments play a central role in this by not paying salaries, and hence their armies look to the market in order to support

themselves (Leander, 2005: 616). Even more unconcealed, public officials further the commercialisation of the armed forces by turning them into money-making enterprises. The outsourcing of training by Western governments, particularly the US, further blurs distinctions, because it suggests the acceptability of moving between public and private forces (Leander, 2005: 616).

Jeffrey Isima argues that the privatisation of security has created deep crises within the state's security sector, including the destabilisation of civil-military relations and the weakening of state security institutions (Isima, 2007: 7). In Nigeria, for example, the outsourcing of military training to MPRI, gave rise to strained relations between force headquarters and the Presidency. The service chiefs protested against what they saw as unfettered access and privileges given by the government to MPRI personnel in the implementation of their contract. In response, the MPRI used its informal influence on the government and forced the immediate retirement of all three service chiefs. This incident makes it evident that MPRI and similar Western security firms can act as very powerful external forces, which the state lacks sufficient strength to bargain with over sensitive issues of national security (Isima, 2007: 7-8).

A large number of African troops have received training from private military and security companies under the United States' military training programmes. Evidently, these programmes have contributed to building the capacity of the troops and improving their readiness for peace support operations. Nevertheless, the limited nature of these programmes makes it difficult to see a clear cause and effect relationship between the training offered and the actual performance in the field. Aning et al. argue that Africa's training needs surpasses the capabilities of these initiatives to fill the capacity gap in Africa for the delivery of peacekeeping needs (Aning et al., 2008: 625). Thus, the need to expand such initiatives to involve all African countries is necessary in order to have a rapid impact on African peace operations.

According to Aning et al., there are reasons to be worried over the future of armies where African countries are not at least partially in control of the training of their militaries (Aning et al., 2008: 625). Firstly, it becomes difficult for African states to control and influence their armies. Secondly, the armies may even be trained in such a way that their interests and perceptions of threats are similar to that of the home government of the private military and security company, rather than of their own countries and peoples. Thus, the type of training

they receive may not enable them to deal with the real security threats facing their respective countries (Aning et al., 2008: 625). The concerns of African governments and regional organisations such as the African Union tend to centre on human security issues. An important consideration for the US is therefore how to bring together its own interests with those of African countries.

4.6. The political influence of the private security industry

Avant argues that “global forces, new ideas and political choices have combined to enhance opportunities for the private delivery of and private financing for security services. As a result, a growing market for force now exists alongside, and intertwined with, state military and police forces” (Avant, 2008: 449). This development holds significant implications, because the market thereby undermines the collective monopoly of the state over violence, which is a central feature of the sovereign system. Without that collective monopoly, states face increasing dilemmas about whether to hire from the private security industry and how best to regulate the export of the services they offer. The existence of an extensive market alternative for military and security services alters the options available to states for carrying out security policies. Avant further argues that this often entails the involvement of the private security industry in decision-making processes, thereby giving them, and other actors with business-related interest in policy, influence over its format and implementation (Avant, 2008: 449). Because of these changes, the market option makes it easier to undertake adventurous foreign politics and more likely that such action will be taken (Avant, 2008: 449-450).

Anna Leander argues that ‘ungovernance’ (as explained in Chapter 2) weighs heavily in the explanation of the key qualitative and quantitative changes in mercenary activity since the 1990s (Leander, 2002: 3). It is difficult to find complete information on mercenaries and their activities. Nevertheless, according to the literature, there was a sharp increase in private security involvement in armed conflict during the 1990s. Leander argues that “this consensus is probably the most solid indicator of the growing importance of the phenomenon one can get” (Leander, 2002: 3). According to Leander, an indication of the private security industry’s involvement is that a compilation of available information on its activity in Africa from the 1950s onwards showed 15 entries for the 40 years from 1950 to 1989, and further 65 entries for the period 1990 to 1998 (Leander, 2002: 3; Musah and Fayemi, 2000: Appendix 1). The industry is growing steadily and the structure of its activity is changing, as private military and security companies have developed and turned into corporate entities. These

developments are understandable by the changes that are intimately linked to the weakening of state structures and a retreat of the state from its monopoly on violence.

4.6.1. Erosion of the nation-state

Herbert Wulf argues that the concept of the state monopoly on force requires the elimination of armed non-state actors who want to take the law into their own hands (Wulf, 2006: 97). However, this notion is challenged in many parts of the world. While the internationally accepted norm of a state's assurance for the public good of 'security' still exists, its implementation in reality is at present debatable at best.

The state monopoly on force is also challenged by another development. Wulf argues that the idea of the undisputed national entity no longer exists as national boundaries have been increasingly lowered due to the general trend of globalisation (Wulf, 2006: 97). Many actors today operate outside the boundaries dictated by the logic of territoriality. Economics, politics and culture are spheres that are increasingly becoming separated from the nation-state.

