

PRIVATE SECURITY COMPANIES AND HUMAN SECURITY:
ASSESSING THE IMPACT OF NEW ACTORS ON A NEW PROCESS

by

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ABSTRACT

This dissertation assesses the presence of internationally oriented private security companies (PSCs), a form of modern-day mercenarism, upon the promotion of human security. This assessment is a considered response, employing multiple cases, PSCs, and services, to those who espouse the use of PSCs. It is also fitting given the holistic nature of human security with its emphasis upon multiple actors and diffused responsibility. Using two human security characteristics of organized force, good conduct and good governance, the dissertation examines PSCs in terms of their application of armed force, their work in security-sector training, and their interaction with humanitarian endeavours. Accompanying this analysis is a consideration of the present state of regulation and the degree to which it does, and might in the future, respond to the need to promote human security.

The dissertation makes four findings with relevance both for PSCs and the promotion of human security. One is that firms, on their own merits, have a relatively positive direct impact upon human security. The second finding, however, is that their indirect impact is less promising. The third finding is that potential regulators, whether they are international or regional organizations or supplier states, are not yet ready, or perhaps even willing, to implement human-security-centric regulation of PSCs. The fourth and more general finding of this dissertation is that the promotion of human security must be seen as a process rather than an end goal. This is due to the indirect effects and negligent character of various actors' conduct both on their own and in

combination with those of others. In sum, the PSC is a “neutral” instrument to be employed in a variety of ways. But given the nature of the marketplace, client relations, regulatory standards, and in some cases the poor judgments of the PSCs in response to client demands, human security promotion is not always at the fore.

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GLOSSARY

ACOTA	Africa Contingency Operations Training Assistance
ACRF	African Crisis Response Force
ACRI	African Crisis Response Initiative
ACSS	African Center for Strategic Studies
ADF	Allied Democratic Forces
ADFL	Alliance of Democratic Forces for the Liberation of Congo-Zaire
AECA	United States Arms Export Control Act
AFRC	Armed Forces Revolutionary Council
ANC	African National Congress
APC	All People's Congress
APMS	Assistant Professor of Military Science
AU	African Union
BHG	Branch Heritage Group
BMATT	British Military Advisory and Training Team
BP	British Petroleum
BRA	Bougainville Revolutionary Army
CAS3	Combined Arms and Services Staff School
CCMAT	Canadian Centre for Mine Action Technologies
CCW	United Nations Convention on Certain Conventional Weapons
CDF	Civil Defence Force
CFE	Conventional Forces in Europe Treaty
CIDA	Canadian International Development Agency
DCP	Defence Cooperation Program
DHA	United Nations Department for Humanitarian Affairs
DIA	Defence Intelligence Agency
DPKP	United Nations Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo

DSD	Defence Systems Colombia
DSL	Defence Systems Limited
DTAP	Republic of Croatia Democracy Transition Assistance Program
DTC	Defense Trade Controls
DTI	United Kingdom's Department of Trade and Industry
ECOMOG	Economic Community of West African States' Monitoring Group
ECOSOC	United Nations Economic and Social Council
EO	Executive Outcomes
EU	European Union
EUCOM	United States European Command
FAA	Angola Armed Forces
FAF	Federation Armed Forces
FAPLA	Armed Forces for the Liberation of Angola
FAR	Federal Acquisitions Regulation
FCO	Foreign and Commonwealth Office
FMS	Foreign Military Sales Financing Program
FNLA	National Front for the Liberation of Angola
FSTA	Future Strategic Tanker Aircraft
GDP	Gross Domestic Product
GSG	Gurkha Security Guards
HDZ	Croatian Democratic Union
HRFOR	United Nations High Commission on Human Rights Operations in Rwanda
HRW	Human Rights Watch
HV	Croatian Armed Forces
ICBL	International Campaign to Ban Landmines
ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
IDA	Institute for Defence Analysis
IFOR	Implementation Force
IGO	International Governmental Organization

IMET	International Military Education and Training Program
IMF	International Monetary Fund
ITAR	International Traffic in Arms Regulations
IWG	Interagency Working Group
JCET	Joint Combined Exchange Training
JNA	Yugoslav National Army
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
LOGCAP	Logistics Civil Augmentation Program
LRMP	Long Range Management Program
MAP	Military Assistance Program
MDM	Medecins du Monde
MONUC	United Nations Observer Mission in the Congo
MPLA	Movement for the Liberation of Angola
MPRI	Military Professional Resources Incorporated
MSF	Medecins Sans Frontiers
NATO	North Atlantic Treaty Organization
NCACC	National Conventional Arms Control Committee
NCO	Non-commissioned Officer
NGO	Non-governmental Organization
NORAD	North American Aerospace Command
NPRC	National Provisional Ruling Council
NSEP	National Security Enhancement Plan
OAS	Organization of American States
OAU	Organization of African Unity
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
ONUC	<i>Opérations des Nations Unies au Congo</i>
ONUMOZ	United Nations Operation in Mozambique
OSCE	Organization for Security and Cooperation in Europe
PDD	Presidential Decision Directive

PFP	Partnership for Peace
PL	Patriotic League
PMC	Private Military Company
PNG	Papua New Guinea
PNGDF	Papua New Guinea Defence Force
POI	Program of Instruction
POW	Prisoner of War
PSC	Private Security Company
PTF	Police Tactical Force
QRF	Quick Response Forces
RDU	Rapid Deployment Unit
RIP	Rapid Intervention Police
ROTC	United States Army's Reserve Officer Training Corps
RPNGC	Royal Papua New Guinean Constabulary
RSLAF	Republic of Sierra Leone Armed Forces
RUF	Revolutionary United Front
SADF	South African Defence Force
SAIC	Science Applications International Corporation
SANDF	South African National Defence Force
SAS	Special Air Service
SAS*	Special Advisory Services
SFOR	Stabilization Force
SFU	Special Forces Unit
SLDF	Sierra Leone Defence Force
SRC	Strategic Resources Corporation
SSD	Special Security Division
TSE	Toronto Stock Exchange
UAE	United Arab Emirates
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNAMSIL	United Nations Mission in Sierra Leone
UNAVEM	United Nations Angola Verification Mission
UNDP	United Nations Development Program

UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDIR	United Nations Institute for Disarmament Research
UNITA	National Union for the Total Independence of Angola
UNITAF	Unified Task Force
UNMAS	United Nations Mine Action Service
UNPROFOR	United Nations Protection Force in the Former Yugoslavia
UNSECOORD	United Nations Security Coordinator
UPDF	Ugandan Peoples Defence Force
USAREC	United States Army Recruiting Command
UXO	Unexploded Ordinance
WFP	United Nations World Food Program

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CHAPTER ONE - Introduction

1.1 The Guiding Question

How and under what conditions does the presence of internationally oriented private security companies (PSCs), a form of modern-day mercenarism, promote human security?¹ One might think that an immediate negative response to this question is necessitated for two reasons. First, over the past two hundred years, only states are thought to possess and are expected to have the necessary capacity and expertise pertaining to organized force.² States have security sectors, consisting of police forces, military services, and other agencies, that have access to substantial resources, that receive constant training and drilling, and that have an ongoing ability to collect and assess information. It is presumed that the state has the monopoly over organized force both within its borders and projected beyond them.³ Second, coupled with the fact of mercenarism's reduced presence, thinking is also informed by the negative activities of some mercenaries since the end of World War Two. Here, individuals known as soldiers of fortune are caught in the spotlight. They have distinguished themselves not only by being largely ineffective but also by basing their comparative advantage on the fact that they do not feel bound to follow humanitarian laws or to respect human rights. Collectively, they are infamous for their lack of loyalty and moral scruples. If post-World War Two mercenarism is to be equated simply with the activities of these soldiers of fortune, then linking the use of mercenaries to the promotion of human security would seem to be highly inappropriate.

Yet in spite of this thinking, there are equally two important reasons why looking at the PSC, a largely post-Cold War mercenary development, and asking this question is appropriate. One reason rests with the concept of human security itself which is a new approach towards security that stresses the individual as the primary referent rather than the state.⁴ In this formulation of security, all individuals have a right to be treated with respect, with the utmost regard to their human rights, and as ends rather than means. Similarly, all actors, meaning individuals, groups, states, or other organizations, possess a responsibility to ensure that these needs are given their due recognition and are observed. This, in other words, is a diffused responsibility.⁵ This concern for various responsibilities and implications obviously must apply to PSCs if the all encompassing nature and scope of human security is to ring true. Ignoring the PSC, even if it is a type of mercenarism, is unwarranted. Furthermore, identification of the implications of the *presence* of PSCs is apt because it reveals both how PSCs affect human security in their own regard and how their conduct affects or fits into the calculations of other actors.

The second reason is that supporters of PSCs emphasize the positive human security effects of the firms. David Shearer directly makes the link between human security and PSCs and the positive effects the firms might have. He contends in his report issued by the Royal Institute of International Affairs that the use of mercenaries would be an ethical act, a view "shared by a growing and diverse group of aid workers, journalists, human rights advocates and even the higher echelons of the British and US armed forces".⁶ Others implicitly present the assertion of a seemingly positive relationship between PSCs and human security.⁷ Simply put, firms were there in the past

situations of turmoil and despair and they were willing to “make a difference”. Thus, those that support the PSC alternative indicate how these firms can bring peace not only in the negative sense, meaning an end to fighting, but also in a positive sense, meaning the setting and the advancement of conditions that promote human betterment. As noted by Kevin O’Brien, the PSC alternative under the right conditions might achieve several valuable tasks:

- the return of peace
- the protection of refugees
- the facilitation of humanitarian assistance
- the setting of conditions for reconstruction and development
- the training of security sector actors.⁸

Analysis such as this picks up on two salient themes in human security discourse: the satisfaction of basic human needs, particularly physical safety, and the need for progressive change so that individuals can meet their full potential.

1.2 Seeking the Answer

What is required is a range of analysis that deals with a number of PSCs and the different types of services they have offered to several clients. In other words, one must inquire into the following: “What have been the effects of the presence of PSCs across cases and in the delivery of different services?” Put differently, to what degree does Adam Smith’s “invisible hand” direct the international private security marketplace so that it actually leads to beneficial outcomes pertaining to human security?

Thus, the hypothesis guiding this study is a testing of the assumption that there is a positive relationship, in light of current regulation, management, and capability,

between the presence of an internationally oriented PSC industry and the promotion of human security. For the sake of a more exacting human-security-centric assessment, the hypothesis is sub-divided and dealt with in two parts: There is a positive relationship, in light of current regulation, management, and capability, between the presence of an internationally oriented PSC industry and a) good conduct and b) good governance. Good conduct, as this study will show, pertains to the means and methods employed by firms and those parties that they interact with while good governance concerns the motives that provide the backdrop to the application or operation of organized force and the actual outcomes, intended or not, produced. This two segment hypothesis is applied to several PSCs providing services both to state-security sectors and to humanitarian organizations. It is also applied to various PSC activities: the application of armed force, the provision of security-sector training, and the offering of protection and demining expertise for humanitarian endeavours. Without a doubt, looking at how PSCs interact with state-security sectors and humanitarian actors is this study's focus because although all actors have a responsibility to promote human security, it is particularly common for these two types of actors to be seen as, and expected to be, key players in the promotion of human security.⁹ Testing this hypothesis by looking into good conduct and good governance aspects can be performed by seeking the answers to several questions: Security for whom? What values, directly and indirectly, are being made secure? How much security is being provided by these actions? Security is being achieved from what threats? Security is being achieved through what means?¹⁰ One can then consider whether or not the current milieu is in fact conducive for PSCs to have a positive impact

in terms of human security. If not, or if changes need to be made, one can contemplate the appropriate structures and guidelines to be developed in which PSCs should operate.

Indeed, it is here argued that although the PSC is potentially a highly effective instrument in the human security toolbox, it is one that cannot be largely left to market forces. It requires appropriate guidance and structure given its operating procedures and the contexts in which it is employed for outcomes related to human security to be achieved.¹¹ The promotion of human security is very much dependent on the conditions under which PSCs are employed. On the one hand, PSCs, on their own merits, are generally effective actors in terms of good conduct and good governance. PSC personnel are adequately trained and they follow human rights and humanitarian obligations in the course of their operations. Firms are also not directly linked to exploitive or discriminatory agendas that they or their clients might assumably have.¹² PSCs, in other words, indicate that they wish to emulate developed world standards and they more or less do so. In this way, they dispel conceptions developed since the French Revolution, and especially after the rise of soldiers of fortune, regarding the suitability and appropriateness of the mercenary alternative. On the other hand, if the expertise and capabilities of the PSC are held as constants, the mere presence of an international marketplace with the unhindered buying and selling of security expertise does not automatically determine beneficial outcomes. Under current market conditions, it is the client and the environment into which the PSC expertise is injected that are the determining factors regarding either the promotion or denial of human security.

Attention, therefore, rightly turns to the issues of improved management and regulation. In this regard, the human security analysis makes plain the elements necessary for effective and appropriate regulation. The United Nations and regional organizations, particularly the African Union (AU), however, are found to be not up to the task given their own intra-organizational problems and the resulting inability to make the needed distinction between PSCs and soldiers of fortune. Moreover, the actors deemed most relevant and competent for undertaking this task, supplier states (i.e., the states in which PSCs are based), are not currently up to it. Partially this is due to current regulatory qualifications which might be alterable, but, more importantly, it concerns a lack of an overall and consistent human-security-centric focus.

The study, as a whole, outlines the current state of the PSC industry vis-à-vis human security and state-security sectors and humanitarian actors. It reveals the manner and the degree to which human security is promoted by PSCs in terms of good conduct and good governance and it points out the inherent limitations of the PSC industry as currently regulated, managed, and endowed. While there is no denying that the PSC may be a positive development in terms of human security, the international practice on the whole has not developed to the point that this is guaranteed.

To facilitate this argument, Chapter Two offers a consideration of the state of the industry and the state of the literature. As indicated above, this study is limited to a human security assessment of PSCs and how firms might be regulated in order to promote human security. To this end, this chapter sets out the methodological reasoning employed in the selection of PSCs, cases, and services. The chapter recognizes the

study's important organizational characteristics: analysis strongly featuring PSCs based in the industry's hub states, the United States, the United Kingdom, and the Republic of South Africa, attention directed towards the weak state environment, and the provision of PSC services to those actors generally thought of as responsible in the first instance for the promotion of human security - state-security sectors and humanitarian organizations. After presenting the rationale behind the study's organization, the chapter indicates the directions taken and issues stressed by other authors: individual case studies; privatization trends in security; cost-effectiveness and economic analyses; exploitation, development, and the global economy relationships; and regulation and accountability matters. Finally, the chapter presents the place of the study in this body of literature and the contribution it makes to it.

To provide background and for the sake of comparison, Chapter Three places the PSC into the larger context of contemporary mercenarism. It documents mercenarism since the time of the French Revolution, an approximate temporal division point at which mercenarism became less common and accepted and more limited and saddled with pejorative baggage. The chapter reveals that even with mercenarism circumscribed after this historical time period, it has existed in various forms over the past two centuries, albeit on a smaller scale. While the PSC shares some of the characteristics of its mercenary brethren, this chapter shows that this particular development has its own unique characteristics fitting for the post-Cold War marketplace which it serves. In particular, the identification of similarities and differences makes plain that PSCs stand apart from soldiers of fortune, the most notorious form of contemporary mercenarism.

Therefore, this chapter reinforces the importance of the question guiding this study.

From one standpoint, the fact that PSCs cannot be simply equated to soldiers of fortune indicates that the question should not be discarded in the first instance. From another standpoint, because PSCs deal in the management of violence, the effects of their presence are different from those of a normal business transaction; this chapter makes it evident why analysis is important.¹³

Chapter Four provides the human security framework for assessing the impact of organized force generally and PSCs specifically. The issue of organized force *vis-à-vis* human security, on its own merits and in terms of how it plays, directly and indirectly, into the activities of actors, has often been overlooked. The chapter, therefore, makes the intellectual and policymaking rationale for assessing the PSC industry, its activities, and its relationships in terms of promoting human security. It also indicates how organized force may contribute to or detract from the promotion of human security by identifying its role and developing concepts for assessment. These concepts pick up on the two main ingredients of human security, the freedom from fear and the freedom from want, and spells them out in terms of elements directly related to organized force: good conduct and good governance. This chapter recognizes that because the promotion of human security should be viewed as a process and different structures or patterns of behaviour determine who enjoys the freedoms from fear and want, the perfect use of organized force, whether it be through public or private means, is an unreachable ideal. Nevertheless, some cases are obviously more positive than others in terms of human security promoted directly and indirectly and assessments can and should be made.

