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Abstract

Extract:

Private Military Companies (PMC) like Executive Outcomes are part of the increasingly influential private military industry. While they are a far cry from Africa's 'dogs of war', there are still significant concerns about their ethics, accountability, and the politics of their employers.

Keywords

mercenaries, conflict, private military companies (PMC)

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Dogs of War or Tomorrow's Peacekeepers?:

The Role of Mercenaries in the Future Management of Conflict

by Tanya Cook

When Kofi Annan, Secretary General of the United Nations said "when we had need of skilled soldiers to separate fighters from refugees in the Rwandan refugee camps in Goma, I even considered the possibility of engaging a private firm. But the world may not be ready to privatize peace", he was articulating the quandary facing policy makers.(1) Should mercenaries be encouraged, or permitted to take an active role in conflict management when the global community is unable, or unwilling to do so? Since the end of the Cold War numerous states have disintegrated into civil wars, and in the absence of external assistance, some have purchased the services of mercenaries. Whilst the UN remains fundamentally opposed to mercenaries, arguing that there is no "distinction between respectable mercenaries and non-respectable mercenaries", (2) others are contemplating regulation to enable greater participation. Mercenary companies have welcomed this approach and in turn hope to overcome the legacy of their predecessors, the 'dogs of war' that plagued Africa in the 1960s and 70s. Executive Outcomes' (EO) (3) success in Sierra Leone gives substance to the argument that there is a role for mercenaries in conflict management.

Valentine Strassor, leader of Sierra Leone's nominal government, the National Provisional Ruling Council, had contracted EO to prevent the loss of the capital, Freetown, to the Revolutionary United Front (RUF). Both RUF and roving gangs of Sierra Leonean armed forces were ravaging the country. The government had lost control of the majority of the country including the oil, bauxite and diamond mines that provided two-thirds of the country's exports. EO took charge of the situation and created stability, allowing elections to proceed and forcing RUF to negotiate a peace accord. EO was successful in stopping the fighting and brutalization of the Sierra Leonean people. As an unfortunate postscript to this success, EO's contract was then terminated. In May 1997, just six months after the peace agreement was signed and EO left Sierra Leone a military coup ousted the democratically elected civilian government. (4)

Modern Mercenaries

Private Military Companies (PMC) like Executive Outcomes are part of the increasingly influential private military industry. While they are a far cry from Africa's 'dogs of war', there are still significant concerns about their ethics, accountability, and the politics of their employers.

Broadly defined, a mercenary is a professional soldier serving a foreign power. This definition includes traditional soldiers of fortune, volunteers, servicemen enlisted in foreign armies like the Gurkhas and French Foreign Legion, private security companies and support personnel. The use of paid foreign forces was normal practice up until the modern era. The word 'soldier' originates from 'sol', meaning pay, and a 'commission' was a contract to hire men.(5) Historically, mercenary forces have tended to prosper most during periods of instability or following a change to the existing order, often after a time of war when standing armies are reduced.(6) Mercenary activity, for example, expanded after the first phase of The Hundred Years' War when demobilized troops formed 'free companies' and entered the service of feudal lords. By the late eighteenth century standing armies had largely replaced the need for mercenary companies although they were still an accepted feature of war. It has only been since the UN Charter of 1945, that prohibited war except in very limited circumstances, that the use of mercenaries has been disavowed.(7) The mercenaries' reputation was not helped by the activities of the soldiers of fortune who created havoc in Africa during the 1960's and 70's. 'Mad Mike' Hoare, Bob Denard and 'Black Jack' Schramme swept through the Congo enforcing their own form of discipline and initiating coups. Known collectively as 'Les Affreux', the

terrible ones, they consisted of ex-soldiers, war junkies and criminals and were associated with instability, looting, and human rights abuse.(8)

Today's mercenary has more in common with a Wall Street banker than 'Mad Mike'. PMCs are organized along corporate lines and have a clear contractual aim and obligation to their clients. Their goals are to improve their client's military capability, enhancing the client's ability to function in war or to deter conflict more effectively. In contrast to mercenary companies of the recent past, PMCs openly defend their professionalism, training and organization. Employees are predominantly highly-trained, ex-military from Great Britain, the USA, South Africa, and Israel. PMCs provide a range of services including advice, training, logistical support, personnel for monitoring roles, de-mining and in some cases combat forces.(9) They have a strategic impact on the political and security environment and can be further divided into 'active' and 'passive' groups. To date, Sandline and Executive Outcomes are the only examples of those that became actively involved in conflict. The largest passive companies are Military Professional Resources Incorporated (MPRI) and Defense Systems Limited (DSL).