According to Wulf the state is being emptied of some of its functions, both conceptually and in reality (Wulf, 2006: 97). A logical consequence of the weakening of the nation-state is the need for multiple layers of authority over the monopoly on force. Such a new agenda breaks with traditional notions of the concept of the monopoly on force in which the nation-state is envisioned as the sole legitimate actor (Wulf, 2006: 97). At the global level, the dominant role of the nation-state is challenged both conceptually, through global governance, and institutionally, through the continually increasing number of multilateral regimes. Regionally, there are only weak signs of state sovereignty functions being delegated to regional bodies. Wulf argues that, however, that "in many regions of the world, local constituencies and traditional authorities within federalist structures are authorised to exercise public regulatory functions" below state level (Wulf, 2006: 98). According to Wulf, this portrays a trend towards a multiplicity of authority among public institutions, and further, functional areas that were previously part of state functions are taken over by private citizens and private organisations (Wulf, 2006: 98).

In many unfavourable reviews of the use of private military and security companies in SSR it implicitly contrast with national governments. This is well founded to the extent that private companies are structurally not organised to take a long-term view of the institutions they are building. In fragile political settings, where many things can go wrong, private military and

security companies risk minimal damage to their reputations if the units they train later prove to be unsuccessful (International Crisis Group, 2009: 32). The arrival of international private security actors in weak states signals the availability of an alternative to the public provision of security. Financial constraints on state resources make the option of hiring private security services attractive to many states precisely because of its temporary quality. Rather than burdening government budgets with the fundamental restructuring of standing armies or police forces, governments may be tempted to resort to the seemingly quick solutions of private sector intervention (Holmqvist, 2005: 15).

4.6.2. The private security industry is setting the agenda

Leander argues that the very fact of being a private security contractor is increasingly a source of authority, as neo-liberal forms of governing seems to constitute contractors as a group of new security experts (Leander, 2007: 206). Privatisation shifts power over violence to outside the bounds of state machinery. Avant argues that “this is most obvious when non-state actors finance security, which accords influence over security decisions to actors both outside the territory of the state and outside of government” (Avant, 2008: 450). This diffusion of power should lead us to expect a greater variety of actors to have influence over the use of force, and predict a furthering of competing institutions with overlapping jurisdictions over force.

According to Avant, the notion that the ‘ideal’ form of markets can only function effectively when the state is also playing its ideal role is often lost in contemporary commentary (Avant, 2008: 450-451). Similarly, non-governmental organisations rely on a government in order to play their ideal role. In this sense, the privatisation of security does not so much transfer power from one institution (the state) to another (the market) so much as pose challenges to the way both states and markets have functioned in the modern system (Avant, 2008: 451). The market for force has not made states less significant, but has opened the way for changes in the roles states and other actors play in controlling force in the global arena. Avant argues that “the rush to normative judgement about whether the privatization of security was ‘good’ or ‘bad’ has impeded analysis of the range of privatization’s effects, the trade-offs associated with private security, and the choices available for its management” (Avant, 2008: 451).

Abrahamsen and Williams argue that the rise of private security should not automatically be interpreted as an indication of declining state power. Rather than clearly defined spheres of private or public power, “the governance of various realms in the contemporary era emerges instead from the combination and cooperation of public and private actors” (Abrahamsen and

Williams, 2008: 142). However, this does not mean that traditional distinctions are irrelevant: the concepts of public and private and their different forms of authority remain important. According to Abrahamsen and Williams, particularly important is that fact that public security authorities maintain legislative authorisation and an extent of jurisdiction that no other actors possesses today (Abrahamsen and Williams, 2008: 143). Furthermore, private security usually operates within some form of regulatory framework. In this way, although states are not always the instigator of such hybrid forms of governance, they lend them further strength and legitimacy through official recognition and integration into domestic and international laws.

As security professionals, it is not surprising that the private security industry is involved in politics. Sometimes, this concerns how best to deal with a given political priority, and private military and security companies are therefore arguably directly involved in establishing the priorities, as well as the security concerns. They do so through their intelligence gathering and analysis, as well as through their advisory functions. Furthermore, military doctrine and strategy are increasingly being developed by private companies (Leander, 2007: 52). Private military and security companies run military training, seminars, and educational programmes both the US and internationally. In addition, the lobby organisations of the private security industry are increasingly consulted on policy issues. The industry has, for instance, been invited to hearings in the US Congress on the development of peacekeeping and peacebuilding initiatives. As private experts on violence, they are increasingly filling functions similar to those filled by their public counterparts (Leander, 2007: 53). Moreover, modern contracts, such as indefinite-delivery, indefinite-quantity contracts, grant private security actors more freedom in the implementation of governmental security policies in a bid for greater efficiency. In some cases, the private security industry seeks to influence politics at its own initiative. The reason for this is simply that its business depends on what happens to political priorities. How a problem is understood and what kind of solution is found for dealing with it, determines whether or not there will be a contract.