Chapter Five examines Executive Outcomes (EO) in Angola and Sierra Leone and the PSC's actual use of force within the borders of these two states. After considering background factors, the chapter assesses the effects of EO's presence in terms of good conduct and good governance. With respect to the company and its personnel, the human security determinations are generally positive, especially when juxtaposed against other actors present in these two African cases. However, it is when one considers other effects stemming from the PSC presence that things become more problematic in terms of good conduct and good governance. Indeed, the chapter argues that how EO conducted its affairs in terms of its interaction with other security-sector actors and the tasks to which its respective employers put the firm's personnel were together not positive developments for human security. In other words, market conditions and business practices saw that the PSC partially abdicated human security responsibilities in deference to client demands. Accordingly, this chapter only partially agrees with those that advocate the PSC alternative. Though the PSC might be a valuable and potent tool, EO's presence, in light of regulatory and managerial practices, did not lead to an outcome totally benefiting human security.

Chapter Six expands upon interaction between PSCs and state-security sectors to analyze the implications of training provided by PSCs. The two main cases under consideration are the American PSC Military Professional Resources Incorporated (MPRI) in the Muslim-Croat federation of Bosnia and the British firms Defence Systems Limited (DSL) and Sandline International in Papua New Guinea (PNG). In the first case the PSC served as an official instrument of American policy abroad, whereas in PNG a

series of governments in Port Moresby went to the international marketplace to purchase PSC expertise. Using these two cases, this chapter makes a human security assessment that considers the appropriateness of the training goals, whether or not they are achievable, direct and indirect outcomes/implications, and the contextual characteristics that both affect and are affected by PSC activity. The chapter also employs the results of this assessment to consider an evolving case of PSC training: MPRI as a key contributor to the African Crisis Response Initiative (ACRI), an American peacekeeping training enterprise. Though determinations of actual outcomes of externally provided security-sector training, whatever its source or ownership, are admittedly somewhat nebulous, this chapter makes clear the merits of direction and leverage applied or held by oversight actors in the promotion of human security.

Chapter Seven shifts from security-sector actors to humanitarian organizations and the relationship they have with PSCs. In this chapter, emphasis is placed not so much on individual companies or clients, but rather upon the different PSC services from which humanitarians derive benefit. Particular emphasis is placed on two services and their direct and indirect impacts in terms of human security: physical protection of humanitarian personnel and their resources/operations and humanitarian demining. The evolving and expanding humanitarian/PSC interaction is driven by the changed context in which humanitarian assistance is now delivered. The environment is intra-state conflict. Actors on the ground view humanitarians as having a political impact, and thus, for political reasons, the intentional targeting humanitarians and the civilians they assist is a prominent aspect. The chapter makes the case that PSCs, given their competency

and availability, fare well directly in terms of good conduct and good governance.

However, indirect concerns do exist that could affect the promotion of human security and prove detrimental to humanitarian operations. Furthermore, the humanitarian/PSC relationship perpetuates humanitarianism as an “alibi” for effective political action taken by developed world states and international organizations. The relationship also poses image problems for the humanitarian sector.

Chapter Eight rounds out the main body of the text by considering the issue of regulation that would recognize and improve upon current practices, thus leading to more human-security-centric outcomes. Matters of importance are determining what is sold, to whom, under what conditions, and who should be responsible for interfering in the marketplace. To expand, three attributes of human-security-centric regulation are important: 1) the regulation of PSC attributes and standards; 2) the regulation of objectives assigned to PSCs and the means and methods employed to achieve them; and 3) the regulation of PSCs regarding the actual outcomes of their activities. After considering how the United Nations and regional organizations might respond to this challenge, and discovering inherent limitations with these actors, the chapter focuses upon the importance of supplier-state regulation in line with human security guidelines. Emphasis is placed upon the regulatory activities of the three “hub states” - the United States, the Republic of South African, and the United Kingdom. On the one hand, analysis of American and South African regulations and those proposed by the United Kingdom reveal promising characteristics that correspond to the above criteria. The chapter also makes clear how certain elements might be improved upon. On the other

hand, the chapter recognizes the barriers still present for full human-security-centric regulation. These barriers are largely erected in order to use PSCs as an element of developed world statecraft, whatever the proposed objective, to the detriment of acting upon human security responsibilities. The resulting limitations prevent the creation of an international marketplace that promotes human security, develops a level playing field, and is governed by a supplier-state regime. At present, state actors and those from civil society are not sufficiently organized nor motivated to reverse this situation.

Finally, the task of Chapter Nine is threefold. First, it provides the conclusions of the study as they relate to the presence of a PSC industry and the consequent direct and indirect impacts upon human security. These conclusions apply to PSCs and their use of armed force, their training activities, their interactions with humanitarian actors, and their regulation by supplier states. Taking these together, one gets the sense of the degree that PSCs, their clients, and the states in which they are based have or have not embraced their human security responsibilities as laid out by the universal and cosmopolitan character of human security. Second, it suggests avenues one might pursue in terms of future research endeavours. Attention is placed on the continued need to consider ongoing regulatory endeavours and the different ways PSCs might be employed in the future. Three, it considers the implications of the events of 11 September 2001 and their aftermath upon the PSC industry.

ENDNOTES FOR CHAPTER ONE

1. Though this study does not use the term "Private Military Company" or PMC, it does recognize its presence in the literature. For a further expansion, see the terminology section in the following chapter.
2. Organized force refers to entities that possess, or are thought to possess, expertise in the management and application of violence.
3. Max Weber, *The Theory of Social and Economic Organization*. Translated by A.M. Henderson and Talcott Parsons. New York: Free Press, 1947; Robert Dahl, *Modern political analysis*. Fourth Edition. Englewood Cliffs: Prentice-Hall, 1984; Anthony Giddens, *A Contemporary Critique of Historical Materialism*. Volume 2, *The Nation-State and Violence*. Berkeley: University of California Press, 1985.
4. Note that this study is limited to a focus upon human security considerations. While intriguing topics, this study does not consider how PSCs might fit into traditional security studies themes such as balance of power. Also, the study recognizes not only that the exact dimensions of what constitutes human security are variable, but that human security sits alongside the more traditional schools of thought in security studies. While human security is now a legitimate paradigm within the security literature, it has not displaced other approaches. For a snapshot of the various human security viewpoints, see Fen Osler Hampson, *Madness in the Multitude: Human Security and World Disorder*. Don Mills: Oxford University Press, 2002. Arguments that dispute the benefits and value of the human security approach include William W. Bain, "Against Crusading: The Ethic of Human Security and Canadian Foreign Policy," *Canadian Foreign Policy* 6 (Spring 1999), pp. 85-98; William W. Bain, "National Security, Human Security, and the Practise of Statecraft in International Society." Paper Presented at the Conference on Global Governance and Failed States, sponsored by Purdue University, Florence, Italy, 6-10 April 2000; Barry Buzan, "Human Security in International Perspective," in Mely C. Anthony and Mohamed Jawhar Hassan, eds., *The Asia Pacific in the New Millennium: Political and Security Challenges*. Kuala Lumpur: ISIS Malaysia, pp. 583-596. As human security finds its contemporary intellectual home in critical security studies, criticism of this school of thought should also be noted. See, for instance, Mohammed Ayoob, "Defining Security: A Subaltern Realist Perspective," in Keith Krause and Michael C. Williams, eds., *Critical Security Studies: Concepts and Cases*. Minneapolis: University of Minnesota Press, 1997, pp. 121-146 Stephen M. Walt, "The Renaissance of Security Studies," *International Studies Quarterly* 35 (June 1991), pp. 211-239.
5. This is a point made in Emma Rothschild, "What is Security?" *Daedalus* 124 (Summer 1995), pp. 53-98.

6. David Shearer, "Privatising Protection: Military Companies and Human Security," *World Today - The Royal Institute of International Affairs* (August/September 2001), (www.theworldtoday.org/wt.html).

7. Note that in 2000 a wide range of newspapers from around the world published a series of arguments and analyses as to the appropriateness and even to the necessity of employing the PSC alternative. The igniting sparks for this outburst were the chaos which befell the United Nations Mission in Sierra Leone (UNAMSIL) in spring 2000 and the problems encountered by the United Nations Observer Mission in the Congo (MONUC). See, for instance, the following newspaper articles, editorials, and op-ed pieces: Peter Fabricius, "Stop Havoc. Let Loose the Dogs of War," *Johannesburg Star* (12 May 2000), (www.iol.co.za); Frederick Forsyth, "Send in The Mercenaries," *Wall Street Journal* (15 May 2000), (www.wsj.com); Marcus Gee, "Mercenaries cheaper, faster," *Globe and Mail* (12 May 2000), (www.globeandmail.com); Christina Lamb and Philip Sherwell, "Sandline boss blames Blair for carnage in Sierra Leone," *Sunday Telegraph* (14 May 2000), (www.telegraph.co.uk); Paul Lashmar, "Peace mission reopens mercenary debate," *The Independent* (16 May 2000), (www.independent.co.uk); "Not all the world's messes can be sorted out by sending in the Blue Berets," *Wall Street Journal* (11 May 2000), (www.wsj.com); Jonah Schulhofer-Wohl, "Peacekeeping in Sierra Leone Could Be Privatized," *Washington Post* (15 May 2000), (www.washingtonpost.com); William Shawcross, "Send in the mercenaries if our troops won't fight," *The Guardian* (10 May 2000), (www.guardianunlimited.co.uk). In 2001, Gareth Evans, the former Australian Foreign Minister and now head of the International Crisis Group, asserted that non-state forces may be useful for some peacekeeping and enforcement operations. Paul Daley, "Evans sees positive role for mercenaries," *Sydney Morning Herald* (5 March 2001), (www.smh.com.au). In 2002, Jack Straw, the current Foreign Secretary of the United Kingdom, commented that a strong and reputable private security sector could have an important role in helping the United Nations respond to international crises promptly and effectively. United Kingdom, Foreign and Commonwealth Office, "Private Military Companies: Options for Regulation 2001-02." London: Stationery Office, 12 February 2002, p. 4.

8. Kevin O'Brien, "Privatizing Security, Privatizing War? The New Warrior Class and Regional Security," in Paul B. Rich, ed., *Warlords in International Relations*. New York: St. Martin's Press, Inc., 1999, pp. 76-77.

9. This is something one notes in a reading of International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*. Ottawa, International Development Research Centre, 2001.

10. These questions can be found in David A. Baldwin, "The Concept of Security," *Review of International Studies* 23 (January 1997), p. 6, pp. 13-17.

11. Others argue that more the importance of market oriented regulation and accountability. See, for instance, Jeffrey Herbst, "The Regulation of Private Security Forces," in Greg Mills and John Stremmler, Eds. *The Privatisation of Security in Africa*. Johannesburg: The South African Institute of International Affairs, 1999, pp. 107-127; Kim Richard Nossal, "Global Governance and National Interests: Regulating Transnational Security Corporations in the Post-Cold War Era," *Melbourne Journal of International Law* 2 (October 2001), pp. 459- 476. Note, however, that these authors were not concerning themselves directly with the issue of human security.

12. In particular, note that in Chapter 5, Executive Outcomes went out of business due to cash flow problems stemming from its contract in Sierra Leone. In this regard, Executive Outcomes cannot be seen as the sharp end of recolonization and corporate dominance feared by some as monies leading for the PSC's continued operations would surely have been forthcoming.

13. The fact that the implications of PSCs go beyond those of normal commercial transactions is identified in Foreign and Commonwealth Office, "Private Military Companies," p. 20.

CHAPTER TWO - State of the Industry, State of the Literature

2.1 Introduction

This chapter provides the methodological justifications for the study and, in doing so, examines the current state of the PSC industry and the current state of the literature on the subject. There are several key questions. Why were these particular firms, cases, and clients chosen? Also, what themes or issues are stressed in the literature on PSCs? In what ways does this study contribute to knowledge on this largely post-Cold War phenomenon? How was the information collected in order to make a human security assessment of the PSC industry? By providing the answers to these questions, this chapter not only situates the study in a larger body of literature, it also provides an outline of the contemporary industry. To make this presentation, the chapter first offers a description of the industry and a point on terminology. It then focusses upon the reasons why the various PSCs, cases, and clients were selected, and, finally, it considers the current state of the literature and this study's contribution to it. A general point underlying this chapter is that while the PSC industry may be somewhat nebulous, this study, through its selection of cases, clients, and companies, has endeavoured to clarify to the greatest degree possible the phenomenon under consideration.

2.2 Services Offered by PSCs

The international PSC is a corporate body with expertise in organized force garnered through the previous military service of its personnel that offers its services overseas. In other words, it is a company that sells internationally policing *and* military

services to a variety of state and non-state clients.¹ While PSC contracts may come with stipulations for the purchases of arms and equipment, PSCs do not represent a certain manufacturer of these products. Also, while firms may overlap in the types of services they provide in any given contract and not all firms offer all services, and, as this study will show, not all services are provided to all clients, the different services can, nevertheless, be placed in three categories. One type of service is advice and assessment. State and non-state clients alike often wish assistance in their procurement strategies or an outside assessment or audit of current practices and procedures. A second type of service is training, which itself can be divided into two levels. On one level, PSCs offer training at the staff level for state-security sectors. This deals with such things as the organization of forces, the development of Western-style civil-military relations, and the enhancement of leadership and strategic capabilities of senior commanders. On another level, PSC training also pertains to the provision of expertise in a more active hands-on manner. For state clients, this refers to the actual training of soldiers in tactics and in the use of military equipment. For non-state clients, it refers to the development of procedures and security awareness. And finally, a third type of service is the actual presence of PSC personnel in the direct service of their client's endeavours. An example is the operation of specialized pieces of equipment or the application of certain skills in the field not readily held by the employer. The list of examples also includes protection/guarding for a wide range of clients: embassies, commercial producers of goods and services, and humanitarian organizations. And finally, some firms offer their clients, specifically states, personnel for active combat engagements. Here the PSCs

provide logistics, intelligence, communications, and in some cases, they “pull the trigger”. Past operations have taken place on the ground and in the air and some firms even advertise a competency in water-based activities.

2.3 Comment on Terminology

It is important to note that this study employs the term “private security company”, or PSC, to designate the main actor of concern. Other literature dealing with this type of mercenary activity often instead uses the term “private military company” (PMC). This term is used either to denote generally all the international firms that together form the post-Cold War marketplace or to identify specifically those companies that provide their clients with combat capabilities. Nonetheless, the term PSC, rather than PMC, is employed here for a variety of reasons. First, as Kim Richard Nossal rightly recognizes, all the companies “are in the business of providing *security*” (italics in original).² Put differently, the end goal in all cases is for the company’s activities to make something or someone more secure. Second, it is true that some firms provide services which are more military in orientation while others concern themselves with protection and more passive duties that are the realm of the police and commercial security. But there is considerable overlap as companies frequently provide both military and non-military services. Third, of particular and prominent interest for this study, is the interaction between companies and the security sectors of states. As the military is but one actor that constitutes this sector and is often deployed in internal operations in many countries, thus integrating it into domestic security matters, it is fitting that a

similar approach be used when referring to private actors in this context. Indeed, PSCs provide services related to both policing *and* military functions. Finally, this study is not alone in using the term PSCs. Other analysts have recognized the importance of employing this term in their descriptions of this phenomenon.³ The term PSC, therefore, is not only recognized, it also takes into account the full scope of these companies' operations, the objectives of their usage, and the conditions and situations in which they are applied.