Like any business venture PMCs are subject to the forces of supply and demand, and demand has been strong in the last 10 years as a result of the post Cold War environment. It originates in developed countries like the United States to augment their military capabilities, and equally in states experiencing intra-state conflict like (until recently) Angola and Sierra Leone. It is thought that PMCs are most active in Africa, Columbia and Indonesia,(10) but activity of some level has been reported in Kashmir, Afghanistan, Liberia, Democratic Republic of the Congo, Angola, Sierra Leone, former Yugoslavia and Ethiopia and Eritrea. (11) PMCs ability to meet demand has been improved by the military expertise, personnel and cheap and accessible weaponry that have flooded the market since the end of the Cold War.(12)

Whilst PMCs are quick to defend their professional and ethical conduct they have not been overwhelmingly endorsed by the international community. There are criticisms that PMCs are just mercenaries with a face lift and prone to the same unethical and destabilizing activity as occurred in Africa during the 1960s. There is a natural repugnance against employing those who kill, or assist others to kill, for money. While soldiers in the national army receive payment, they kill for their country. Mercenaries kill for money only. Furthering this view is the assumption that national armies are good and mercenaries are inherently bad. However, a national army's higher moral standing has often proven a fallacy. At best, because of poor discipline, training and leadership and at worst because of the excesses of government, national armies have been responsible for atrocities. In Sierra Leone, for example, the citizens welcomed the activities of the PMC as it curtailed the barbarism of their own army.(13) Those who perceive PMCs as immoral also make accusations of human rights abuse, and while it is true that 'Les Affreux' were responsible for great suffering there is no evidence that human rights violations are inherent in PMCs. On the contrary, Sandline's Tim Spicer argues that the example of their professionalism will help prevent abuses by undisciplined armies.(14) A further concern is that mercenaries have a vested interest in conflict continuing as their business is based in conflict. Associated with this is the view that PMCs are prone to switch sides and sell their services to the highest bidder. Notwithstanding these concerns, it is hypocritical to deny a country the assistance of a PMC to provide a stable and secure environment because of the perceived immorality of mercenaries. Where no assistance is forthcoming it is to be expected that governments facing internal conflict will consider all options. Papua New Guinean Prime Minister, Julius Chan, found himself in this position when he contracted Sandline to assist in reopening the Panguna copper mine on Bougainville, once the source of a third of PNG's export earnings. He claimed that there was no alternative as the Australian government was unwilling to provide support and the PNG military was incapable of restoring stability.(15)

Mercenaries' perceived lack of accountability is one of the most significant arguments cited by critics. National armies are accountable to their government via the political process, national and international courts. PMCs on the other hand, are only accountable to whoever employs them. Their actions, like most military forces, are not transparent. In principle the use of a PMC is little different

to the use of a privately purchased weapon or intelligence and subject to misuse in the hands of an unscrupulous or corrupt government. Sandline states that it will only accept contracts with recognized governments but there is no guarantee that the recognized government necessarily operates without human rights abuse.(16) Likewise choosing the right side in a civil conflict is not always straightforward as some modern governments or administrations have made the transition from insurgent or terrorist opposition.

The idea of relying on foreigners for security is the antithesis of the modern system and as Machiavelli points out, "if one holds his state based on these arms (mercenaries), he will stand neither firm nor safe."(18) The security of a state and its ability to defend itself militarily has been one of the sole and defining functions of a modern state. The mercenaries of the 1960's and 70's were a real threat to the sovereignty and self determination of states, and whilst the possibility of a PMC taking over a weak state cannot be wholly discounted, the probability of this occurring is slim. What is of more concern is the dominant or unfair foothold a PMC could gain into the economy of its employer. PMCs are often associated with extractive industries, and it is not unusual for payment to be linked to the re-opening of mining operations and future mining concessions. One worry is that governments will mortgage their natural resources and economic future to pay the PMC.(18) It is apparent that a PMC has a vested interest in achieving stability so that payments linked with future earnings can be realized and there are concerns about the unfair advantages mining companies linked with PMCs could receive. There have been allegations of third party financiers funding PMCs for governments to bring about stability, thereby allowing mines to operate.(19) The amount of leverage that allied PMC and mining companies could gain on governments would be to the detriment of the economy and sovereignty.