Following the theoretical framework proposed in the previous section, it can be suggested that the growing role of private military and security companies has a number of effects. In geographical terms, the progressive use of the private security industry confirms the weakening of the link between the nation-state and the provision of international security. Krahmann argues that private military and security companies makes it possible for Third-World governments, which do not have the necessary resources and capabilities provide for

their national security to hire services from foreign countries (Krahmann, 2002: 16). Furthermore, the private security industry offers governments in industrialised countries the potential to intervene internationally with greater flexibility and efficiency (Krahmann, 2002: 16). Krahmann claims that the former can be of danger to newly emerging states, which might fail to establish stable national armies due to their reliance on private security services. The latter applies in particular to established democracies, which become able to disregard public opposition to foreign interventions. According to Krahmann, the growth of the private security industry contributes to the differentiation of interests in security governance (Krahmann, 2002: 17). While the primary interests of private firms are in expanding their markets and increasing their sales, these interests are not necessarily similar to the policies of the governments that employ them or the states in which they are based (Krahmann, 2002: 17). Leander argues that the assessments of the gains from privatisation are narrowly drawn, being largely prospective rather than retrospective in the sense that evaluation is often based on what the private sector promised, not what it actually did (Leander, 2007: 207).

4.7. Changes within the private security industry: from Executive Outcomes to MPRI and DynCorp

Fredland distinguishes between companies willing to engage in combat and direct combat support, and companies that provide a variety of military and “quasi-military” services, but not combat and combat-support services (Fredland, 2004: 207). These combat-related private companies have been the most controversial and much of the academic literature has been dedicated to examining their activities. Fredland argues that there has been “relatively little publicly known contractual activity of this kind, and few firms are apparently willing to undertake such tasks” (Fredland, 2004: 207-208). Perhaps the best known company within this category is Executive Outcomes, which was relatively overt regarding its contracts, compared to many of today’s private military and security companies. Other companies that possibly can be placed in the same category are Sandline International, and perhaps Gurkha Security Guards (Fredland, 2004: 208). However, the companies providing non-combat services are numerous, and they perform a variety of roles. MPRI is often categorised as a military support company providing tactical training and advice on force. Furthermore, DynCorp is considered a nonlethal service provider which delivers specialised services with, but not exclusively, military applications (Fredland, 2004: 208).

This distinction is central in analysing the development of the private security industry. While Executive Outcomes was relatively open in terms of its activities, companies within the industry today remain secretive about the details of their contracts. There is no 'evidence' to claim that EO's openness was the very reason for its closure, although, it certainly drew a great deal of attention to the new corporate mercenary organisations. As discussed in Chapter 2, EO's relationship with its home government in South Africa was problematic, and the subsequent regulatory framework essentially led to its closure in 1999. One might argue that the criticism that followed in the wake of their activities led the private security industry to devolve its focus towards new markets thereby illustrating the final advantage that these private companies possess (Singer, 2008: 118). Peace operations were a relatively new market for the private security industry, and the aftermath of the failure of the US intervention in Somalia in 1992, and the subsequent genocide in Rwanda in 1994, only exemplified how the international community had become less willing to take on interventions with a humanitarian approach, especially in Africa. However, in order to access the market of peace operations, the private security industry required to distance itself from the general view that private military and security companies were nothing more than corporate mercenary organisations.

In an effort to improve their reputation, the International Peace Operations Association (IPOA), a US-based non-profit industry organisation for military service providers has argued since its inception in 2001 for the use of the private sector to ease the international community's reluctance to intervene militarily and risk its own soldiers' lives in conflicts. Part of their approach of refurbishment is, amongst other things, to 'rename' the private security industry to the 'stability operations industry' in order to distance itself from the negative connotations connected to the industry. IPOA argues that it seeks to promote operational and ethical standards for private military and security companies that are active in the peace and stability operations industry. The association has over 50 companies listed as members, including MPRI and DynCorp. IPOA claims that it "is committed to raising the standards of the peace and stability operations industry to ensure sound and ethical professionalism and transparency in the conduct of peacekeeping and post-conflict reconstruction activities" (IPOA, 2010). All member companies must subscribe to the IPOA Code of Conduct, which represents a "constructive effort towards better regulating private sector operations in conflict and post-conflict environments" (IPOA, 2010). The organisation argues that it is their belief that the need for high standards will both benefit the industry and serve the greater causes of peace, development and human security (IPOA, 2010). While the

effectiveness of the IPOA in increasing contract rates for its member companies is debatable, its use lies in its symbolic role as a unifying factor. It provides a united front for the industry, although, the group's primary function is to provide political representation for the member companies. Thus, it does not exercise any real authority over them or their employees. However, after previous member Blackwater was implicated in a series of controversial shootings in Baghdad on the 16 September 2007, the IPOA put pressure on the company to withdraw its membership by preparing to launch an investigation of the company's conduct (Falconer, 2007).

It can be argued that the private security industry to some degree has managed to improve its reputation and distance itself from the 'mercenary' label. However, this is largely due to its increased political influence. John Lovering argues that "the leading defence company of the future will be primarily a manipulator of opinions" and that "their key asset is the ability to influence the ways in which prospective buyers (governments and armed services) imagine the wars of the future" (Lovering, 2000: 174). It is therefore not surprising to find that the IPOA was promoting a petition demanding a military intervention in Darfur. However, Leander argues that this promoted a general understanding of political priorities in Darfur, rather than a well-defined role of private military and security companies (Leander, 2007: 53). The need to shape broad political views explains the close links between political establishments and the private security industry. Individuals from the political and military establishment figure prominently on private military and security company boards. In addition, these companies also tend to figure prominently on the agenda of many policymakers. Moreover, classical concerns due to the increasing influence of the private security industry on politics and policymaking has furthered the question of how this influence can be limited (Leander, 2007: 54). Leander points out that one might have expected the rise of the private security industry to cause a revisiting of civil-military regulation, or more appropriately, of the regulation covering the role of 'experts' on violence in shaping political priorities, seeing as private military and security companies ultimately are agents in their own right over agents of a principal (Leander, 2007: 54).