2.4 Problems in Assessing the Size and Scale of the PSC Industry

This study recognizes that it is somewhat difficult to determine the expanse of the industry. Indeed, the problems in determining an exact value or an exact number of firms go beyond the usual difficulties of coming to terms with mergers, closures, and new actors entering the industry either as start-ups or through a diversification of product offerings. Rather the problem exists because, as clear in the work of Peter Singer, PSCs are difficult to differentiate within the larger trend of the private sale of security expertise overseas.⁴ For instance, a general statistic often cited in the literature is one generated by the Equitable Services Corporation. Its evaluations indicate that the growth of PSCs is a contributing factor in the expansion of a much wider global international security market that is expected to rise in value from US\$55.6 billion to US\$202 billion by 2010.⁵ Similarly, PSCs were amalgamated into the *Pittsburgh Post Gazette's* contention in February 2000 that private security providers with publicly traded stocks grew at twice the rate of the Dow Jones Industrial Average in the 1990s.⁶ Given the nature of these

observations, the depth of the PSC industry remains unclear.⁷

It is evident, as the following chapter will describe, that though PSCs are based largely in the developed world, they do have a worldwide presence in terms of their home states or bases of operations. Security-sector downsizing with the end of the Cold War created a bulk of excess manpower in states ranging from Canada to Zimbabwe that led to the development of the PSC industry as it stands today. Yet, the actual numbers of firms are unknown, even in developed states. This lack of certainty applies even to those seemingly engaged in the field: academics, government analysts, and PSC personnel themselves. For example, none of the wide variety of witnesses appearing before the United Kingdom's 2002 House of Commons Foreign Affairs Committee meetings on the subject of privatized security was willing to state conclusively how many PSCs had their base of operation in the United Kingdom.⁸

There are several reasons why the PSC has been lumped into wider categories and, in a partially related way, why the qualitative boundaries of the PSC industry are indistinct, a factor which contributes to the lack of quantitative exactitude.⁹ These reasons are in addition to the general uncertainty arising from the simple newness of the actor. Flexibility, for instance, in descriptive criteria and changes in contemporary security sectors lead to an inability to devise an exact count. Commercial security companies that at one time offered their services domestically have increasingly developed an international business posture. Companies like the Pinkerton Organization, the Wackenhut Corporation, and the Securicor Group now employ thousands worldwide and offer clients a variety of security services (e.g., guarding, cash transportation, and

alarm installment and monitoring).¹⁰ Also, from one standpoint, these firms are sometimes confused with PSCs even though they do not offer services which are military in nature and their expertise is not rooted in military matters. Confusion exists because though PSCs are more military oriented, they, or their subsidiaries with which they often share personnel and managerial staff, frequently perform policing duties similar to those of commercial firms. A further complication is that PSCs often operate in countries, particularly in the developing world, where the distinction between policing and military functions is unclear. From another standpoint, the non-military distinction for commercial security companies has also been somewhat fluid. Though it is an example from an earlier time, during the American Civil War the federal government employed Allen Pinkerton and his company as a secret service to counter Confederate espionage and to provide intelligence.¹¹ Hence, the facts that PSCs provide services linked to policing *and* military activities and that the operations of commercial security firms have taken on international and sometimes even military characteristics together have served to make a numerical estimations problematic.

Another factor making this estimation difficult is the increased blurring of the line between the accepted use of non-soldiers in military activities and the more controversial use of mercenaries.¹² There are documented cases, dating back to the 1500s, of civilians providing the logistics requirements of armies: maintenance, supply, and transportation.¹³ Over time, civilians organized themselves into commercial structures in order to provide these requirements and take advantage of the economic opportunities posed by war. Though the fulfilment of logistical requirements is

obviously essential for successful military operations, civilian contractors developed a status different from armed combatants. These civilians are permitted to be on the battlefield to the degree that they receive special mention and protections in Hague Law and the Geneva Conventions. However, in recent years, firms that provide logistic services have become more crucial to the success of operations as a high degree of technical expertise is needed to operate modern weapons systems. Because these firms are active in the field, given the lack of organic capacity in a state military, they are increasingly taking on attributes that might be deemed as combat-oriented. Similarly, the scale of the logistic contribution in other fields is such that this type of firm is becoming indispensable for military operations, thus blurring the line even more.¹⁴ Finally, yet another problem limiting the ability to differentiate is that many PSCs themselves offer clients logistics assistance, either by itself or in a combination of other services. In sum, the evolution of the once benign field of military logistics and the participation of both PSCs and other companies in this field collectively prevent definitive classification.

2.5 About This Study - Company Selection

The text above is meant to focus, to the greatest extent possible, upon the phenomenon that is under examination for this study - the PSC. However, the lack of absolute certainty regarding the PSC industry needs to be noted in the first instance, a matter reflected in the general inability to determine the overall value and size of the PSC industry. Yet a human security assessment, rather than sorting out exactly what is or is not a PSC, is the primary task of this study. Therefore, the PSCs analyzed in great

depth in this study, EO, Sandline International, DSL, and MPRI, have been selected because they are all firms that are well-known and definite PSCs.

2.6 Location/Hubs of the Industry

Though, as mentioned above, the PSC industry is a global phenomenon with numerous home states where firms are based, it does feature what have been described as “hub states”; the United States, the United Kingdom, and the Republic of South Africa.¹⁵ While, again, it is difficult to determine the exact number of firms based in these states, it is clear, for instance, that the firms in these countries receive the most press attention and their operations have been more numerous and of a larger scale.

The caveat is that although there are a number of potential reasons why these states have received hub status, it is important to note that none is conclusive in the sense that they apply only to these three states, or that they are uniform amongst the three states, or that they are important to the same degree in the three states. One possible variable, then, is the shared language of English. A further variable may be the longstanding tradition of the United Kingdom and South Africa as suppliers of mercenaries, whatever their type.¹⁶ Another matter may be that as many countries wish to upgrade their armed forces to the standards of the North Atlantic Treaty Organization (NATO) in anticipation of membership, purchasing services from a PSC based in a NATO country seems appropriate. Also, some clients may think that hiring a firm from a certain country provides it with links to that particular government; in this matter, the United States and the United Kingdom are two prominent international powers while

South African is a regional power. Additionally, other clients may feel that they are buying the proven expertise of a country if they purchase the services of particular firms with former military personnel filling the firms' ranks. Thus, the numerous international activities and muscular policies of South Africa in the 1980s and of the United States and the United Kingdom in the 1990s serve as good advertisements. Also, while somewhat lessened by the levelling factors of global communications and transportation, South Africa specifically has the advantage of being located near potential clients, developing states in Africa, and relatedly of having the distinction of being "African". In this vein, the United Kingdom has its colonial ties and the United States has had a considerable military presence the world-over during the past half century. While these variables may be plausible reasons, their actual weight is uncertain.

One can equally make only observations rather than definitive determinations about why other countries have not attained the status of hub state. For example, Russia, aside from aspects like language and the lack of NATO membership, would seemingly be a likely hub. Its security sector experienced considerable downsizing at the end of the Cold War, many individuals have military experience due to national service requirements, and many security-sector officials with high levels of expertise face the prospect of continued low pay in comparison with what can be earned in the private sector. However, Russian PSCs do not have the same international presence.¹⁷ This may be because, during Soviet times, there was not a strong "mercenary" tradition given the dominance of the state and Cold War restrictions on movement. The market may be limited for Russian firms due to potential tinges of failure in the minds of potential

clients resulting from the end of the Cold War. Similarly, the prowess and power displayed by former Cold War adversaries in conflicts such as the Persian Gulf War may lead to unfavourable comparisons with contemporary Russian operations in places such as Chechnya. Finally, the size of the domestic security industry may be such that Russians with minimal start-up funds or with an eye to lucrative opportunities are choosing to concentrate their efforts within Russia's borders. One estimation is that since the end of the Cold War, 9,000 private security firms have been formed in Russia comprising approximately 115,000 individuals. Others have calculated that the ratio for those employed in private security compared with public security stands at 10:1.¹⁸ In sum, while perceptions and approaches may change with time, Russia is not as prominent a player when compared with other states.¹⁹

2.7 About This Study - Home State Selection

The specific cases of this study centre upon PSCs based in each of the three main home or hub states: EO (South Africa), Sandline International and DSL (United Kingdom), and MPRI (United States). Because of the size of the industry supported by these states, analysts and policymakers alike from these states are engaged in matters regarding PSCs to a high degree. Thus, the quality of their insights and contributions, let alone the sheer volume of these considerations, proved to be invaluable in the production of this dissertation. Also, by dealing with a number of home states, and specifically with the hub states, the study was able to look at the different ways in which different states with particular interests concerning the PSC industry structure their interactions with

their “own” PSCs through regulation. In total, while the previous section makes the case that non-marginal companies were selected for analysis, the assertion here is that the selection of non-marginal home countries was also of importance.

2.8 About This Study - Case Selection

In this study, the recipient states or the states in which PSCs have offered their services can generally be described as weak states. Weakness here does not refer simply to calculations of power in terms of military or economic strength. Similarly, weakness, in this respect, does not refer to the division of powers between executive, legislative, and judicial state actors, a matter of analysis in comparative politics. Instead, weakness refers to a combination of factors, or lack thereof, identified by Barry Buzan: the physical basis, the institutional expression, and the idea and legitimacy of the state.²⁰ Generally, most states, weak ones included, have a physical basis, meaning that they have borders, populations, and an international presence through United Nations membership and diplomatic representation. Weak states, however, often rate poorly in terms of their institutional expression. They may not have the capacity to create and run governmental institutions and agencies in an effective and responsible way. In fact, some governments may not want them to run in an effective or responsible way and rather wish them to serve the particular and discriminatory interests of the governing elite. This in turn has an impact upon the idea of the state amongst the populace. If the state cannot provide for the citizenry, if the government in charge cannot or will not use the levers of the state appropriately, then this will affect the legitimacy of both the government and even the

utility of the state itself.

Emphasis is placed in this study upon weak states as an operational environment for PSCs partially by default and partially by design. On the matter of default, strong states, meaning largely those of the developed world, generally have security sectors with considerable resources and they have substantial control over the activities of security sector actors. Issues of downsizing aside, this, as a result, does not necessitate the need for PSCs to be operating within the borders of these states. While PSCs may have a domestic presence within their own home states or within other strong states, their tasks are not frontline; they are generally limited to advisory roles and administrative undertakings. What is more, the civil-military divide common in the developed world also precludes a robust domestic presence. Therefore, if strong states are to use PSCs as a frontline vehicle for policy, then generally the firms will mostly likely be operating overseas in the weak state context. As a result, the cases where PSCs have operated within the weak state environment are much more plentiful.

Also, on the matter of design, the involvement of PSCs in weak states is much more interesting in terms of the promotion of human security for four reasons. First, in these situations there is a perceived need because one aspect of a state's institutional expression, its security sector, lacks the will and/or the capacity to tackle the problems associated with weak statism. To reiterate, security-sector actors and the governing officials that guide them often, intentionally or unintentionally, bring about these problems. As the human security of the citizenry is threatened by these problems, this has an impact upon the legitimacy citizens accord their political leaders and the state

apparatus which they direct. Therefore, it is interesting to see how PSCs act in this weak state context and whether or not their activities will mitigate human security ills and thus, perhaps promote the strengthening of the state. This applies to situations where PSCs have been hired by state clients. Second, the consideration of weak states allows for an examination of instances where non-state actors such as humanitarian organizations have hired PSCs in order to facilitate their response to the negative human security effects frequently brought on by weak statism. Indeed, outside of the world wars and extreme natural disasters, humanitarian organizations have generally not responded to problems within strong states. Third, an examination pertaining to weak states presents a rich variety as different political-security milieus are evident. Studies have been made which outline the attributes of various kind of weak states.²¹ For this study, one sees the case of Bosnia, a new country in the process of (re)structuring itself following a bloody ethnic conflict. As for Angola and Sierra Leone, they were two states that were in the midst of civil conflicts when PSC services were called upon. As for PNG and the variety of African states with ACRI membership, they all possessed characteristics of weakness ranging from poor governance to civil strife. Finally, weak states and the range of phenomena that occur within them also allow for a display of the different types of services offered by the PSC industry. This ranges from the application of force to the provision of training and expertise to the involvement in humanitarian endeavours such as demining.

2.9 About This Study - Human Security Considerations

As noted above, the PSC industry provides a range of services to a variety of actors. For instance, many states from the developed world employ the services of PSCs to guard their embassies and other diplomatic offices in unstable countries. Also in this same environment, international corporations, particularly in the field of resource extraction, use PSCs for security assessment and protection in order to guard their property, their fixed assets, their equipment, and their personnel. This study, however, purposely focuses primarily upon PSC interaction with the security sectors of states and with humanitarian organizations. This is not to say that PSC interaction with other types of clients will not have a human security impact or that the issues of social responsibility and corporate citizenship for extraction companies are moot.²² Certainly, as stressed at the outset, the provision of a human security assessment is the goal of this study and the promotion of human security is a “diffused responsibility”, meaning it is a responsibility for all. But how and under what conditions PSCs interact with state-security sectors and humanitarian organizations are of particular importance because unlike other recipients of PSC expertise, it is more common in the first instance for these entities to be seen as, and expected to be, key players in the promotion of human security.²³

In this regard, the study focuses upon concrete examples in which PSCs have provided services or interacted with these kinds of clients. In other words, attention is directed at how PSCs have operated in the past in order to reveal the potential and real positive and negative aspects of their activities and, with this evidence in hand, to best take into account factors that might lead to a mitigation of the negative effects.

Therefore, emphasis is not placed upon advertising why PSCs should be used and for what purposes, either as stand-alone service providers, or through integration into larger endeavours. For instance, while there is the assertion that PSCs may be used as “private peacekeepers”, this prospect is not investigated here because this activity has not occurred.²⁴ Instead, while this study’s examples may have some characteristics similar to United Nations peacekeeping, key is the fact that PSCs have actually interacted with actors, state-security sectors and humanitarian organizations, seemingly engaged in the promotion of human security.

2.10 About This Study - The PSC and Traditional Theory

The reader will note that the dissertation does not view the PSC phenomenon through the lens of traditional international relations theory. While the long-time dominant school of thought, realism/neorealism, is mentioned in Chapter Four, this is done only to juxtapose the realist-informed national security paradigm alongside the human security paradigm.

Additionally, the lack of reference to the dominant school of thought is due to its inherent inability to incorporate into its purview non-state actors like PSCs and the context in which they operate. Specifically, one reason for the dominant school’s “theoretical” blind-spot is because realists and neorealists focus much of their attention upon states, and, in particular, upon the great powers. As well, non-state actors, for these analysts, are of a lesser importance and are seemingly only relevant to matters of “low politics”, namely non-security affairs. PSCs, however, are non-state actors with expertise

in the management of violence, a “high politics” matter, and their effects are mostly felt in the developing world context.²⁵ A second reason is that this school of thought is wedded to Weberian notions of the state. In other words, traditional theorists expect that the state possesses the monopoly over the legitimate use of force; the state is able to suppress, or at least control, all private forms of violence. This approach is evident, for example, in the work of Kenneth Waltz who asserts that a state “has a monopoly on the legitimate use of force, and legitimate here means that public agents are organized to prevent and to counter the private use of force”.²⁶ Thus, followers of the dominant school do not concern themselves with how this monopoly is produced, nor do they acknowledge that their approach is representative of a reified conception of the state, one that does not take into account the historical variance of the state’s relationship to violence.²⁷ Yet, as we shall see, these are all important matters concerning the rise and importance of the PSC phenomenon. The final, and related, reason is that the dominant school largely concerns itself only with interstate affairs.²⁸ As such, it does not possess a theory of the state. This, however, is a critical omission because much of the strife in the world today can be linked to the weakness of state structures. Certainly, it is within this milieu that PSCs ply their trade. In short, these three reasons expose the dominant school’s lack of applicability to contemporary security matters and to contemporary non-state actors such as the PSC.

2.11 About This Study - Approach Towards Data Collection

To facilitate the collection of evidence, the study relies upon a number of different sources. Analysis is made of primary documents concerning the state of domestic and international regulation of PSCs and attitudes towards the firms. Also, as mercenarism, whatever its form, is generally both a colourful and controversial issue, the study takes advantage of insights generated in numerous media reports issued over the past decade. In addition, in order to make a human security assessment of PSCs, the study takes into account the evidence and arguments presented in secondary academic sources. The array of viewpoints and matters of concern in this collective body of work is noted in the following section. Finally, over the development of this study, the author relied upon material gathered through interaction, interviews, and correspondence with stakeholders and those with expertise regarding the PSC industry: PSCs, NGOs, and government officials. Note that because of the sensitivity of the subject matter and some concerns regarding propriety information, interviews were mostly granted on the condition of total anonymity. The wishes of these individuals have been followed and the cases in which consent for recognition was granted are identified in the endnotes.