An additional reservation is that PMCs could be used as proxies for government as they are deniable and would allow the pursuit of unpopular or illegal foreign policy such as the 'Arms to Africa' (20) scandal, where the United Kingdom was accused of using Sandline to contravene a UN arms embargo.(21) On the other hand, there are perfectly legitimate reasons a country would use a PMC as the United States did when it contracted MPRI to provide monitors in the Balkans to minimize cost and potential casualties. Problems seem most likely to occur when proxy activity is conducted covertly and undertaken to contravene either the domestic or international legal system.(22) Although no PMC has taken a contract against the interests of its home state, there is apprehension that assumptions will be made that PMCs are acting on behalf of their home government regardless of the official position.(23)

PMCs answer their critics with the argument that they are modern, corporate entities, whose existence depends on their ability to gain further contracts.(24) The reputation gained by their ability to complete contracts with professional and ethical behavior will determine their success. Fears of rogue companies who do not uphold these principles have strengthened the push for regulation and oversight to ensure that only reputable companies remain in business. Current international regulation is aimed at traditional mercenaries and does not address the modern PMC. The Organization of African Unity (OAU) (25) *Convention of the Elimination of Mercenarism in Africa* is narrowly drafted and focuses on mercenaries employed by separatist and insurgency groups against the state. It does not address the possibility of mercenaries working for the state. (26) Article 47 of the *First Additional Protocol* of 1977 of the Geneva Convention's definition of a mercenary is considered unworkable as it uses motivation as a criterion and is written so that contracts can easily be designed to circumvent it.(27) In 1989, the UN drafted a *Convention against the Recruitment, Use, Financing and Training of Mercenaries* that required ratification by 22 countries. Thus far, only 12 have done so, including Angola and Zaire who have gone on to openly hire mercenaries.(28) In the absence of effective international regulation, some countries have enacted their own regulation, like South Africa's *Regulation of Foreign Military Assistance Act* in 1998. The legislation required that all contracts were approved by the government and could only be undertaken by licensed companies.(29) Likewise, the United Kingdom is considering licensing and regulating companies based in Britain and is debating mechanisms to distinguish between reputable and disreputable companies.(30)

The Market for PMCs

The post Cold War world is one of small wars and weak states that require assistance to establish and maintain security. Intra-state conflict is growing, and whilst developed nations are increasingly moving to high-tech methods of war, the majority of recent conflicts have been low intensity. The confirmation of capitalism as the dominant economic system has led to governments privatizing and out-sourcing many of their traditional roles. These factors combine to create a market for the PMC.

Where once superpower pressure from above would have limited the outbreak of war, its absence has resulted in numerous conflicts resulting to an increase in intra-state war. This accounts for the majority of armed conflicts in the post Cold War world.(31) Devoid of ideological or imperial value, intra-state conflicts in many regions pose no significant security threat to the national interests of the West. Countries like Mozambique, Angola and Rwanda are now of little interest to Western powers. Such conflicts are characterized by multiple agendas, blurred boundaries between civilians and combatants, unclear lines of military authority, and often an appalling brutality. Complicated by ethnic or religious issues, insurgency movements offer a serious challenge to governments who fail to meet the basic needs of their population. Such movements seek change within their own country, e.g. the removal of government or some level of local autonomy. Intra-state warfare also attracts criminal groups who are fighting for their own profit and power rather than any political goal. Such groups have lost sight of their original purpose and become focused on personal gain.(32) Warring parties often ignore human rights, instead profiting from the instability. It is estimated that as many as 90% of casualties are civilian.(33) Such wars are normally protracted and cannot be resolved by traditional methods, as the parties may not seek resolution. Negotiations are entered, not to obtain peace, but to gain position for the next round of fighting.(34) The virulence and random nature of low-intensity intra-state wars undermines the viability of the affected state and evidence suggests that it is unlikely that its occurrence is going to diminish.(35) This climate of insecurity has increased with the military downsizing across the globe as a result of the end of the Cold War's period of high force numbers. Armies shrank by more than 6 million personnel during the 1990's,(36) leading to an influx of available, highly skilled personnel, as well as massive arms stocks flooding the market. Such resources have been utilized by non-state actors. These include warlords, terrorist networks, international criminals and drug cartels, many of whom now have the ability to project globally, and have increased in numbers, power and stature.(37)