Singer argues that MPRI's operations illustrate how the privatisation of military services has worked to the advantage of the government (Singer, 2008: 134). The company enables the US to maintain a presence in operations in which US military troops cannot officially become involved, thereby succeeding in furthering American foreign policy goals. Thus, direct

participation can be denied, resulting in the potential of a privatised policy mechanism, at less cost and lower political risk. Singer claims that since the L-3 acquisition of MPRI (as presented in Chapter 3), the company has become less responsible to the US government because its institutional investors are more “concerned with the bottom line than with US strategic interests” (Singer, 2008: 134). Singer further argues that, as MPRI tries to maintain its place as the favoured consultant to the US military, this could introduce more tension, similar to the conflicting motives at play between company and government in the Equatorial Guinea contract (Singer, 2008: 134). Furthermore, in relation to US operations on the African continent, it seems that DynCorp might challenge MPRI’s role as the preferred private security provider in Africa, through its indefinite-delivery AFRICAP contract.

Today’s private military and security companies are able to present rapid deployment capacities and specialised capabilities to international peace and stability operations. Their comparative advantage comes from their ability to have capable responses and quickly assemble experts and specialised material from around the world. The business association of IPOA has created more oversight of the industry by representing the private military and security companies as a whole group, thus enabling them to interact and coordinate with governments and international organisations on a level not available to an individual company. The expectations are that industry associations create and enforce professional standards and guidelines in cooperation with international contributors (including partners in the developmental and humanitarian community of non-state actors, national governments and the UN). Furthermore, “potential clients are increasingly becoming aware of the value of trade associations, and recognise the necessity of ensuring that the companies they hire are willing and able to adhere to internally recognised industry codes of conduct” (Wright and Brooke, 2007: 109-110). Market allocation of security was never completely eliminated in the modern era; however, it was frowned upon. Avant argues that this prompted private security to become informally organised, secretive and directed to a specific customer base (Avant, 2008: 447). Mercenaries operated in the shadows, similar to the covert private military and security services that were provided to individual governments. In the current system, however, private military and security companies have a corporate structure and operate openly, posting job listings on their websites and writing papers and articles considering the costs and benefits of the private actors in the security sphere. They have sought, and achieved, some degree of international acceptance (Avant, 2008: 447).

4.8. The impact of EO, MPRI and DynCorp on peace operations

Private military and security companies do not necessarily help towards consolidating or constructing a centralised, legal-rational Weberian state (Abrahamsen and Williams, 2008: 139). Abrahamsen and Williams argue that “weak states often lack the ability to deal with the consequences of privatization, and that the diffusion of control that results from hiring private forces may weaken rather than consolidate state authority” (Abrahamsen and Williams, 2008: 139). The classic example is the activities of Executive Outcomes in Sierra Leone. The company was hired to fight the advancing RUF rebels, and the government managed to temporarily strengthen its power. However, when the contract with EO was terminated, the RUF advanced again and, in the long-term, the state’s ability to control the use of force seems to have been further eroded through the contract with the company. Abrahamsen and Williams argue (2008: 139) that power and control were diffused towards EO, as they gained influence over key political decisions. Military outsourcing also strengthened local forces such as the Kamajor militias (as discussed in Chapter 3). Considering that the Kamajors’ primary loyalty was not necessarily to the government, but to their ethnic chiefs, it can be argued that “the contract with EO can be seen to have created future challenges for state reconstruction and consolidation” (Abrahamsen and Williams, 2008: 140). In addition, because EO’s contracts were secured by private military and security companies in return for future mining profits, their ultimate purpose should be questioned (Abrahamsen, 2008: 140).

Schreier and Caparini argue that “from an operational perspective, outsourcing is supposed to improve flexibility and relieve pressures on support personnel” (Schreier and Caparini, 2005: 47). It is essential for any operation to be able to adapt its logistics structures and procedures to changing situations and missions, and a certain level of flexibility is thus required. Schreier and Caparini argue that “one of the most obvious downsides of going into battle with civilians is the loss of flexibility” (Schreier and Caparini, 2005: 47). For that reason, the national armed forces involved in an operation must have adequate information and awareness of the contractors working in, and around, their areas of responsibility in order to resolve the challenges inherent in using private military and security companies. For instance, the coordination of the movements of the private military and security companies is crucial if the national armed forces are to manage the available assets and capabilities efficiently. However, this visibility is often difficult to establish since private military and security companies are not part of the official chain of command and, thus, are not “subject to the same orders that apply to soldiers regarding good order and discipline” (Schreier and Caparini, 2005: 47).