2.12 Issues and Themes

Even though the PSC is a relatively new phenomenon, a group of analysts has produced reports and academic analyses on the subject. It is possible to identify and then categorize the issues and themes that are presented in this literature. There are six main categories in which to place these efforts: descriptive/developmental projects; individual

case studies; privatization trends in security; cost-effectiveness and economic analyses; exploitation, development, and the global economy relationships; and regulation and accountability matters.²⁹

Descriptive/developmental projects form a large portion of the work on the subject and generally consider the international supply and demand factors that led to the development of the PSC industry, its growth, and its perpetuation. Within this category, one sub-division can be made. One camp consists of studies that examine these factors on their own in order to indicate how the PSC rose to be a matter of attention.³⁰ The other camp consists of studies that additionally place the PSC in the larger and longer running historical patterns of mercenarism.³¹ This latter body of work serves to draw out the similarities and differences that both identify PSC activity as mercenal and make clear the PSC's distinguishing characteristics within this larger "family".

After descriptive/developmental projects, case studies represent a significant segment of the work on PSCs.³² In some instances, the focus is upon a particular company, in others it is upon a certain country or conflict, and in additional ones it is a combination of these. The studies deal with a number of issues: the particular demand factors leading to the employment of the PSC, the conditions in the client state before, during, and after the PSC presence, the contractual goals of the PSCs and the means used to attain those goals, and the relationships the PSC had or developed with other actors during the course of the contract (i.e. security-sector actors, foreign governments, international organizations, mining/extraction companies, humanitarian organizations). More often than not, these examinations have an emphasis on Africa, a not surprising

fact given that a good deal of PSC activity occurs in Africa and it was the continent in which EO engaged in its most publicized operations. Viewpoints put forth in these case studies range from support to a listing of positives and negatives to outright hostility. With respect to the latter point, this hostility either is based upon the actions of the PSC itself or, more often, is rooted in the pejorative notions pertaining to mercenarism and developed largely in response to the conduct of soldiers of fortune during the previous century. In this way, the case studies, when collected and assessed together, present a depth of information and opinion related to country specific conditions and PSC activity.

A section of the literature also exists that places the PSC in the larger examination and debates on the “destating” or the privatization of security.³³ This body of work suggests a reversal or a degradation of the notion based in Weberian thought that the state is to have the monopoly on the legitimate use of force.³⁴ The Weberian ideals have come to be seen as pertinent both within and beyond state borders.³⁵ Yet today this literature suggests that such ideas are no longer a given, especially in the weak state developing world or post-Communist context. The other actors and activities that contribute to the trend of destating are several: the rise of warlord activity and its comparison with that of earlier times (i.e. pre-Communist China), the use of national armies for private political and economic purposes, the increase in mafia-like and vigilante activity, and the creation of private armies/parallel forces by state leaders.³⁶ PSCs specifically are somewhat of an anomaly in this trend; they are foreign based and operate abroad, whereas most of the “privatized” actors have sprung from and manifest themselves within states.³⁷ Another difference is that PSCs are incorporated into the

ideas of “privatization” in the traditional sense, the passing of public responsibility into private hands, albeit seemingly under the guidance and direction of state officials, in return for financial remuneration. As for the other types of phenomena, legal or governmental sanction are somewhat slight or more tenuous. This body of work looks at arguments of how, from one angle, PSCs promote “destating” and exacerbate the situation either by complementing the activities of other privatized actors or by combatting them. The alternative angle also informed by this literature is that PSCs, though private actors, may instead help to reverse the trend of destating and help the state regain its monopoly over violence. Hence, the PSC, in relation to the state’s monopoly on violence, is viewed as a catalyst for change; the direction and nature of this change, however, is in dispute.

Whereas the destating literature deals largely with the weak state in developing world or post-Communist contexts, the volume of work falling under the category of cost-effectiveness and economic analyses pertains mostly to changes in developed world states.³⁸ Furthermore, whereas the descriptive/developmental category considers demand stimuli connected to material factors, this category refers to ideational changes in the developed world leading to the creation of PSCs. In other words, the PSC offering its expertise overseas is an outward manifestation of trends occurring within developed states which feature the “traditional” privatization of security identified in the paragraph above. In countries such as Canada, the United Kingdom, and Australia, the ratio of those employed in private security to those employed in public security or public policing is 2:1. In the United States it is 3:1 while in a country such as South Africa, the ratio is

10:1.³⁹ These trends are pushed forth partially by a sense of unease amongst populations regarding crime and the perceived inability of public actors to respond. They are also pushed forward by the greater impetus for privatization in search of better efficiency and effectiveness and reduced costs. These goals are thought to be brought about through competition and the introduction of private, non-governmental actors. Studies, on the one hand, reveal the economic waste and incompetence found in the activities of conventional security-sector actors.⁴⁰ On the other hand, they also reveal issues to be considered if contracting out is to bring about the desired results: principal-agent problems and moral hazard, the appropriate writing of contracts, quality concerns, and delegating and managerial controls. This work forms a very technical and economic stream of thought in terms of both its emphasis on costs and benefits and its utilization of rational actor modelling and economic logic.

Another body of work looks at exploitation, development, and global economy relationships and delves into the issues of profit, power, and survival. Three sub-categories make up the larger category. One puts forth the logic exercised by state leaders as they try to engage in post-Cold War clientist strategies.⁴¹ These governing officials implement the demands for downsizing and privatization made by the International Monetary Fund (IMF) or the World Bank because they allow them to exercise better control through the market than through state mechanisms. These demands are welcome because state institutions have either degraded substantially or they may serve as the support base for political rivals. This logic particularly applies to states with economies dependent on the export of natural resources. PSCs play into this

logic both as a manifestation of privatization itself and as a means of preventing resource producing areas from falling into the hands of the "opposition", whether it be rebel movements or those individuals or groups wishing to have an influence upon territorial/market control or national governance. The second sub-category considers the economic incentives for violence, and like the first sub-category, puts forth the idea that while to the outsider, conditions in the weak state context may be seen as chaotic at best, they are nevertheless representative of alternative forms or structures of power.⁴² PSCs are but one of the ingredients in a larger political mixture in which violence is initiated and perpetuated by elites and ordinary individuals alike because it leads to further profit garnered through activities both legal and illegal. Finally, the third sub-category contends that PSCs, along with foreign mineral extraction companies facilitate the neocolonial exploitation of resource-rich but otherwise destitute states.⁴³ The nexus between PSCs and extraction companies links these states to the globalized economy, but in such a way that the needs of the various populations are shunted aside, while at the same time their countries are further marginalized in world economic and political affairs. Upon consideration of these three sub-categories *en masse*, it is clear that they all deal with wealth appropriation generated through extraction and global trade, but that they differ in regards to the degree of agency exercised by PSCs and state elites alike and to the criticism levelled at the nature of this agency.

Lastly, the sixth category of issues and themes in the literature of PSCs concerns the matters of appropriate regulation, authority, and accountability.⁴⁴ It looks at the sufficiency and suitability of current national and international legislation regarding

mercenaries writ large as they specifically relate to the PSC and to the strife or upheaval in the post-Cold War weak state context. Also incorporated into this segment are points pertaining to who should be responsible for PSC specific regulation: supplier states, contracting states, regional organizations, international bodies, and PSCs themselves as they respond to conditions dictated by the marketplace. In addition, this work collectively examines the components for regulation, with particular emphasis placed upon technical matters in order both to ensure quality and to differentiate the PSC from other forms of mercenarism. Obviously then, the range of arguments presented extends from a high level of intervention into the marketplace, up to and including the abolition of PSCs, down to a reliance on a *laissez faire* approach.⁴⁵

2.13 Place of the Dissertation in the Literature

This study picks up and expands upon work in five of the six categories: descriptive/developmental projects; individual case studies; privatization trends in security; exploitation, development, and the global economy relationships; and regulation and accountability matters. This is done by placing the PSC phenomenon explicitly in the context of human security and looking into how PSCs operate, for what purposes, and how this activity impacts directly and indirectly upon human security. First, in order to explore fully the merits or demerits of PSCs, the dissertation examines in a comparative manner the activities of several PSCs providing a variety services to numerous clients, particularly those seemingly involved in the promotion of human security -- state-security sectors and humanitarian actors. In particular, this links together and elaborates upon the

literature presented in the descriptive/developmental and case studies categories with how PSCs do or do not lead to the destating of violence and how their presence is linked to the global economy and structures of power. In this way, the study responds to the call made by Jeffrey Herbst that minimal efforts have been made to promote the understanding of “the nature of private security forces as firms and analyzing the particular market they confront”.⁴⁶ Second, with particular respect to humanitarian actors, this dissertation analyses closely the implications of a relationship between PSCs and humanitarians, a matter not yet deeply probed in the literature.⁴⁷ This subject is of importance because the relationship is growing and the context in which humanitarians operate is changing. Third, the human-security-centric approach presents an assessment of current regulatory endeavours and possibilities for future ones by providing an end objective: the direct and indirect promotion of human security. In this way, it moves beyond some of the technical approaches to regulation which consider only the conduct of PSCs in the field and not the wider implications of their presence. It also helps to inform the goals for regulation; examining the issues of accountability and oversight are important, but what end does improved accountability or oversight serve? This, like the other two matters, should be made plain.

Indeed, this demand for further clarity and assessment is necessary not just for academic pursuits and debates on their own merits, but also for informing policymaking. State policymakers and others are increasingly looking at, or engaging with, the private security industry in order to counter both their own limitations and the woes in the weak state context. The objectives they wish the private alternative to pursue, ones that public

actors often cannot or will not do effectively and appropriately, have an impact upon the promotion of human security. But are PSCs, as currently regulated, managed, and endowed, up to the task? How should this be assessed? If there are limitations, how might they best be overcome and what are the prospects for success? These questions must be answered as supply and demand factors still fuel the growth of the PSC industry and the promotion of human security remains a post-Cold War policy objective for many states and international organizations alike. Answering these questions, through analysis of primary sources, a consideration of observations made in secondary sources, an examination of media reports, and a contemplation of interview responses is the goal of this study and the contribution it strives to make.

ENDNOTES FOR CHAPTER TWO

1. Les Johnson identifies one of the shortcomings of sociological investigation as the tendency to conflate policing, which is a social function, with the police, which is a specific organization. Les Johnston, "Private Policing in Context," *European Journal on Criminal Policy and Research* 7 (No. 2, 1999), pp. 176-177.
2. Kim Richard Nossal, "Global Governance and National Interests: Regulating Transnational Security Corporations in the Post-Cold War Era," *Melbourne Journal of International Law* 2 (October 2001), p. 459, note 1.
3. See, for instance, Herbert Howe, *Ambiguous Order: Military Forces in African States*. Boulder: Lynne Rienner Publishers, Inc., 2001; Lawrence W. Serewicz, "Globalization, Sovereignty and the Military Revolution: From Mercenaries to Private International Security Companies," *International Politics* 39 (March 2002), pp. 75-89.
4. Peter W. Singer, "Corporate Warriors: The Rise of the Privatized Military Industry and its Ramifications for International Security," *International Security* 26 (Winter 2001/02), p.200. See also Peter W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry*. Ithaca: Cornell University Press, 2003.
5. Equitable Securities Corporation, "Equitable Securities Research," (27 August 1997).
6. Jack Kelly, "Safety at a Price: Security is a booming, sophisticated, global business," *Pittsburgh Post-Gazette* (13 February 2000), (www.post-gazette.com/headlines/20000213security1.asp).
7. More recently, a similar contention is that in the wake of the terrorist attacks of 11 September 2001, the stock values of some companies have more than doubled. As a specific example, since 11 September 2001, the per-share price of stock in L3 Communications, a security service provider and the parent company of the American PSC Military Professional Resources Incorporated, has more than doubled. Esther Schrader, "U.S. Companies Hired to Train Foreign Armies," *Los Angeles Times* (14 April 2002), (latimes.com). The implications of 11 September 2001 for the PSC industry will be considered in the final chapter of this study.
8. United Kingdom, House of Commons, Foreign Affairs Committee, "Private Military Companies," Ninth Report of Session 2001-02, London: Stationery Office, 1 August 2002, p. 6.
9. It is important to note that there is also a classification problem pertaining to private security services sold domestically. In their calculations of the size of the industry, different authors will include or exclude different things (e.g., in-house security, security

consultancy, cyber security, and locksmiths). For examples of these discrepancies, see Jaap De Waard, "The Private Security Industry in International Perspective," *European Journal on Criminal Policy and Research* 7 (No. 2, 1999), pp. 143-174; Jane Richardson, ed., *Police and Private Security: What the Future Holds*. Ottawa: Canadian Association of Chiefs of Police, 2000.

10. The Pinkerton Organization has annual revenues of over US\$1 billion and has 250 offices throughout North and Central America, Asia, and Europe which employ 47,000 people. Similarly, the Wackenhut Corporation employed 56,000 in North and South America, Africa, and Europe. The Securicor Group has a staff 41,000 strong. See Les Johnston, "Transnational Private Policing: The impact of global commercial security," in J.W.E. Sheptycki, ed., *Issues in Transnational Policing*. New York: Routledge, 2000, pp. 21-42.

11. For more information on the colourful history of the Pinkerton Organization, see www.pinkertons.com.

12. The following chapter provides a definition of the term "mercenary".

13. For a history of military logistics, including the role of civilians, see Martin Van Creveld, *Supplying War: Logistics from Wallenstein to Patton*. New York: Cambridge University Press, 1977.

14. Note, for instance, that 1 in 50 Americans deployed in the Persian Gulf War was a civilian. In more recent times, 1 in 10 Americans participating in NATO operations in Bosnia was a civilian. Also, the company Kellogg, Brown, and Root holds the exclusive logistics contract for the American Army and Navy. In the War on Terror, this firm has done such things from constructing the cells in Guantanamo Bay through to providing the logistics for the American military in Uzbekistan after the initial first six months of deployment. See Katherine McIntire Peters, "Civilians at War," *Government Executive* (1 July 1996), (www.govexec.com); Jeff Gerth and Don Van Natta Jr. "In Tough Times, A Company Finds Profits In Terror War," *New York Times* (13 July 2002), p. 1.

15. This distinction is noted in R.D.C. Dangerfield, B.D.A. Kite, D.J. Robinson, and A.J.I. Wilson, *Private Military Companies: Options for Regulation - A Response to the UK Government Green Paper*, No. 6. DTC (MA) Project Study Report 2002, Royal Military College of Science, Cranfield University, 1 July 2002, pp. 58-59.

16. In contrast, the United States has not generated such a label. Reasons for this may have been the United States longstanding desire to remain aloof of European politics, its military weakness at the time of independence, and the fact that mercenaries were used by the United Kingdom to counter the American drive for independence. See James Larry Taulbee, "Myths, Mercenaries and Contemporary International Law," *California Western International Law Journal* 15 (1985), p. 344.

17. Firms from other countries such as France and Israel similarly do not have a high profile. In the specific case of France, its industry has not yet reached the same level of prominence, perhaps because of its still substantial (albeit decreasing) military presence in Africa. In the specific case of Israel, the Palestinian issue and the fact that PSC contracts are often used as leverage for arms purchases potentially complicate the spread of Israeli business.

18. For assessments of the Russian domestic security industry see Aleksandr Dzyublo and Yury Snegiryov, "Russia Has Become a Country of Security Guards," *Izvestia* (12 March 1997), p. 2; Kevin A. O'Brien, "Freelance forces: exploiters of old or new-age peacebrokers?" *Jane's Intelligence Review* 10 (1 August 1998), (jir.janes.com); Federico Varese, "Is Sicily the future of Russia? Private Protection and the rise of the Russian Mafia," *Archives Européennes de Sociologie* 35 (No. 2, 1994), pp. 224-258; "Police Target Private Security Agencies," *Rossiiskiy vesti* (2 December 1998), p. 2; "Policing for Profit: Welcome to the new world of private security," *Economist* (19 April 1997), pp. 21-24.