Where once the state had a monopoly on warfare as it had the personnel, material and money required, now due to the changing nature of weapons and technology, individuals and small groups can easily purchase and wield relatively large amounts of power. The global spread of cheap infantry weapons means that almost any group operating in a weak state can acquire basic military capabilities and pose a threat.(38) Additionally, the low-intensity nature of many civil conflicts leaves modern armies ill-equipped to deal with them even if they had the inclination. Developed nations are increasingly reliant on highly technical weaponry that requires fewer persons to actually fight and has a greater dependence on massive support systems. The United States' future army, for instance, will be inoperable without huge levels of technical and logistical support from private firms.(39) Those who do fight are, as much as possible, protected, as casualties are unacceptable. The ill-fated United States intervention into Somalia is a case in point. In Somalia there was no front line and the distinction between civilian and combatant unclear, resulting in the US fighting on Somali terms rather than being able to fully utilize their high-tech weaponry and strategy. US casualties further strengthened Washington's view that it should not enter peacekeeping operations unless the conflict threatens international peace and security or served US interests.(40)

Another aspect of the post Cold War era is the ascendancy of capitalism as the dominant economic system and the subsequent trend towards privatization. Privatization is premised on the belief that comparative advantage and competition maximize efficiency and effectiveness. Out-sourcing, also, has become the dominant corporate strategy.(41) Governments have privatized many areas including education, welfare, prisons and defence manufacturers. Privatized policing is a common phenomenon, along with private security, intelligence cooperation and risk analysis and reporting. Privatizing the

military is the natural progression of this trend as there is a perception that corporate military companies have advantages in efficiency and effectiveness.(42) The private military industry consisting of PMCs, PSCs (Private Security Companies), and defence contractors, has been estimated to be worth as much as \$100 billion world wide.(43) Within the industry most PMC's operate as 'virtual companies' who do not maintain standing forces but draw on a database of qualified subcontractors.(44) This ongoing tendency towards privatizing the military will undoubtedly lead to a more professional and open industry.

Post Cold War Conflict Management

The resolution of conflict is mostly outside the capabilities of PMCs. There are, nevertheless, some opportunities created by the global community's inability and unwillingness to intervene in the intra-state conflict that has, and is likely to continue to be, characteristic of the post Cold War era. It is in the international community's interest that peacemaking or peacekeeping should be pursued where conflict becomes particularly violent or threatens regional security. Such areas are often the source of crime, arms proliferation and terrorism and threaten to escalate beyond their region.(45) In addition to serving their own interests, the international community has a moral responsibility to intervene in the event of severe human rights abuse and humanitarian crisis. The example of Rwanda is not one that bears repeating if it can be prevented.

The UN's involvement in conflict management aims at acting as an impartial third party, which, with the consent of the warring parties, deploys a multinational force to assist in settling the conflict. Its mandate is usually to prevent resumption of conflict, contain further conflict, facilitate troop withdrawal or maintain a ceasefire. The UN moves slowly and promotes consent-driven peacekeeping that has the underlying premise that all parties are genuinely interested in ending hostilities. Even though evidence suggests that intra-state conflicts have a greater chance of success if resolved by force,(47) UN led enforcement action without the consent of all parties appears unlikely.(48) The UN recognises that its peacekeeping missions have not been overwhelmingly successful and is addressing issues that have plagued missions including weak mandates, a high level of bureaucracy, severe mismanagement, and the need for rapid deployment capabilities. Still, there remains the underlying issue that the UN does not differentiate between the aggressor and the victim.(49) In crises where the conflict is not between credible parties who want to achieve settlement, but rather between Somali warlords and bandits, drunken militia from Bosnia or drugged rebels in Sierra Leone the UN's impartiality is part of the problem.(50)

During the Cold War every conflict was an opportunity for dominance by the superpowers. Now, rather than third world countries being de facto battlegrounds for the superpowers they are virtually ignored. The United States as sole superpower is looked upon to play a leading role, but as one commentator put it, the "US has gone from Cold War to cold feet". (51) They are considering reducing their peacekeeping missions to minimize the impact on their armed forces that complain of being overstretched.(52) Notwithstanding demands for intervention in humanitarian crises, domestic populations are reluctant to divert budgets to peacekeeping and have a low tolerance for casualties. Correspondingly, the US position is that peacekeeping operations should only be undertaken if the conflict threatens international security or serves its direct interests.(53) This attitude is reiterated by most developed nations and has resulted in the UN facing difficulties raising the required troops for missions it does undertake. It was unable, for example, to raise the 5000 troops needed in Rwanda in 1994.(54) At the same time its budget has risen dramatically.(55) Western states, in particular, are unwilling to become peacekeepers in civil wars, leading to an emerging picture of third world peacekeepers. In 2000 the largest contributors were India, Nigeria, Jordan, Bangladesh, Pakistan, Kenya, and Nepal. The only Western country on the list was Australia, whose contribution was based on achieving security in East Timor.(56) Most of these countries contributed for financial reasons, receiving a significant incentive of \$1 million a month for each battalion.(57) This has impacted on quality, with badly trained and poorly equipped soldiers provided. A soldier from an African company, for instance, had only two bullets in his rifle while manning a forward bunker on Sierra Leone's frontline.(58) Along with reductions in multilateral commitments there has been a decrease