McFate argues that security is a precondition for sustainable development, thus security sector reform (SSR) is essential in the transition from war to peace in conflict-affected areas. SSR refers to the complex task of transforming the security sector into “professional, effective, legitimate, apolitical, and accountable actors” (McFate, 2008b: 1). Beyond Afghanistan and Iraq, SSR efforts by the United States are fragmented within the bureaucracy, with large portions being outsourced to the private sector. DynCorp, for instance, provides employees to staff US police contingents in UN police forces. In Iraq and Afghanistan, the US military has used a variety of soldiers and civilian contract personnel to train and advise local police and judicial personnel. According to McFate, “putting the military in charge of the civilian components of SSR has been greatly disappointing” (McFate, 2008b: 14). While the US Department of Defense would like to return this responsibility to the US State Department, the lack of personnel and material resources makes it uncertain whether the State Department could manage these programmes. The lack of capabilities and capacity within the US government for SSR programmes has led to the outsourcing of most operational aspects of such programmes to the private security industry. For instance, companies such as DynCorp and MPRI have conducted SSR activities in Iraq, Afghanistan, Liberia, Nigeria and Sudan on behalf of the US government. Furthermore, the US State Department’s GPOI programme was, until recently, outsourced in its entirety to private military and security companies (as mentioned in Chapter 3). McFate argues that, there has yet to be a serious debate within the US government about appropriate areas of activity for the rapidly increasing private security industry; “its effective regulation and oversight; and its impact on foreign policy articulation, implementation, and outcomes” (McFate, 2008b: 16). Nevertheless, as discussed previously in this chapter, the Obama administration has implemented reforms in order to decrease government use of private actors in the security sector. Whether this implementation will be successful, or whether the private security industry has become an indispensable part of US military operations, remains to be seen.

The essence of the private security industry is to provide capabilities to the client. When it comes to establishing peace within an unstable state, companies have two such capabilities that could be provided, namely security and services. How they are utilised in operations for creating peace differs from peace operations and supporting a military operation. For instance, whereas most of the companies currently operating in Iraq are there in support of the US military, in a peace operation the focus would be on supporting the people of the country.

This difference is significant, because it shifts the paradigm from being one of fighting the citizenry to one of cooperating with them. The ability to establish a self-sustaining infrastructure through both construction and the training local specialists is crucial to maintaining stability after the private military and security companies leave. However, Aning et al. voice concerns that US policy in Africa, especially, demonstrates a lack of sustained policy engagement with African countries that should be the primary beneficiaries of such programmes (Aning et al., 2008). Thus, the initiatives of the US and the private security industry can be viewed as serving the interests of the United States rather than the African countries in question.

The increase in the use of private military and security companies has to be understood in the context of US reluctance to get involved in African conflicts. Some observers would also argue that the policy on the use of such companies in Africa is linked to the global war on terror and US strategy to secure access to African natural resources. Other important factors include the reduction in the strength of the armies of Western militaries (Aning et al., 2008: 615). Due to these developments, Western militaries, and the US military in particular, have become over-tasked in their involvement in global military affairs, and thus it has become increasingly difficult for them to position sufficient troops in operations around the world. This is particularly evident in relation to conflicts in Africa, a continent traditionally viewed as being of little strategic relevance. In order to address this security deficit, hiring support within the private security industry to provide military training to foreign militaries has become a practical necessity.

Following this argument is the question whether the private security industry can support long-term solutions to conflict; Krahmann argues that, since private military and security companies essentially are profit-oriented, they will only be available as long as a state can fund a particular project (Krahmann, 2007: 101). Since post-conflict states often have limited resources, private military and security assistance might have to be limited to a few selected programmes. Generally, the transformation to democratic security sector governance is often deemed less important than short-term safety and stability (Krahmann, 2007: 101). Therefore, the increased dependence on the private security industry, especially by the USA, can prove critical should a situation arise where, for some reason, private services are not available. Singer argues that private military and security companies are only capable of providing temporary means of sustaining the existing order or providing the training and support

functions needed to conduct peace operations. However, the private security industry does not address the underlying causes of conflict (Singer, 2008: 186-187). This responsibility still remains within the realm of the state.

4.9. Conclusion

This chapter has assessed the impact of the private security industry in peacebuilding efforts in African conflicts, and the subsequent implications for the exercise of legitimate authority and violence. The conclusion can be drawn that the relationship between the United Nations and the private security industry has been relatively ambivalent. However, the elaboration of a possible new Convention, on the regulation of the private security industry, has reaffirmed the UN principle that states should retain the monopoly on the legitimate use of force.

Furthermore, this chapter has examined the increased reliance on the private security industry in United States policy towards Africa. While this issue has largely been ignored in the past, recent reforms by the Obama administration aims to reduce the outsourcing of critical government functions. In addition, this chapter has assessed the political influence of the private security industry and the changing nature of the private security industry. It has been argued that neo-liberal forms of government, and the consequent enabling of non-state forms of authority, has led to increased political involvement by the private security industry in establishing priorities, as well as security concerns. Additionally, through the establishment of IPOA, the private security industry has, to some degree, managed to improve its reputation and distance itself from the 'mercenary' label. Finally, this chapter has discussed the impact of Executive Outcomes, MPRI and DynCorp on peace operations. The lack of capacity and resources amongst Western militaries has impeded their ability to position sufficient troops in operations around the world. This has made hiring support within the private security industry practically necessary, and this is perhaps, particularly evident in relation to the military training of armed forces in African countries. The next chapter concludes the findings of this thesis, and presents the answers to the research questions put forward in this study.