19. One might argue that South Africa has characteristics similar to Russia. In fact, in terms of GDP, South Africa has the largest domestically oriented private security marketplace in the world at 1.25 percent. However, as Peter Lock notes, Russian PSCs may not have a substantial international presence because of "the cultural distance and the lack of international experience among demobilised Russian military personnel". See Henri E. Cauvin, "Homegrown Guards," *New York Times* (9 October 2001), p. W1, p. W7; Peter Lock, "Africa, military downsizing and the growth of the security industry," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Plunder or Profit? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, p. 28.

20. Barry Buzan, *People, States, and Fear*. 2nd edition. London: Harvester Wheatsheaf, 1991.

21. See, for example, K.J. Holsti, *Political Causes of Humanitarian Emergencies*, Research for Action 36, UNU World Institute for Development Economics Research, 1997. It is not an objective of this study, however, to delve into the different types of weak states and how these different types have specific impacts upon PSCs.

22. In recent times, some multinational corporations, along with governments, have developed guidelines pertaining to their reliance upon both public and private actors for security. See United States, Department of State, Bureau of Democracy, Human Rights, and Labor, "Voluntary Principles on Security and Human Rights," Washington, 20 February 2001, (www.state.gov/drl/rls/2931.htm).

23. See International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and*

State Sovereignty. Ottawa, International Development Research Centre, 2001.

24. The United Nations has not hired a PSC to wear the Blue Beret. Similarly, no state has hired a PSC to serve as its contribution in either a United Nations operation or in a United Nations authorized force. The only two examples which exist on the margins concern the United States. In 1999, Washington hired DynCorp to provide the American contribution to the cease-fire observation team in Kosovo put together by the Organization for Security and Cooperation in Europe (OSCE). Earlier in 1995 and also in the Balkans, the United States employed MPRI to provide personnel to serve with the Geneva-based International Conference on the Former Yugoslavia. The responsibility of MPRI personnel was to monitor the flow of cargo crossing at the Serb-Bosnian border in order to help restrict the flow of arms. While both of these operations had characteristics similar to Chapter 6-type "cooking and looking" peacekeeping operations, their mandates were limited and they were not under the auspices of the United Nations and its peacekeeping office. Private peacekeeping is discussed explicitly or implicitly in Kevin A. O'Brien, "Military-Advisory Groups and African Security: Privatized Peacekeeping?" *International Peacekeeping* 5 (Autumn 1998), pp. 78-105; Jonah Schulhofer-Wohl, "Peacekeeping in Sierra Leone Could Be Privatized," *Washington Post* (15 May 2000), (www.washingtonpost.com); J. Slabbert, "Privatising Peacekeeping Operations: A Viable Alternative in Africa or Overextended UN Capacity?" (www.mil.za/CSANDF/CJSupp/TrainingFormation/DefenceCollege/Researchpapers2000_02/slabbert.htm); Doug Brooks, "Messiahs or Mercenaries? The Future of International Private Military Services," in Adekeye Adebajo and Chandra Lekha Siram, eds., *Managing Armed Conflicts in the 21st Century*. London: Frank Cass & Co. Ltd., 2001, pp. 129-144.

25. Even critics of the dominant school who suggest the need to incorporate non-state actors into international relations analysis find it hard to place the non-state application of violence and the use of security expertise into their frameworks. Note, as an example, that for James Rosenau, the means and utility of coercion rest predominantly in the hands of states or "sovereignty-bound actors". Coercion does not serve the objectives or mandates of non-state or "sovereignty-free actors". As for non-state actors like terrorists, Rosenau finds that they are only peripheral to the activities conducted by sovereignty-bound and sovereignty-free actors. James N. Rosenau, *Turbulence in World Politics: A Theory of Change and Continuity*. Princeton: Princeton University Press, 1990, p. 193, p. 257.

26. Kenneth Waltz, "Anarchic Orders and Balances of Power," in Robert O. Keohane, ed., *Neorealism and Its Critics*. New York: Colombia University Press, 1986, p. 100.

27. This point is noted in John G. Ruggie, "Territoriality and Beyond: Problematizing Modernity in International Relations," *International Organization* 47 (Winter 1993), pp. 139-174; Patrick J. Cullen, "The Re-Emergence of Private Security: A Challenge to the State's Monopoly of Legitimate Violence," paper presented at the 2003 International

Studies Association Meetings, Portland, United States, 26 February - 1 March 2003, especially pp. 5-6. Paper cited with the permission of the author.

28. Some analysts have tried to apply the dynamics of the traditional school, such as balancing and security dilemma, to the intra-state context. See Barry Posen, "The Security Dilemma and Ethnic Conflict," *Survival* 35 (Spring 1993), pp. 27-47.

29. Individual authors or individual pieces of work may cover a number of different arguments or points such that overlap does exist.

30. Thomas K. Adams, "The New Mercenaries and the Privatization of Conflict," *Parameters* (Summer 1999), pp. 103-116, (carlisle-www.army.mil/usawc/Parameters/99summer/adams.htm); Doug Brooks, "Write a Cheque, End a War: Using Private Military Companies to End African Conflicts," *Conflict Trends* (June 2000), (www.accord.org.za); Doug Brooks and Hussein Solomon, "From the Editor's Desk," *Conflict Trends* (June 2000), (www.accord.org.za); Jakkie Cilliers, "Private security in war-torn African states," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Plunder or Profit? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, pp. 1-9; Christopher Coker, "Outsourcing War," *Cambridge Review of International Affairs* 13 (Autumn/Winter 1999), pp. 95-113; Herbert Howe, "Global Order and Security Privatization," *Global Order and Security* (No. 140, May 1998), (www.ndu.edu/inss/strforum/forum140.html); Herbert Howe, *Ambiguous Order*, chapter 5, chapter 7; Peter Lock, "Military Downsizing and Growth in the Security Industry in Sub-Saharan Africa," *Strategic Analysis* 22 (December 1998), pp. 1393-1426, (www.idsa-india.org/an-dec8-10.html); Mark Malan, "The crisis in external response," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Plunder or Profit? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, pp. 37-59; Greg Mills and John Stremlau, "The Privatisation of Security in Africa: An Introduction," in Greg Mills and John Stremlau, eds., *The Privatisation of Security in Africa*. Johannesburg: The South African Institute of International Affairs, 1999, pp. 1-21; Kim Richard Nossal, "Bulls to Bears: The Privatization of War in the 1990s," in *War, Money and Survival*. Geneva: International Committee for the Red Cross, 2000, pp. 36-38; O'Brien, "Military-Advisory Groups"; David Shearer, "Outsourcing War," *Foreign Policy* (No. 112, Fall 1998), pp. 68-81; David Shearer, *Private Armies and Military Intervention*, Adelphi Paper 316, London: International Institute for Strategic Studies, 1998; Ken Silverstein, *Private Warriors*. New York: Verso, 2000, especially chapter 4; Alex Vines, "Mercenaries and the Privatisation of Security in Africa in the 1990s," in Greg Mills and John Stremlau, eds., *The Privatisation of Security in Africa*. Johannesburg: The South African Institute of International Affairs, 1999, pp. 47-80.

31. Guy Arnold, *Mercenaries: The Scourge of the Third World*. New York: St. Martin's Press, Inc., 1999; James R. Davis, *Fortune's Warriors: Private Armies and the New World Order*. Vancouver: Douglas & McIntyre Ltd., 2000; David Isenberg, *Soldiers of*

Fortune Ltd.: A Profile of Today's Private Sector Corporate Mercenary Firms, Center for Defense Information Monograph, Washington D.C.: Center for Defense Information, November 1997; Anthony Mockler, *The New Mercenaries*. London: Sidgwick & Jackson Limited, 1985; Kim Richard Nossal, "Roland Goes Corporate: Mercenaries and Transnational Security Corporations in the Post-Cold War Era," *Civil Wars* 1 (Spring 1998), pp. 16-35; Kevin A. O'Brien, "PMCs, Myths, and Mercenaries: the debate on private military companies," *Royal United Service Institute Journal* (February 2000), pp. 59-64, (www.icsa.ac.uk/pmcs-nf.html); Anthony Rogers, *Someone Else's War: Mercenaries from 1960 to the present*. London: HarperCollins Publishers, 1998.

32. Jakkie Cilliers and Ian Douglas, "The military as business - Military Professional Resources, Incorporated," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies*. Pretoria; Institute for Security Studies, 1999, pp. 111-122; Sean Cleary, "Angola - A case study of private military involvement," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-torn African Societies*. Pretoria: Institute for Security Studies, 1999, pp. 141-174; Sinclair Dinnen, "Trading in security: private security contractors in Papua New Guinea," in Sinclair Dinnen, Ron May, and Anthony J. Regan, eds., *Challenging the State: the Sandline Affair in Papua New Guinea*. Canberra: National Centre for Development Studies, Research School of Pacific and Asian Studies, Australian National University, 1997, pp. 112-128; Sinclair Dinnen, "Militaristic Solutions in a Weak States: Internal Security, Private Contractors, and Political Leadership in Papua New Guinea," *The Contemporary Pacific* 11 (Fall 1999), pp. 279-303; Sinclair Dinnen, Ron May, and Anthony J. Regan, "Introduction," in Sinclair Dinnen, Ron May, and Anthony J. Regan, eds., *Challenging the State: the Sandline Affair in Papua New Guinea*. Canberra: National Centre for Development Studies, Research School of Pacific and Asian Studies, Australian National University, 1997, pp. 1-8; Charles Dokubo, "'An Army for Rent', Private Military Corporations and Civil Conflicts in Africa: The Case of Sierra Leone," *Civil Wars* 3 (Summer 2000), pp. 51-64; Sean Dorney, *The Sandline Affair: Politics and mercenaries and the Bougainville crisis*. Sydney: ABC Books, 1998; Ian Douglas, "Fighting for diamonds -Private military companies in Sierra Leone," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies*. Pretoria; Institute for Security Studies, 1999, pp. 175-200; Yekutiel Gershoni, "War Without End and An End to A War: The Prolonged Wars in Liberia and Sierra Leone," *African Studies Review* 40 (December 1997), pp. 55-76; Jeremy Harding, "The mercenary business: 'Executive Outcomes'," *Review of African Political Economy* 24 (March 1997), pp. 87-97; Herbert M. Howe, "Private security forces and African stability: the case of Executive Outcomes," *Journal of Modern African Studies* 36 (No. 2, 1998), pp. 307-331; Mary-Louise O'Callaghan, *Enemies Within: Papua New Guinea, Australia, and the Sandline Crisis: The Inside Story*. Sydney: Doubleday Books, 1999; Anthony J. Regan, "Preparation for war and progress towards peace - Bougainville dimensions of the Sandline Affair," in Sinclair Dinnen, Ron May, and Anthony J. Regan, eds., *Challenging*

the State: the Sandline Affair in Papua New Guinea. Canberra: National Centre for Development Studies, Research School of Pacific and Asian Studies, Australian National University, 1997, pp. 49-72; David Shearer, "Exploring the Limits of Consent: Conflict Resolution in Sierra Leone," *Millennium* 26 (Summer 1997), pp. 845-860; Alex Vines, "Gurkhas and the private security business in Africa," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, pp. 123-140.

33. Emmanuel Kwesi Aning, "Africa's Security in the New Millennium: State or Mercenary Induced Stability?" *Conflict Trends* (June 2000), (www.accord.org.za); Brooks, "Messiahs or Mercenaries?"; Christopher Clapham, "African Security Systems: Privatisation and the Scope for Mercenary Activity," in Greg Mills and John Stremlau, eds., *The Privatisation of Security in Africa*. Johannesburg: The South African Institute of International Affairs, 1999, pp. 23-45; Mark Duffield, "Post-modern Conflict: Warlords, Post-adjustment States and Private Protection," *Civil Wars* 1 (Spring 1998), pp. 65-102; Eboe Hutchful, "Understanding the African Security Crisis," in Abdel-Fatau Musah and J. 'Kayode Fayemi, eds. *Mercenaries: An African Security Dilemma*. London: Pluto Press, 2000, pp. 210-232; Abdel-Fatau Musah and J. 'Kayode Fayemi, "Africa in Search of Security: Mercenaries and Conflicts - An Overview," in Abdel-Fatau Musah and J. 'Kayode Fayemi, eds. *Mercenaries: An African Security Dilemma*. London: Pluto Press, 2000, pp. 13-42; Abdel Fatau Musah, "A Country Under Siege: State Decay and Corporate Military Intervention in Sierra Leone," in Abdel-Fatau Musah and J. 'Kayode Fayemi, eds., *Mercenaries: An African Security Dilemma*. London: Pluto Press, 2000, pp. 76-116; O'Brien, "Privatizing Security", pp. 52-80; David Shearer, "Private Military Force and Challenges for the Future," *Cambridge Review of International Affairs* 13 (Autumn/Winter 1999), pp. 80-94.

34. Charles Tilly, "War Making and State Making as Organized Crime," in Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds., *Bringing the State Back In*. New York: Cambridge University Press, 1985, pp. 169-191; Charles Tilly, *Coercion, Capital, and European States: AD 990-1990*. Cambridge: Basil Blackwell, 1990; Weber, *The Theory of Social and Economic Organization*.

35. The external dimensions are considered in Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe*. New Jersey: Princeton University Press, 1994.

36. Work that delves into these phenomena include: Comfort Ero, "Vigilantes, Civil defence forces and militia groups: the other side of the privatisation of security in Africa," *Conflict Trends* (June 2000), (www.accord.org.za); Alice Hills, "Warlords, Militia and Conflict in Contemporary Africa: A Re-examination of Terms," *Small Wars and Insurgencies* 8 (Spring 1997), pp. 35-51; Herbert Howe, "African Private Security," *Conflict Trends* (June 2000), (www.accord.org.za); Mary Kaldor, "Introduction." In Mary Kaldor and Vashee Basker, eds., *Restructuring the Global Military Sector: New*

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37. Note that these actors might also have an impact across state borders. When he was a warlord, the now president of Liberia, Charles Taylor, controlled what was known as "Taylorville", an area which covered parts of both Liberia and Sierra Leone.

38. This logic is frequently employed in the work on PSCs, but note, in particular, efforts found in the *Cambridge Review of International Affairs*: Jurgen Brauer, "An Economic Perspective on Mercenaries, Military Companies, and the Privatization of Force," *Cambridge Review of International Affairs* 13:1 (Autumn-Winter 1999), pp. 130-146; Martin Edmonds, "Defence Privatisation: From State Enterprise to Commercialism," *Cambridge Review of International Affairs* 13:1 (Autumn-Winter 1999), pp. 114-129; Eric Fredland and Adrian Kendry, "The Privatisation of Military Force: Economic Virtues, Vices and Government Responsibility," *Cambridge Review of International Affairs* 13:1 (Autumn/Winter 1999), pp. 147-164.

39. These statistics are found in "Policing for Profit," p. 21.

40. One study indicated that the cost of EO in Sierra Leone equated to only three percent of the current budget of United Nations peacekeeping in that country. Another study, issued by the Logistics Management Institute, asserts that PSC operations cost one third of those conducted by national militaries. See Howe, *Ambiguous Order*, p. 193; Mariyam Joyce-Hasham, "Conference Report: Private Military Companies," Royal United Services Institute, London, 24 October 2001, p. 3.

41. Mark Duffield and William Reno are the dominant writers in this field of analysis. See Mark Duffield, "Internal Conflict: Adaptation and Reaction to Globalisation," *The Cornerhouse*, Briefing 12, 1999, (cornerhouse.icaap.org/briefings/12.html); Mark Duffield, "Globalization, Transborder Trade, and War Economies," in Mats Berdal and David M. Malone, eds., *Greed & Grievance: Economic Agendas in Civil Wars*. Boulder: Lynne Rienner Publishers, 2000, pp. 69-89; Mark Duffield, *Global Governance and the New Wars*. London: Zed Books, 2001, especially chapter 7; William Reno, "African Weak States and Commercial Alliances," *African Affairs* 96 (April 1997), pp. 165-185; William Reno, "Privatizing War in Sierra Leone," *Current History* 96 (May 1997), pp. 227-230; William Reno, "War, Markets, and the Reconfiguration of West Africa's Weak States," *Comparative Politics* 29 (July 1997), pp. 493-510; William Reno, *Warlord Politics and African States*. Boulder: Lynne Rienner Publishers, Inc., 1999; William

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42. David Keen, *The Economic Functions of Violence in Civil Wars*, Adelphi Paper 320, London: International Institute for Strategic Studies, 1998; David Keen, "Incentives and Disincentives for Violence," in Mats Berdal and David M. Malone, eds., *Greed & Grievance: Economic Agendas in Civil Wars*. Boulder: Lynne Rienner Publishers, 2000, pp. 19-41. The general breakdown or chaos thesis is presented in Robert D. Kaplan, "The Coming Anarchy," *Atlantic Monthly* (February 1994), pp. 44-76.