in bilateral peacekeeping. France, by way of illustration, has cut its long-standing deployment in former African colonies by 40 percent and will no longer engage in unilateral military intervention in Africa.(59) This has provided an opportunity for countries like Nigeria to develop a sphere of influence by leading regional peacekeeping missions in Liberia and Sierra Leone. The irony of a state, itself a gross violator of human rights and democratic principles, seeking to re-instate democracy in another state is not lost on many observers and does not bode well for future regional stability.(60)

The PMC as Peacekeeper

The growth of PMCs can be attributed to demand by governments unable to achieve stability, and the opportunities provided for the developing privatised military industry. There are intra-state conflicts that are not of strategic interest to developed nations and do not fit within the mandate of United Nations peacekeeping operations. It is in these conflicts that the judicious use of force on one side could compel the warring parties to resolve their difficulties and come to an agreement for peace.

PMCs have some obvious advantages in peacekeeping. They are able to mobilise more quickly than multilateral forces. Sandline, for instance, quotes deployment within five days,(61) contrasting with the UN's proposed reforms that aim for thirty to ninety days.(62) Lower costs are also a feature of PMCs. EO's operation in Sierra Leone, for example, cost \$35 million compared to the \$47 million for the scheduled UN observer force.(63) Efficiency in operations can also be achieved, as a PMC contracted for a specific purpose is likely to set clear objectives and measurable performance outcomes. Similarly, the PMCs cohesiveness in place of a multi-national force with its inherent difficulties of language, culture and politics would gain efficiencies. PMCs have proven adept at working with the various stakeholders in humanitarian operations as they have long been contracted by the UN and other international organisations to provide security, logistical and medical support have long contracted them, as well as specialised activities such as de-mining. Notwithstanding these obvious benefits, a PMC's foremost advantage is that it is hired to win or deter the conflict for its client rather than be an impartial observer. This means that it can attain human and economic security, break a stalemate or enforce a ceasefire. Executive Outcomes, in Sierra Leone for instance, protected civilians, preserved Sierra Leone's titanium dioxide mines from total destruction (an important factor in the country's future economic well-being) and defeated the RUF, resulting in democratic elections and a peace agreement.(64)

The PMC is not a panacea for all ills. While it can provide a temporary solution, it does not resolve the fundamental problems that prompted conflict. The experience of Sierra Leone substantiates this. EO was hired for a military task which it successfully executed enabling democratic elections, yet just six months after it departed, and in the absence of other peacekeeping forces, a coup replaced that government. If the UN had worked with EO to plan for the transition, peace may have been longer lasting. The use of PMCs to enforce peace is not the solution for all conflicts. In fact, it is probably only useful in a handful of cases. PMCs are not capable of undertaking large-scale operations like Bosnia. Nor should they replace traditional UN peacekeeping missions with committed multi-national forces and a genuine desire for peace.

Trends are clearly leading to greater reliance on the privatized military industry in the future – Saudi Arabia relies on a multiplicity of firms to provide services from air defence systems to training and advising land, sea and air forces. The United States relies on private military firms for logistics, information war, aerial surveillance, and computer and communications systems. Western countries are increasingly drawing back from involvement in conflicts that do not directly affect them, and yet there is no indication that the level of intra-state conflict will abate. In fact, there are fears of just the opposite. The UN has identified problems with its approach to peacekeeping and debate will continue as to the best way to address them. In the meantime, Private Military Companies can provide human and economic security to those who hire them. Rather than opposing them, the international community would be best served by establishing mechanisms to safeguard against legitimate concerns, and utilizing their capabilities in appropriate situations as one of the weapons in the arsenal of peacekeeping. At the end of the day, what is there to lose by using mercenaries to shield civilians

when there is no other choice? Is the means of response more important than the result? Civilians in war zones would undoubtedly prefer security by any means rather than quibbling about largely unfounded principles.

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