Chapter 5. Conclusion

5.1. Introduction

This thesis has focused on assessing the impact of the private security industry on peace operations and peacebuilding efforts in Africa. Furthermore, this thesis has discussed the implications that the influence of the private security industry has on the traditional notion of the state as the sole legitimate actor in the use of force. This has been done by exploring the changing activities of three private military and security companies, from Executive Outcomes to Military Professional Resources Incorporated (MPRI) and DynCorp. The final chapter will begin by summarising the findings from Chapter 2 and Chapter 3. The next section will revisit the problem statement and discuss in what way the findings from Chapter 4 have shed light on the research questions put forward. The latter part of the chapter will discuss the implications of the findings and potential issues for future research of the private security industry.

5.2. Findings from Chapter 2 and Chapter 3

This thesis has focused on the implications of the private security industry for state authority and peacebuilding efforts in Africa. The changing nature of the private security industry, from the activities of Executive Outcomes to those of MPRI and DynCorp, has in many ways altered the way the industry needs to be analysed. Especially, the relatively recent increased influence of private military and security companies in United States-Africa relations has raised concern about the growing dependence on the private security industry.

Chapter 2 of this thesis presented the growth of the private security industry. The history of mercenaries reveals that hiring outsiders to fight your battles is a common practice throughout the times. The Peace of Westphalia in 1648 largely solidified the emergence of the state by preserving the importance of sovereignty over affairs within borders, including the legitimate exercise of force. The activities of the mercenaries in post-colonial Africa in the 1960s prompted the United Nations and other international bodies to seek out the regulation of mercenary organisations. In 1977 mercenaries were given legal status within international humanitarian law with the adoption of Article 47 to Additional Protocol I of the Geneva Convention. However, while the Convention give mercenaries legal status within international humanitarian law, they have proved inefficient regarding the private security

industry that exists today. The Convention was worded in its specific manner in order to allow states to retain the right to hire foreign soldiers as part of their national forces. Chapter 2 further discussed the process of globalisation and the emergence of neo-liberalism as drivers for the development of non-state actors increasingly taking on functions previously associated with the state, thereby creating an alternative to global governance. The privatisation of security is particularly controversial; however, the private security industry has gained legitimacy over time. The rapid growth of the industry came as a result of the general reduction in military spending after the Cold War and the subsequent changes in security threats, as well as technological and financial developments that made small organisations able to wage war. Furthermore, the increasing reluctance of the United Nations and its member states to intervene in conflicts on the African continent since the 1990s has created further markets for private military and security companies. Chapter 2 also outlined the history of the concepts of United Nations peacekeeping and peacebuilding. Due to the decreased willingness by Western states to intervene in African conflicts, the private security industry has sought to fill the subsequent security vacuum. While the United Nations has publicly remained reluctant to outsource peacekeeping, private military and security companies are playing an increasingly important role in terms of support functions in the peace operations of the United Nations and of regional organisations such as the African Union. Recently there has been a greater focus on Security Sector Reform (SSR) within peacebuilding initiatives, and a great deal of that aspect is outsourced to the private security industry.

Chapter 3 of this thesis presented the case studies of three private military and security companies, namely the now defunct South African-based Executive Outcomes, and the American-based MPRI and DynCorp. These specific companies were chosen in order to illustrate the different categories of companies within the industry, as well as the diverse activities performed by these companies. EO is generally considered a private military company, meaning that it was a commercial entity conducting combat or combat support operations. EO had strong corporate connections to mining companies, which often enabled their operations. Although EO received much criticism for their 'interference' in conflict situations, the company was relatively open about its operations, which perhaps came as a surprise to many observers. Nevertheless, EO became renowned for their effectiveness and expertise in low-intensity conflicts. MPRI has specialised itself in military training, and has played a large part in US initiatives to train African militaries in order for African countries to

establish peacekeeping operations on their own. ACRI, ACOTA and GPOI are examples of such initiatives. Although playing minor roles initially, by the time GPOI was initiated, private contractors were conducting the majority of the training, while military officials played only a minor role. Furthermore, like MPRI, DynCorp has managed to establish itself as one of the major private military and security companies that operates in Africa. Since 2004, DynCorp has held (together with three other companies) umbrella contracts with the US State Department for peacekeeping and the capacity enhancement of African militaries, as well as for personnel supporting UN and AU peace operations. Their recent activities in Somalia in particular have drawn attention as a result of their extensive involvement, from the initial planning to the implementation of the operation. MPRI and DynCorp are different from EO in that they enjoy the benefits of a close relationship with their home government. This could be one of the reasons why EO closed down in 1999, while MPRI and DynCorp continue to thrive. It can be argued that MPRI and DynCorp function as extensions of the US military and as instruments of US foreign policy by taking on tasks the US military cannot undertake, either due to the sensitive nature of the mission or the lack of available personnel due to other commitments.