43. Abiodun Alao, "Diamonds are Forever...but so are Controversies: Diamonds and the Actors in Sierra Leone's Civil War," *Civil Wars* 2 (Autumn 1999), pp. 43-64; David J. Francis, "Mercenary intervention in Sierra Leone: Providing national security or international exploitation?" *Third World Quarterly* 20 (April 1999), pp. 319-338, (EBSCO); Khareen Pech, "Executive Outcomes - A corporate conquest," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, pp. 81-110. For a contrary view, see Doug Brooks, "Hope for the 'Hopeless Continent': Mercenaries," *Traders: Journal for the Southern African Region* (No. 3, July-October 2000), (www.tradersP.co.za/index.html).

44. Chaloka Beyani and Damian Lilly, *Regulating Private Military Companies: Options for the UK Government*. London: International Alert, 2001; Patrick J. Cullen "Keeping the New Dogs of War on a Tight Leash: Assessing Means of Accountability for Private Military Companies," *Conflict Trends* (June 2000), (www.accord.org.za); Leonard Gaultier, Garine Hovsepian, Ayesha Ramachandran, Ian Wadley, and Badr Zerhdoud, *The Mercenary Issue at the UN Commission on Human Rights: The Need for a New Approach*. London: International Alert, 2001; Bruce D. Grant, "U.S. Military Expertise for Sale: Private Military Consultants as a Tool of Foreign Policy." Chairman of the Joint Chiefs of Staff, 1998 Strategy Essay Competition, (www.ndu.edu/inss/books/essaysch4.html); Jeffrey Herbst, "The Regulation of Private Security Forces," in Greg Mills and John Stremlau, eds., *The Privatisation of Security in Africa*. Johannesburg: The South African Institute of International Affairs, 1999, pp. 107-127; Howe, *Ambiguous Order*, chapter 5; Dino Kritsiotis, "Mercenaries and the Privatization of Warfare," *Fletcher Forum of World Affairs* 22 (Summer/Fall 1998), pp. 11-25; Damian Lilly, *The Privatization of Security and Peacebuilding: A Framework for Action*. London: International Alert, 2000; Mark Malan and Jakkie Cilliers, "Mercenaries and Mischief: The Regulation of Foreign Military Assistance Bill," Occasional Paper No. 25, Pretoria, Institute for Security Studies, September 1997; 'Funmi Olonisakin, "Arresting the Tide of Mercenaries: Prospects for Regional Control," In Abdel-Fatau Musah and J. 'Kayode Fayemi, eds., *Mercenaries: An African Security*

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45. For further information on the abolition case, see Moyiga Nduru, "Campaign to rid Africa of mercenaries," *Electronic Mail & Guardian* (20 June 1997), (www.mg.co.za/mg/news/97june2/20june-mercenaries.html).

46. Herbst, "The Regulation of Private Security Forces," p. 117.

47. Some pieces have dealt with the interaction between PSCs and humanitarians, but to only a limited degree: Michael Bryans, Bruce D. Jones and Janice Gross Stein, "Mean Times: Humanitarian Action in Complex Emergencies - Stark Choices, Cruel Dilemmas," *Coming to Terms* 1 (January 1999), (www.care.ca/meantimes99.pdf); Davis, *Fortune's Warriors*; Antonio Donini, "Asserting Humanitarianism in Peace-Maintenance," in Jarat Chopra, ed., *The Politics of Peace-Maintenance*. Boulder: Lynne Rienner Publishers, Inc., 1998, pp. 81-96; Duffield, "Post-modern Conflict"; Sandoz "Private Security"; Shearer, *Private Armies*.

CHAPTER THREE - Mercenary Activity

3.1 Introduction

Even a cursory consideration of military history dating as far back as ancient times reveals instances where mercenary forces have played key roles in the military, political, and social developments that have shaped human civilization. Anthony Mockler suggests that the “history of mercenaries would be very little less than a history of warfare throughout the ages”.¹ The ancient Roman, Greek, and Chinese emperors all relied on mercenary forces to defend, support, and advance their respective realms. Teutonic tribesmen became part of the Roman Armies. Alexander the Great relied on 50,000 mercenaries, many of them Macedonians, to spread Pan-Hellenic ideals across Persia. “Spears-for-hire” from Gaul, Numidia, and Spain made up the bulk of the ranks of Hannibal’s Carthaginian army.² In an echo of Mockler’s description, David Isenberg contends that mercenarism may be nothing less than the world’s second oldest profession.³

Clearly, while temporal and regional variations have played their part, supply and demand factors have generally determined the level of mercenary activity. On the supply side, the ends of wars have often meant the presence of unemployed soldiers. The lulls in and the eventual termination of the Hundred Years War, for instance, produced bands of mercenaries who eventually became the well-known Free Companies and provided the initial manpower base for the *condottieri* of Italy.⁴ Additionally, various economic and social structures fuelled the supply of mercenaries. The limited prospects of land for younger sons under England’s feudal structure and the basic pastoral economy of

Switzerland helped give rise to the mercenary traditions of the knights and the Swiss Pikesmen. On the demand side, mercenaries frequently offered their manpower and their services/skills not available amongst, or not willing to be offered by, the indigenous population. Moreover, rulers often turned to mercenaries as they felt that the consolidation of their authority was such that the large scale arming of their subjects might be unwise. In 1159, King Henry II of England strove to overcome feudal obligations that limited his accessibility to manpower by hiring mercenary knights.⁵ In northern Italy, the *condottieri* were able to flourish not only because they had a papal blessing and seemed, at first, politically distant from the in-fighting characteristic of Italian politics, but because the region was rich and prosperous thanks to an urban economy that was more based upon commerce than land-holding. Many Italians wished to keep making money and leave fighting to others willing to engage in the task.⁶ With respect to Great Britain, colonial overstretch and the limited presence of an army within the country necessitated the purchased services of 30,000 German mercenaries to fight in what would become known as the American War of Independence.⁷ Even many colonial activities themselves relied upon a steady flow of mercenaries. European monarchs often did not have the means to establish permanent trade missions or to control certain export commodities or trade routes. Instead, they encouraged private enterprise to fill the void starting in the late 16th century.⁸ The result was the mercantile or charter company, a creation that relied on mercenaries and possessed a royal charter for it to operate overseas.⁹ In the main, over time and space, market conditions were generally such that buyer and seller were able to come together and, as some note, contribute to

formative events in world history.¹⁰

However, in relatively recent times, mercenarism has declined as an international phenomenon and its scope has been delimited. There has been a reduction in buying and selling due to changing attitudes and shifts in trends. As identified by Janice Thomson, though the shifts have not been absolute, violence projected beyond a state's borders went from being democratized, internationalized, and marketized, to becoming dedemocratized, territorialized, and demarketed.¹¹ In other words, the projection of force largely became the purview of the state, it was owned by the state, and it was driven more by political than economic motivations. On the latter point, the lessening of marketization cut down on the possibility that parties responsible for the projection of violence might switch sides or continue to sell their services to the highest bidder. Additionally, for the sake of greater depth, one might identify the further trend of nationalization. This refers to the expectation that the state's vehicle for dedemocratization and territorialization, the army, regardless of whether or not it actually serves abroad, consists of that state's citizenry. Today, while mercenarism still exists, it is largely tied to the state and in instances where these bonds are loose or do not exist at all, mercenarism is vilified for nationalistic or human rights reasons.

The primary purpose of this chapter is to place the PSC in the context of mercenary activity as it has existed since the French Revolution. On the one hand, while not an exact cut, the late 1700s serve as a rough dividing line at which point mercenarism became less acceptable and less useful for normative, technological, and organizational reasons.¹² On the other hand, though mercenarism has generally declined since this

event, whether measured in terms of prominence, influence, or numbers employed, it nevertheless has a presence in contemporary international life. Hence, as the focus of this study is largely limited to assessing the activities of a certain type of mercenary under current conditions and its impact upon a present-day matter, the promotion of human security, an exhaustive documentation of all the historical instances where mercenaries have been engaged is beyond the scope of this study. Moreover, historical surveys have already been made elsewhere.¹³ In the main, understanding how PSCs fall into the mould of contemporary mercenary activity and how they also run contrary to it is important for the sake of background and for identifying the characteristics of the PSC.

Thus, to facilitate this understanding, the chapter has three tasks. First, it provides a definition of “mercenary” to make a general determination as to what activities and actors fall under the designation. Second, it briefly surveys the trends that came to a head at the time of the French Revolution and then considers in-depth the characteristics of mercenary activity after the French Revolution. In particular, the chapter provides greater detail of one particular post-French Revolution type, the soldier of fortune. Without a doubt, since the end of the Second World War the most famous and infamous image of the mercenary in the public psyche is that of the soldier of fortune. It has coloured general perceptions and understanding about mercenarism over the past 60 years. The third task is to describe the PSC phenomenon. This description reveals both the unique and the shared characteristics of the PSC vis-à-vis the soldier of fortune. It additionally presents the ways in which the PSC is similar to and different from its other contemporary, and more conservative, mercenary brethren.

3.2 “The Mercenary” - Definition

The objective of seeking a definition of the word “mercenary” is to offer a common-sense register of basic characteristics. Following a common-sense approach is important because, to reiterate, different types of mercenaries over time have been more acceptable than others. Thus, definitions, as we shall see later in this study, espoused by various governments and other international actors reflect different political and legal motivations. Up to a few hundred years ago, the profession of mercenary had minimal pejorative implications. Later, when the profession became “loaded” with pejorative baggage for a variety of reasons, definitions were constructed in such a way that certain activities and actors were deemed legitimate and appropriate while others were not. This point is acknowledged by the British Foreign and Commonwealth Office (FCO), an entity which has in the past been responsible for crafting such definitions: “The internationally agreed definitions have been shaped to suit the agendas of those drafting them and are not necessarily very useful”.¹⁴ The result is that, for some, espousing a definition is a hopeless endeavour to be avoided. Furthermore, the role of perception often intrudes: definitions make certain types of mercenaries acceptable and others not. In this way, one individual’s mercenary is another one’s good servant. Mockler, for one, after reflecting upon the different types of mercenary actors and the perceptions of citizens and statesmen alike towards them, feels that definitional work is ultimately useless.¹⁵ But this study contends that whatever the limitations in making a definitive conclusion, one should at least make plain the general outline of the phenomenon at hand. In short, one must know, even in general terms, what one is talking about. A common-sense

approach, therefore, attempts to reveal the commonalities of the mercenary in the first instance rather than determining what is “bad” and what is “good” and why.

Citations in dictionaries stand as initial points of reference. *Larousse* puts forth a definition that emphasizes the mercenary as an individual who fights on the behalf of a foreign government for the purpose of money. *Webster Dictionary*, while suggesting similar characteristics, downplays the fighting aspect, thus making its definition more general in application: “one that serves merely for wages; a soldier hired into foreign service”. The *Oxford English Dictionary* avoids the monetary and fighting issues altogether in its definition: “a professional soldier serving a foreign power”.

Taking their lead from these efforts, analysts have offered similar definitions stressing in varying ways at least two of the following four points: “foreignness”, remuneration, the actions of the mercenary, and the type of employer. For British legalist Lord Diplock, the mercenary is “any person who serves voluntarily and for pay in some armed force other than that of Her Majesty in the right of the United Kingdom”.¹⁶ Wilfred Burchett and Derek Roebuck suggest the appropriate definition as “one who fights in a foreign force for financial gain”.¹⁷ David Shearer’s definition also notes three general characteristics: “[T]hey are foreign to a conflict; they are motivated chiefly by financial gain,” and they participate directly in combat.¹⁸ Laurie Nathan’s definition provides even greater depth:

[Mercenaries] are soldiers hired by a foreign government or rebel movement to contribute to the prosecution of armed conflict - whether directly by engaging in hostilities, or indirectly through training, logistics intelligence or advisory services - and who do so outside the authority of the government and defence force of their country.¹⁹

The definition created by Thomas Adams is similarly substantial: “[mercenaries] sell their military skills for application outside their country of origin and as an entrepreneur [sic] rather than as a member [sic] of a recognized national military force”.²⁰ The presence of these four characteristics, therefore, generally appears to set the parameters for the word’s meaning.

The above definitions also show that while one cannot stray too far from the necessity of identifying certain general aspects, there is room to manoeuvre within those constraints. To help devise the definition to be employed in this study, delving further into some of the differences and exploring some of the limitations are in order. First, the notion that the mercenary, as indicated in *Oxford English Dictionary*, is a “professional”, requires interpretation. Indeed, individuals serving as mercenaries have often gained expertise from a variety of sources: past/current experience in an army, past/current experience in a police force, and family and regional traditions. In some instances, however, as we shall see with the soldier of fortune, many individuals became mercenaries with no such training or knowledge. Therefore, professionalism only refers to the fact that the mercenary does what he does as a means of employment.²¹ The individual may exude some ingredients in his character or his personal history outlined by Samuel Huntington as significant for the “professional” - expertise, responsibility, and corporateness - but this is not always the case.²² Second, mercenaries may fight or they may provide support that assists others to fight. However, the presence of war or conflict need not be a factor; mercenaries can be employed in peace time for purposes such as an increase in manpower of a standing force, military training, or guarding. Third, in order

to work in these areas, mercenaries have seen themselves sold to an array of clients. Sometimes they actually enlist in the security sector of another state; in other instances contracts are for the short term. Sometimes non-state actors such as rebel movements, NGOs, international organizations, and corporations operating in political communities other than that of the mercenary make the purchase. Fourth and finally, mercenarism does inherently involve an entrepreneurial spirit as remuneration of some form is sought. Similarly, a mercenary is a volunteer in the sense that he offers himself willingly. But the entrepreneurial spirit does not necessarily mean that of the individual mercenary. In other words, some states have explicitly sold nationals serving in their own armed forces in order for them to serve in those of another. Therefore, contrary to Nathan's definition, a mercenary can receive the authorization of his home government. In light of these points, how should the mercenary be defined?

To help guide this study, the definition preferred here of the mercenary is an individual, purportedly with military skills, who voluntarily agrees to be present beyond his state of origin to apply these skills in a military-related endeavour as the result of a sale for the sake of profit.²³ The client is one operating outside of the borders of said community. This definition is free of pejorative judgements and broad enough to take into account the variations of the mercenary phenomenon across time and space.

There are five central points to this definition. One, mercenaries may not be paid nor cost a lot, or necessarily in amounts exceeding those offered to local forces, but they do not offer themselves, nor are they offered, for free.²⁴ Two, with respect to the particular concern of "volunteers", the word "voluntarily" in the definition refers to an

agreement with or a willingness to abide by the sale and transfer, not necessarily with the motivations of the individual. This would exclude, therefore, foreigners who clearly volunteered to fight for either the Nationalist or Republican sides in the Spanish Civil War, or those North Americans of Albanian decent who joined the Kosovo Liberation Army (KLA), or non-Afghanis found in the ranks of the Taliban.²⁵ While these individuals may have received some kind of financial reward for their participation, they were not explicitly sold or pressed into accepting this activity. Three, reference to a sale reveals that while the individual mercenary may have been involved in arranging the contract at hand, other actors may instead have been more prominent in making the arrangement: recruiters, commercial companies, and states. Four, a military-related endeavour indicates that the contractual environment need not include either war or direct participation in fighting. Similarly, this terminology indicates the field in which the individual will be operating; it makes no judgement as to his actual expertise applicable for operating in this field. This also is reflected in the term “purported skills”. Five, the definition makes no mention of nationality, race or class. To do so would limit the all encompassing nature of this definition. On the one hand, it is clear that some mercenaries have been chosen by employers because of their availability and the abilities, real or perceived, associated with the group of which they are a part.²⁶ On the other hand, availability and many of these abilities and perceptions and their utility have been functions of particular times and places. However, what is valued and who purportedly possesses these values shifts depending on the time period and who is making the evaluations. By taking into account these aspects, this definition provides

guidelines to determine who falls into the category of mercenary and who does not.