5.3. Answering the research questions

This section will address the findings of the research questions as outlined in Chapter 1. This research has been a qualitative study, with a descriptive purpose. Furthermore, this study has included elements of exploratory research, in order to investigate and assess the phenomenon of privatised security and the following implications for state authority and the legitimate use of force. Therefore, the findings from Chapter 4 are discussed in this section rather than in the previous, as they form part of the answers to the research objectives. In Chapter 4, this thesis made an assessment of the impact of the private security industry on peacebuilding initiatives in Africa. Furthermore, Chapter 4 discussed the implications of the private security industry for the traditional notion of the state's monopoly on the legitimate use of force.

5.3.1. The role of the United Nations

Through case studies, this thesis has illustrated the lack of willingness amongst UN member states to contribute funds and troops to multinational peace operations. This has resulted in the presence of private military and security companies in more or less all UN peace operations since the 1990s, whether it be in support functions or for equipment delivery. While the UN might acknowledge the potential of the private security industry, the organisation remains

ambivalent about recognising its growing authority. Not until recently did the organisation start elaborating the possibility of adopting a new Convention that is better suited to today's private security industry in the hope of better regulation and oversight. This work was done through the UN Working Group on the use of mercenaries. The purpose of the proposed Convention would be to reaffirm the principle that states should retain the monopoly on the legitimate use of force. In order to achieve this, the Convention would ban the outsourcing of inherent state functions and lift all immunity agreements that cover private military and security companies.

5.3.2. US dependency on the private security industry

While much research has been done on the activities of EO, similar attention has not been paid to the increased involvement of American-based private military and security companies in Africa. The US has become a leading contender when it comes to hiring private companies to conduct military training and military-related activities on the African continent, particularly post-9/11. MPRI and DynCorp are two of the major American-based companies that operate throughout Africa, primarily employed by the US State Department and the US Department of Defense. The Bush administration in particular contributed to an increase in the outsourcing of security, a trend that the Obama administration seeks to reverse, as stated in its 2010 budget. In addition, the outsourcing of large parts of initiatives like the GPOI is being criticised for reducing or avoiding the direct involvement of US military troops in African peacebuilding and peacekeeping efforts. Despite this criticism, the programme seems to be somewhat influential in raising the capabilities of African countries to deal with complex emergencies on their own. Although the US has stated its intention to reduce the outsourcing of security functions, it is likely that private military and security companies will remain important in its peace initiatives in Africa for some time. Furthermore, Chapter 4 discussed whether the US had become excessively dependent on the private security industry. The findings of this thesis illustrates that outsourcing has become well-established in the American state system, and that private military and security companies are employed by the entire US government and the major Departments. Furthermore, in 2009, the US was criticised by the UN Working Group on the use mercenaries for a lack of oversight and transparency, despite the introduction of mechanisms to better monitor the activities of the private security industry.

The concerns are that, by becoming too dependent on the private services, national armies will no longer have the skills or equipment to perform the tasks that have been privatised. The important question is thus, in times of complex emergencies or crisis, can one trust that the service of the private security industry will continue? The risk is that, in such situations, the private military and security companies might be unwilling to comply with the needs of the state, for whatever reason. The fact that these companies are not obligated in the same sense as national armies to take on any operation can create potentially dangerous situations in the absence of security and protection.

5.3.3. Impact on state authority and the legitimate use of force

The influence and authority of the private security industry is also becoming an important actor in setting the political agenda by becoming involved in decision-making and policy management, thereby being viewed as security experts to a certain extent. For instance, the private security industry has been invited on several occasions by the US Congress to hearings on the development of peacekeeping. The industry itself actively seeks to influence politics for the reason that its business depends on what happens to political priorities. While the emergence of private military and security companies certainly has altered the relationship between the public and the private sphere, it does not mean that the state is becoming less significant. For instance, the private security industry is also dependent on the state through legal frameworks. Chapter 4 suggests that perhaps what is being altered is the way the state and the markets are perceived in the modern system. However, the private security industry can also be of danger to newly emerging states in the sense that they might fail to establish stable national armies because of reliance on private military and security companies. There is a concern that the outsourcing of the training of African militaries can make it difficult for African states to control and influence their own armies, because they are not in control of the training themselves. Furthermore, the armies may be trained in such a way that their perceptions of threats are not in accordance with their home government or even with the real security threats their particular country is facing. This could certainly damage civil-military relations and lead to the weakening of state security institutions in the future.

5.3.4. The changing nature of private military and security companies

This thesis has illustrated the changes in the nature of private military and security companies, from the former EO to MPRI and DynCorp. It has been argued that many commentators were surprised about the openness of EO regarding its activities, besides for the issue of payment

and payment methods (in mining concessions etc.). Today there seems to be increased secrecy surrounding the details of the contracts entered into by these companies. While MPRI and DynCorp tend to be relatively open about their payments and existence, not much has been written about the details of their operations.

The failure of the international community in Rwanda in 1994, and the failed intervention in Somalia in 1992, in many ways opened up a new market for private contractors. Due to the scepticism of private military and security companies in the 1990s, the industry recognised the need to improve its reputation in order to access the market of peace operations.

Companies such as MPRI and DynCorp have managed to keep close contact with their home governments, which arguably has been a crucial factor in their growing business.

Furthermore, the companies today have sought to distance themselves from the activities of companies such as EO in the 1990s, by avoiding operations involving elements of direct combat. Their focus on military training and support functions has been successful in a post-9/11 environment, which has seen the emergence of new security threats and an increased demand for a military presence. The establishment of IPOA in 2001 was part of this new approach. IPOA argues that it seeks to promote operational and ethical standards for private military and security companies that are active in the peace and stability operations industry, and that its effectiveness lies in its symbolic role as a unifying factor. The association's primary function is to provide political representation for the member companies, and it does not exercise any real authority over them. However, it has been known to put pressure on its members to follow a certain Code of Conduct.

5.4. Implications of the findings and the way forward

Although the proposed new Convention put forward by the UN Working Group is a positive development in that the UN reaffirms its stance when it comes to the private security industry, it is questionable whether it will be adopted. Previous Conventions have also been unsuccessful in terms of regulating the growing industry, mainly due to wording and definitional issues. Article 47 of Additional Protocol I of the Geneva Convention is not particularly useful today, because its definition of a mercenary is reserved for individuals, not corporate enterprises. Furthermore, the definition was worded in this specific manner to allow states to retain the right to hire foreign soldiers as part of their national forces.

The findings of this thesis indicate that many countries do not want stricter regulation or elimination of the private security industry, for the reason that these companies are viewed as valuable assets in fulfilling foreign policy objectives that for various reasons cannot be fulfilled by national armies. While the additional regulation should be welcomed, the Working Group itself realises that it will not be sufficient to keep control over the private security industry. The Chair of the Working Group, José-Luis Gómez del Prado, recognises that “there remains a legal gap covering such activities at the international level” (OHCHR, 2010b). It can be argued that the proposed new Convention will face the same challenges as Article 47, namely, that throughout the adoption process, many states will work to ensure that the phrasing is diffused thereby making the Convention not enforceable in reality or having considerable loopholes. In addition, it is likely that many states will refuse to adopt the new Convention at all, perhaps especially the US, which is highly dependent on the private security industry and would want to avoid any legally binding commitments. This is a challenge faced by the UN in decision-making processes on other issues as well. Considering that the UN functions as an arena for cooperation between states with states, with the states being the main actors, it will be difficult to reach similar grounds on a binding Convention prohibiting the outsourcing of particular functions of the state as long as many states regard the outsourcing security to be a useful tool.

The findings of this thesis indicate that the problems related to the private security industry tend to arise because there is little openness and oversight between the private and the public spheres. The lack of availability of details surrounding the specifics of the private military and security companies’ contracts and activities makes it difficult to analyse and undertake an assessment of the implications of their operations. Furthermore, the criticism received by the US from the UN Working Group for the lack of transparency between the state and the private security industry shows that not even states have full control over the activities of the private military and security companies working for them. The secrecy surrounding the private security industry therefore adds to the problem of the role of the state and control over the legitimate use of force. However, this thesis has indicated that it is still within the interests of states to remain, if no longer the sole, then the main actor, in wielding legitimate force. In order to maintain this position, some form of regulation is necessary. There seems to be great consensus among academics that some form of regulation of the private security industry is needed. Up to this point, the private security industry has recognised the need for self-regulation in order to better its reputation and this is perhaps the only form of functioning

regulation of the industry at the international level today. Perhaps the problems with adopting an appropriate international legal framework have contributed to the recent discussions among academics and in the industry itself of in what areas private military and security companies can best be utilised.

While the private security industry has managed to improve its reputation over the last decade, the concerns about its activities and general existence remain the same. The ongoing process of the UN regarding the adoption of a new Convention on the use of mercenaries, aimed at restricting outsourcing of state functions, has been an anticipated and sought-after development that reaffirms the UN's attitude towards the growing private security industry. While it might not be enough to halt the increasing influence of the industry in the near future, it certainly demonstrates that a significant message is being sent that the need for regulation is essential.

5.5. Potential issues for future research of the private security industry

In order to fully determine how the private security industry affects the nature and authority of the state, it is necessary with broader and more detailed studies of its activities and the results emerging from its growing influence in peace and stability operations. To be able conduct such studies, regulation to improve the transparency of the private security industry must be in place. As the situation remains today, the lack of insight into the details of the private military and security companies' contracts makes it difficult to construct a comprehensive understanding about their impact. Seeing that there seems to be a constant need to improve its image, it is possible that the need for greater openness will be recognised by the industry itself after the debate that is certain to come as the negotiations on the new Convention take place in the near future.

In future research it would be necessary to re-examine the outdated assumptions about the exclusive role of the state in the sphere of defence and security. Schreier and Caparini argue that "a broadening of civil-military relations theory to allow for the influence of third parties is an example of how this can be done without threatening the core of the theory" (Schreier and Caparini, 2005: 13). Furthermore, the increased influence of the private security industry raises possibilities and dilemmas that are equally undeniable in an academic sense as by real-world relevance. Thus, it would seem to be essential that the understanding of these new players in international security is further expanded and developed.

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