3.3 French Revolution

Some have marked the massacre of 500 Swiss mercenaries at the Tuileries Palace by Parisian mobs on 10 August 1792 as the beginning of the end of wide-scale mercenary activity.²⁷ The massacre of the Swiss was symbolic, not only because of the large scale loss of life, but also because Switzerland was one of the best known providers of mercenaries. Indeed, for reasons pertaining to economics and military readiness and training, the Swiss had a long mercenary tradition with a variety of clients dating back to late 1300s.²⁸ In 1505, for instance, the “Warrior Pope”, Julius II, founded the Swiss Guard of the Vatican, a personal guard recruited from the Catholic cantons of central Switzerland.²⁹ It was with France, however, that Switzerland had a particularly special relationship. Dating from the Perpetual or Everlasting Peace, a treaty signed by the Swiss Diet on 29 November 1516, France became the primary client for the bulk of the Swiss mercenary talent; over one million were to serve in the French army from the reigns of Louis XI to Louis XVI.³⁰ But when many Swiss mercenaries were again massacred in the July 1830 revolution in France, the Swiss government finally ended its special arrangement with the French. This decision was reinforced by the 1848 Swiss constitution which expressly forbade all mercenary arrangements.³¹

Hence, the Swiss retirement from the “mercenary business” with the French over a short span of 50 years, thus bringing to a close a centuries long practice, was a prominent signal of change. At the same time, the French Revolution and its historical

repercussions heralded the creation of the standing citizen army: a trained army made of the people and for the protection and advancement of the people rather than one consisting of foreigners serving the interests of the king. General Jourdan's law of 1798 introduced universal conscription for all Frenchmen, a firm policy that would be in place for the next 20 years. As a result, a substantial force of one million French were under arms by the start of the 19th century.

These Swiss and French changes were also representative of trends coming to a head in the late 18th century and early 19th century. In particular, these trends were exhibited in the French case, but were not necessarily unique to it nor initiated by it in all cases. In terms of strategy, European states were forced over time to follow their neighbours in the 19th century as armies went from the thousands to the millions in size. Competitors increasingly acquired greater assets, qualitatively and quantitatively, that had to be matched for the sake of balance and parity. With specific respect to qualitative matters, accompanying changes in military technology and the needs for better command and control of substantial forces in the field also increased the importance of a competent officer corps and on-going training at all levels. This could not be achieved via the largely ad hoc and less structured mercenary activities of the day. From another standpoint, the resulting creation of permanent structures with full-time "employees" or soldiers in this way helped to consolidate the domestic authority of the state and its governing and organizational structures. This centralization and bureaucratization is reflected in Charles Tilly's often cited statement, "war made the state and the state made war".³² The strength of this centralization and bureaucratization, as identified by

Lawrence Serewicz, meant that the status quo of earlier times was no longer needed.³³

Governments had the capacity not only to equip their own armies, but also to feel comfortable with their own strength such that fears concerning loyalty and the arming of the citizenry were not as profound.³⁴ Furthermore, as identified by Thomson, for actions beyond state borders, the dual developments of bureaucratization and a national military permitted the state to control better the projection of organized force from its territory.³⁵ One of the attributes of sovereignty became the control of violence emanating from a state's borders. In fact, it became a constitutive element of the international system; as part of the mutual recognition of sovereign status, states were to control violence originating from the state.³⁶ In the main, while the effect of these trends was uneven such that the evolution in each European state was unique, each developed institutions capable of maintaining a permanent force in both war and peacetime consisting of the state's citizens.³⁷

Another legacy emanating from the time of the French Revolution was the spread of the nationalist or patriotic ideal. Here, too, the spread was uneven. On the one hand, European countries, as evidenced in the 1814-15 Congress of Vienna and the resulting Concert of Europe, worked vigorously to prevent the export of revolution inherent in the overthrow of the French monarchy and the Napoleonic Wars. On the other hand, over the course of the 19th century, one which featured unifications, the development of new states, and some violent overthrows, states ceased to be the property of the king and absolutism was on the decline. As expressed by Martin Van Creveld, the state went from simply being "an instrument for maintaining public order and permitting a civilized life"

to becoming an “earthly god”, something worth dying for.³⁸ This was because peoples became the sovereigns and thus war became an expression of their wills through state policy.³⁹ In a reinforcing process, the state could claim a monopoly on the security services of its nationals and the nationals, seeing this as an obligation of citizenship, would not have it differently. Put another way, because a military force was drawn from the citizenry and dedicated to the defence of that sovereign state, these facts legitimized the state through the citizen’s desire to defend it and were seen as an expression of the consent of the governed.⁴⁰ The ultimate sacrifice then, as expressed by Kim Richard Nossal, was to put oneself in harm’s way for the sake of the political community and not for money.⁴¹ States reflected this idea in their policies and decisions.⁴² Furthermore, for foreigners to seek this kind of work and for money, this ideal was doubly offended; it was *ipso facto* bad. As asserted by Mockler, the past use of foreign mercenaries upset the developing myth that patriotism was the only justifiable motivation for taking up arms: “[T]he cry of patriotism excuses the prudent of military service, and for the mercenary soldier the cry of patriotism is the knell of doom”.⁴³

3.4 Post-French Revolution Mercenarism

While patriotic cries, statemaking, and changes in military practice did reduce drastically the presence of mercenarism on the international scene because of the matters of utility and appropriateness, mercenary activities did not die away altogether. There has been some buying and selling; even Napoleon relied on mercenaries. By the early 1800s, the quality of French conscripts had deteriorated substantially. Moreover, France

over time had lost the capacity to train them effectively.⁴⁴ Pragmatism called for the employment of mercenaries; during the Battle of Waterloo, over half of Napoleon's 700,000 strong Grande Army were mercenaries.⁴⁵ Nevertheless, this was one of the last gasps of representative of earlier substantial practices rather than a sustained assault on nationalist principles and organizational developments.

As the examples below reveal, mercenarism did continue to exist beyond the 19th century, but in formations that were either limited and/or localized in their effects such that they were generally tolerated by states and other bodies. In terms of the four concepts noted above, democratization, internationalization, and marketization, and a lack of nationalization, violence is in some cases still marketed and obviously foreigners still engage in mercenary activity. But the marketization is limited by the fact that economic relationships are not solely in play; political factors also count. In other words, sides are not switched or services sold necessarily to the highest bidder. Additionally, marketization and a lack of nationalization are mitigated not only by the reduced presence of mercenaries, but also by the facts that the ownership of and authorization for these mercenaries generally rests with states.

3.4.1 Foreign Enlistment - French Foreign Legion

Standard practice has been that to enlist in the armed forces of a state, the individual must be a citizen of that state. However, in some instances states make special arrangements or exceptions. In 1831, for example, France developed a mercenary force within its larger military structure: the French Foreign Legion, an entity that enlists

any non-French individual, without general regard of his nationality or past history.⁴⁶

Following the 1830 Revolution in France, the new king, Louis-Philippe, needed additional troops to fortify the ranks of his overstretched army and to safeguard his seat on the throne.⁴⁷ Several foreign veterans from the Napoleonic Wars and other non-Frenchmen living in European countries and out of work were immediately enlisted and formed into the five separate brigades.

But unlike previous uses of mercenaries, the French Foreign Legion has developed in ways that made it less objectionable to the modern liberal conscience. For good parts of its history, the legion has been operated and largely based overseas. In fact, as soon as the five battalions were formed in 1831, they were shipped off to Algeria. Instead of directly reinforcing King Louis-Philippe's crown on French soil, the legion relieved Frenchmen from overseas duty. The only large scale deployment of the legion on European soil in an operational capacity was during the two World Wars.⁴⁸ Over the course of the 20th century the legion has also served in other African countries or colonies (Djibouti, Chad, French Guyana, Zaire, the Republic of Congo), in Indochina, and in the Gulf War.⁴⁹

The drawback of this geographical approach, however, is that it led to the legion being "out of sight, out of supervision". In response to the majority vote received in a January 1961 referendum that permitted negotiations leading to Algerian independence, several legion and airborne units mutinied in April of that year in support of French colonists in Algeria who opposed independence. The mutiny failed and led to the disbandment of the 1st Foreign Legion Paratroop Regiment. But it should be recognized

that this was a traumatic and divisive period for the French nation and certain parts of the legion were swept up by it.⁵⁰ Indeed, the key issue concerned stable civil-military relations rather than the mercenary status of the legion. If anything, it showed the members' allegiance to interests and ideals held by many French nationals, albeit ones that were not without substantial opposition.

France manages its foreign legion in an additional three ways. One way is that the legion is a permanent fixture within the French armed forces. Indeed, it is the world's only standing military force composed of multiple nationalities.⁵¹ Though commanded by a Swiss officer upon its creation and commanded continuously as a self-contained unit, the legion is nevertheless headed by French officers in the present day. In a second way, concerns of the individual's "foreignness" are alleviated assuming the individual serves a requisite period of time. After five years of service in the legion, and despite the fact that they might have been spent largely overseas, members can become naturalized French citizens. In this vein, legionnaires also receive instruction in French culture and history. And finally, in a third way, the legion, while famous, has never been a large or dominant entity within the larger French military structure. Like other military units, it too has experienced augmentation and downsizing as economics and international conditions have dictated. While its personnel peaked at 45,000 during the Second World War, its numbers sit presently at approximately 8,000 whereas the French armed forces, as a whole, have 395,000 personnel. There is no doubt as to the legion's recruits falling under the category of mercenaries. However, all these ways keep them at once both part of the French military establishment and marginal within it.

3.4.2 Foreign Enlistment - Gurkhas

Whereas in the case of the French Foreign Legion mercenaries are enlisted without necessarily the complicity of their home state, another type of mercenary is one who enlists through a formal arrangement between the client and his home state. Perhaps the best example of this type of mercenal activity is the Gurkhas.⁵² The British East India Company first came into sustained contact with the Gurkhas of Nepal at the start of the 19th century as the company tried to expand its presence in the region.⁵³ While initially their adversaries during the Anglo-Nepali War (1812-15), the company recognized that the Gurkhas had substantial skills and self-discipline and asked them to join the ranks of its forces. This arrangement was formalized via the 1816 Treaty of Segauli which ended the war and permitted the recruitment of Nepalese subjects into the British East India Company. With the decline of the mercantile company, the Gurkhas became part of the standing "British" presence in India. In the World Wars, the number of Gurkhas that served the British/Indian cause was substantial. In World War One, 200,000 Gurkhas served in the British Indian Army on the Western Front in Europe. During World War Two, another 40 battalions totalling 112,000 Gurkhas fought on behalf of the Allies in North Africa, Syria, Italy, Greece, and Burma. Over the course of these two global conflicts, the Gurkhas suffered approximately 43,000 casualties and their service was deemed exceptional; thirteen Gurkhas received the Victoria Cross, the British military's highest honour for gallantry.⁵⁴ Developments in post-colonial South Asia later saw the incorporation of six Gurkha regiments into an independent Indian Army and the transfer of the remaining four Gurkha regiments into the British Army.

Note here as well, however, that even with some differences between the South Asian and Western contexts, India and the United Kingdom have not relied on the Gurkhas to the degree that one might assume. With respect to India, approximately 50,000 Gurkhas serve in the Indian Army. While this number may seem a large amount, note that the Indian population sits at 1.1 billion and India's army is 1.1 million strong. Thus, Gurkhas form only 4.5 percent of the military's ranks, substantially less than the armies of Europe of earlier times when the figures for mercenaries were often over 50 percent.

As for the United Kingdom, reliance on the Gurkhas over the past two centuries has not been substantial. This is despite the fact that not only are the Gurkhas highly effective, they were for long periods of time very inexpensive to hire. "British" Gurkhas once received the same amount of pay as those serving in the Indian Army. Thus, a Gurkha at the initial rank of private was only paid 30 percent of his British counterpart's salary.⁵⁵ While paltry by Western standards, this level of pay was 12 times the amount of what could be earned in Nepal.⁵⁶ What is more, the potential pool of manpower from which the United Kingdom might draw is substantial; for every Gurkha soldier accepted into the ranks, an additional 50 are turned away.⁵⁷ Nevertheless, their enlisted numbers have fallen over time; from a late 1960s non-warfare high of 14,000, enrollment currently rests at 3,400. Ironically, it is only now, when Gurkhas receive the same rate of pay as the result of a 1998 change in policy, that the United Kingdom has contemplated an increase in the number of Gurkhas; the United Kingdom's armed forces are understaffed at the time of writing by 6,000 people.

Also, in a way similar to the French Foreign Legion, the Gurkhas are not only commanded by British officers, their presence in the United Kingdom has been minimized.⁵⁸ True, Gurkhas have stood ceremonial guard at Buckingham Palace or Windsor Castle, but they have not served in Northern Ireland. Moreover, despite their long history of service, the Gurkhas have not had a traditional home base in the United Kingdom.⁵⁹ Instead, their major role has been in overseas postings. Until 1997, the primary task of the Gurkhas was to ensure stability along the border between Hong Kong and the People's Republic of China and to prevent illegal Chinese immigration.⁶⁰ Over the past 20 years Gurkhas have also served overseas in various British, NATO, or United Nations operations: the Falklands Islands campaign, the Gulf War, East Timor, Sierra Leone, Kosovo, and Afghanistan.⁶¹ In summary, while the Gurkhas have proven to be invaluable in times of crisis, the reliance of both India and the United Kingdom on Gurkhas has remained low regardless of the issues of skill, cost, and availability.

3.4.3 Secondment and "Retirees"

Another type of mercenarism sees the placement of Western officers, both those that are currently serving and those recently retired, into the security sectors of other states. Though on a small scale, this tradition dates back to the 1860s when General Charles "Chinese" Gordon took an extended leave from his regular position in the British Army to accept a post in China.⁶² In more recent times, up to 33 countries, most of them Gulf States, had contractual arrangements in one form or another with the United Kingdom in the 1970s.⁶³ France has held similar arrangements with some of its former

colonies in Africa. In terms of the conditions of the sale, for those officers who are seconded to the foreign state, payments are made directly to the supplier as the result of this government-to-government interaction. As for retired members, they serve abroad with the approval of their national government and are paid directly by the foreign power. In these two cases the individuals are integrated into the command structure of the security sector, placed in leadership roles of field units, and/or assigned to positions requiring substantial skills and training. In Oman during the 1970s, for instance, 200 British servicemen conducted a range of tasks from officering the army to flying aircraft.⁶⁴ For the supplier state, this provides a degree of influence in the contracting state. The contracting state in return benefits from the security expertise and the political links established with the supplier state. The activities of these mercenaries are circumscribed substantially by the supplier state because the provision of mercenaries is to serve its strategic political purposes.

In light of this conclusion, it is important to recognize the issues and the conceptual confusion surrounding the seemingly large scale secondment, upon first glance, of Italian and German soldiers during the Spanish Civil War. By the war's end in 1939, Nazi Germany had sent some 10,000 aviators and crews to Spain to support the Nationalist cause of General Francisco Franco. Italy sent over 70,000 personnel. On the one hand, these individuals were sometimes referred to as volunteers. This, however, was more for the sake of diplomatic nicety at the time rather than a fact; they were members of either official military or militia in Germany and Italy and were paid by the governments of these countries. Moreover, those that refused to "volunteer" often were

then denied further military promotion.⁶⁵

On the other hand, it is also the case that, for the most part, these individuals were not seconded such that they fell into the category of mercenaries employed in this study. True, troops initially provided by Germany and Italy in the early fall of 1936 might have been perceived as seconded. There was a kind of sale because the soldiers were, at least unofficially, under the command of Franco's forces, and credit arrangements, usually for Spanish minerals, were made to provide the Nationalists with equipment. Though not explicitly part of a sale for aircraft, pilots and ground crew came with the aircraft provided by Germany and Italy. But later in the fall, any mercenary-like attributes of this relationship were lost. Germany and Italy provided additional manpower and equipment that came without the request, and even with the opposition, of Franco.⁶⁶ Moreover, these resources came with the strict stipulation that they be under the control of high ranking German and Italian officials. Additionally, the manpower and equipment delivered earlier in the fall were subsumed under this new relationship forced upon Franco. In the end, the dynamics of a sale and the subtle patron-client aspects of secondment disappeared as Germany and Italy took a somewhat unwanted and dominant position in the Spanish Civil War.

3.4.4 Sale of Standing Forces

Another form of mercenarism sees the sale of standing personnel or units to a foreign employer both on an ad hoc and on an implicitly systematic basis. Concerning the former issue, in the Vietnam War the United States explicitly paid other countries to

participate in its military operations both to augment the number of soldiers on the ground and to create the perception of a multi-state anti-Communist endeavour. This was the "More Flags" policy initiated by the administration of President Johnson.⁶⁷ Mercenary arrangements were not so explicit with respect to the contingents provided by Australia and New Zealand because Canberra and Wellington reimbursed Washington for logistical and administrative expenses. But as for those soldiers sent by the Republic of China, the Philippines, and South Korea, the characteristics were much clearer; their respective governments received a per capita payment. In other words, these foreign soldiers serving under American command were supplied for a fixed price and, unlike the Australian and New Zealand cases, no reimbursement of any kind was forthcoming. Indeed, the number of soldiers bought was substantial. The South Koreans, for instance, formed the second largest fighting force in Vietnam; over 310,000 South Koreans served in Indochina on the behalf of the United States over 12 years. But in spite of its scale, this arrangement should be noted for its rarity. In other American operations, Washington may have provided carrots such as aid or concessions of some kind as incentives to get other states to participate in its military endeavours, but the explicit evidence of a direct cash sale in return for soldiers is not evident.

One type of activity, however, that has become more mercenary-like in its description and in its systematic nature is the supply of United Nations peacekeepers. Normally, the provision of peacekeepers to one of the international body's operations has not been seen as part of a sale. While the United Nations does provide contributing states US\$900 per month per soldier, hard currency that goes directly to the government

for distribution, the contribution of soldiers is viewed as representative of a state's commitment to the United Nations and international order. States like Canada, for instance, usually turn down this reimbursement. But increasingly, one can perceive the financial motive at the fore in decisions made by developing states to contribute to peacekeeping operations. Despite their lack of capacity and the often frequent prevalence of problems within their own borders, developing states make up the bulk of today's peacekeeping contingents.⁶⁸ Peacekeepers from the developing world are usually paid in their local currency; the hard currency provided by the United Nations directly enters state treasuries. The "money motive" then is clear in the fact that many peacekeepers arrive in theatre without even the most basic equipment, such as clothing and hand weapons, provided by their home governments.⁶⁹ Often the peacekeepers are not remunerated at the rate provided by the United Nations; government and military officials pocket the difference.⁷⁰ In some extreme cases, peacekeepers, such as those from Nigeria, often see none of this money and any pay they may receive is usually long delayed. This observation of mercenary status is also made by the British Foreign and Commonwealth Office:

In one sense the United Nations already employs some mercenary forces. It is clear that at least some countries who contribute to UN peacekeeping do so largely for financial reasons. Forces supplied are often of poor quality and badly equipped; but since the UN is dealing with a sovereign state and since it has great difficulties in recruiting forces for peacekeeping operations in the first place, it is rarely able to hold the providing states to account.⁷¹

In the main, while the individual soldiers may not see themselves as mercenaries, the motives for which their services are sold definitely are.

3.5 The Soldier of Fortune Mercenary

Amongst this collection of examples of post-French Revolution mercenarism, the soldier of fortune stands apart. This type of mercenary is largely a post-World War Two phenomenon due to the initial supply factors of post-war military downsizing and demand factors fostered by decolonization as new governments and rebel movements alike required assistance.⁷² Not only with this type is violence marketed and not nationalized, ownership and authority do not rest in the state. The occasional granting of tacit approval, especially during Cold War times, is the best a soldier of fortune can gain.⁷³ Moreover, as demand factors hold sway, the clients of soldiers of fortune are not necessarily the governments of states. Soldiers of fortune flout the nationalist/patriotic norm that one should only serve and fight for one's home flag and country.

The actual activities of the soldier of fortune, at first mostly in post-colonial Africa and continuing today in the weak state environments like Angola, Burkina Faso, Colombia, Liberia, Surinam, and the former-Yugoslavia, can certainly by themselves add to the list of pejorative characteristics developed in the 19th century.⁷⁴ Additions to the list should include the types of people drawn to the soldier of fortune lifestyle, the methods by which these individuals operate, and motives and principles, or lack thereof, that guide them. Thus, in the present-day context when the word "mercenary" is used, it more often than not brings up the pejorative images of the soldier of fortune.

3.5.1 Type of Individual

The occupation of soldier of fortune has generally attracted disreputable individuals and/or those unfit for soldiering tasks. True, many individuals who sell themselves as soldiers of fortune have had past military experience. Soldiers of fortune possessing experience from the western and eastern European armies or even elite units such as the Special Air Service (SAS) or the French Foreign Legion are not uncommon. But studies have found that soldiers of fortune are often individuals who have been cast off by their home militaries or discharged dishonourably.⁷⁵ Working as a soldier of fortune offers these individuals money and a chance to obtain a rank unthinkable in a state military. Consider Costas Georgiou, a.k.a. "Colonel Callan", a mercenary commander in Angola in the mid-1970s who fought for the National Front for the Liberation of Angola (FNLA). He was a dishonourably discharged British paratrooper who had served almost four years in jail for armed robbery committed while on active service in Northern Ireland. Many other soldiers of fortune, however, do not even have military experience. An examination of those soldiers of fortune from Belgium, France, the United Kingdom, and other countries who fought in the Congo/Zaire in the 1960s reveals that many did not have military records. Instead, they often had records of another kind: criminal and drug.⁷⁶ Some even became mercenaries to get out of unemployment or to leave their home country in order to evade the law. As a result, soldiers of fortune have consistently been available in post-colonial times. Though there have been initial bursts of manpower engaged in the practice after such events as World War Two, the Vietnam War, and the Cold War, there is still a steady stream generated

through military discharges and a criminal/unemployed element.⁷⁷ Certainly, given the level of upheaval in many parts of the world, clients are willing to risk making the hire. In this way, soldiers of fortune have been and continue to be very often the dregs of developed world society that are dumped into developing countries.

This point by itself does not distinguish the soldier of fortune from other types of mercenaries. Indeed, as identified earlier, while the French Foreign Legion does have enlistment standards, a potential recruit's past history or skills are not key or necessary factors. Similarly, Gurkhas generally have not had any formal military experience before they are recruited into either the Indian or British armies. But if an individual is accepted into one of these organizations, he receives on-going training, is constantly drilled, and is incorporated into an official structure consisting of guidelines to be followed and rules not to be broken. At the very least, one would expect individuals to receive some rudimentary indoctrination before being put into the field. This is not the case with soldiers of fortune.

3.5.2 Soldier of Fortune Methods

A lack of structure or transparent organization generally pervades soldier of fortune operations. Most often, recruitment is clandestine through newspaper advertisements, magazines, or word of mouth, and the use of aliases is commonplace. As an example, soldiers of fortune travelling from the United Kingdom to Angola in 1976 went under the guise of members of the Manchester Social Club Football Team. Often soldiers of fortune are told that they are being recruited for one conflict or client only to

find that they are being sent to another country. Once in the country of operations, soldiers of fortune are then usually sent straight into battle without any training or the provision of background knowledge. In the former Yugoslavia in the early 1990s, Russian and Romanian soldiers of fortune fighting on the behalf of the Serbs, and British mercenaries fighting on the behalf of the Croatians, sometimes did not have any prior military experience. Thus, disorganization and a lack of discipline are frequently pervasive. The diary entry of one introspective soldier of fortune in Angola in the 1970s known as "Canada" tells of this lack of order:

The waste in general is incalculable. I can't imagine or begin to assess the amount of arms and material already lost and the massive remainder which is sure to go the same way. It seems most men are incapable of discipline or organization - most appear to be devoid of common sense and collectively they disgust me. Most of these men weren't worth tuppence and to see any of them getting a cent for doing fuck-all will disturb me greatly.⁷⁸

As Burchett and Roebuck contend, this is the type of situation that exists in part when privates (assuming they ever held a military rank) become captains or majors.⁷⁹

Therefore, short of the military brilliance or sheer luck of a particular soldier of fortune commander, soldier of fortune activities tend to reveal a lack of coherent planning and leadership and feature independent initiative and poor judgements.

This lack of discipline and structure is also reflected in how soldiers of fortune actually conduct themselves in the theatre of operations in terms of observance of human rights and humanitarian law. Because the activities are usually covert and employers wish to keep an arm's length from those they hire, accountability mechanisms are few. Since contingents of soldiers of fortune are generally autonomous actors, the main

authority figure tends to be the leader of the soldiers of fortune. "Mad Mike" Hoare, a participant in many conflicts in Africa and the Middle East, was known to shoot off the big toes of his mercenaries who acted contrary to his wishes. Colonel Callan, in fact, had 12 of those under his command shot in Angola. In other words, whether or not soldiers of fortune follow guidelines for appropriate conduct is largely determined by what activities the leader is willing to reject or not through the application of fear and violence. More often, operational ineffectiveness rather than the human rights violations is the key factor that raises the ire of these mercenary leaders. In fact, the United Nations reports that these types of individuals and those they lead base their comparative advantage, economic or otherwise, on the fact that they do not feel bound to the rules of international humanitarian law or obligated to respect human rights.⁸⁰ This type of neglect made soldiers of fortune over the course of the 1960s and 1970s *a priori* reprehensible.⁸¹

There are plenty of examples of this reprehensible behaviour. In Angola in the 1970s, for instance, soldiers of fortune were guilty of looting and murdering civilians, local leaders, FNLA soldiers, and government soldiers that they had captured.⁸² Consequently, they found no support from the populace who often betrayed them to government forces. Similar practices continue in present-day soldier of fortune operations. In 1997, President Mobutu Sese Seko of Zaire hired for US\$50 million the "White Legion", an ad hoc collection of 400 soldiers of fortune from Angola, Belgium, Croatia, France, Morocco, Mozambique, Serbia, South Africa, the Ukraine, and the United Kingdom to defend his deteriorating regime against the Alliance of Democratic

Forces for the Liberation of Congo-Zaire (ADFL). The White Legion proved to be so murderous that even the members of the presidential guard, themselves notorious for human rights violations, turned on them.⁸³ This is an eerie echo of the activities of soldiers of fortune in Congo/Zaire three decades earlier when these mercenaries were known by the Congolese as "les Affreux" - the terrible ones. It is clear, therefore, how conduct in this manner has made the word "mercenary" highly derogatory in the present age.

The actual limited effectiveness of soldiers of fortune in their operations, in spite of their "comparative advantage", only serves to bolster these negative connotations. In immediate post-colonial times, race and colonial-era perceptions played roles as the incentive for potential clients was the belief that "white and west are wisest and best".⁸⁴ Certainly, on occasion, soldiers of fortune did experience some military successes or at least contributed to the military failures of the opposing forces.⁸⁵ But for the most part, soldiers of fortune have been noted for their operational ineptitude, largely due to the lack of quality soldiers, training, and organization identified above. General Mahele Bokungu of the Zairian Army described the White Legion as "militarily incompetent and lacking professionalism".⁸⁶ Moreover, they did nothing to prevent Mobutu from being deposed after 31 years as the head of Zaire's government. Other instances reveal just plain ineptitude. As an illustration, in November 1981 a group of soldiers of fortune, headed by Hoare and under the guise of being the Ancient Order of Frothblowers, arrived by plane in the Seychelles in the Indian Ocean.⁸⁷ Their plan, Operation Anvil, entailed the removal from office of France-Albert René, the leader of the Seychelles People's

United Party who had seized power in 1977. The main beneficiary of this plan was to be the overthrown and exiled former Chief Minister, James Mancham of the Seychelles Democratic Party, who was to return to power. The plan never came to fruition, however, as the main force was discovered at the airport when some of their luggage was searched.⁸⁸ Those soldiers of fortune who were not captured and jailed made it out of the Seychelles on a hijacked Air India passenger jet. Irrefutably, all military forces, state or non-state, can and do experience setbacks and failures, but in the case of soldiers of fortune, it is more the rule than the exception.

Moreover, soldiers of fortune have been known to act purposely in certain ways that, in fact, reinforces perceptions of their ineffectiveness. Because soldiers of fortune profit from continued violence, they have no reason to bring it to a close. As well, because soldiers of fortune operate in such a way that they lack accountability and possess considerable autonomy in their actions, it is difficult for clients to manage those they hire.⁸⁹ Mercenary pilots fighting in the Nigerian Civil War (1967-70) often intentionally failed in their bombing missions because their remuneration was based on months served rather than on combat results.⁹⁰ In fact, pay was sometimes forthcoming even if no services were rendered by the soldiers of fortune.⁹¹ Also, another reason why ineptitude was prevalent was that soldiers of fortune fought for both the Biafrans and the government. It is known that Americans, Germans, French, and South Africans fought on behalf of Biafra while Australians, British, Egyptians, Rhodesians, and South Africans again did so on behalf of the federal government. These soldiers of fortune were often loath to engage in direct combat operations against each other for fear of destroying the

soldier of fortune camaraderie; dogs of war did not eat other dogs of war. This matter even affected recruitment whereby some mercenary leaders pled with others not to recruit soldiers of fortune and not to work for the opposing side in case they might be killed.⁹² These activities and arrangements of the soldiers of fortune proved detrimental, particularly for the Biafrans who squandered a substantial portion of their foreign exchange on the purchase of soldiers of fortune.⁹³ The situation was summed up by the novelist and mercenary expert, Frederick Forsyth: "[The soldiers of fortune were] little more than thugs in uniform and the riff-raff of the Congo did not even bother to come out to Biafra at all. Those who did fight at all fought with slightly greater know-how but no more courage or ferocity than the Biafran officers".⁹⁴ Indeed, both sides of the civil war resented having to rely on the services of these mercenaries and to deal with these problems to the point that their soldiers of fortune were threatened by their respective Nigerian employers.⁹⁵

3.5.3 Driving Motives, "Principles", and Resulting Effects

As is clear from the above, the primary concerns of soldiers of fortune have not always coincided with the wishes of their employers. Instead, maintaining a steady rate of pay and self-preservation frequently triumph over matters such as reputation and actual effectiveness, two choices that entail certain outcomes. First, this means that soldiers of fortune will work for any client, regardless of their standing as a state or not and regardless of the motives and characteristics of the client. Any discrimination regarding clients only limits opportunities.⁹⁶ This, along with their actual conduct in the

field, contributed to making “mercenaries” criminals regardless of their actual impact on the course of events. To elaborate, while not classified as war criminals, soldiers of fortune are viewed as committing crimes against humankind because they are neo-colonial or imperial residuals. In immediate post-colonial times they often worked for colonist or rebel groups that were opposed to national liberation movements or the newly won independence of states.⁹⁷ Because of the lack of scruples reflected in soldiers of fortune not limiting their potential client base, the points noted by Burchett and Roebuck in their book *The Whores of War: Mercenaries Today* are apt: “mercenaries hire themselves out indiscriminately for money, outside the law, to clients who want the advantage of the services offered without the responsibility of close, permanent, or open association”.⁹⁸

Second, the pursuit of profit unfettered by loyalty and/or unconstrained by reasoned assessment of clients has led to the changing of sides and revolts against the employer, further factors that contribute to the negative image of the mercenary. Take, for instance, the near steady presence of soldiers of fortune in the newly independent state of Congo from 1960-1968. Numbering several hundred, they were first formed into commando units and worked for the separatist government in Kantanga in the south of the country which had announced its independence in July 1960, thus precipitating United Nations intervention. With the eventual demise of Kantangan separatism, many of these soldiers of fortune escaped across the border into neighbouring states only to reemerge a few years later fighting on the behalf of the Congolese government to counter the Simba revolt in the east of the country.⁹⁹ The soldiers of fortune who remained in the

country following the defeat of the Simbas later mounted an unsuccessful revolt in 1967 against the Mobutu government when it threatened their removal.¹⁰⁰

Similar observations can be made in a consideration of the on again, off again, back and forth relationship of mercenaries with the Comoros Islands. In 1975, President Ahmed Abdullah of the Comoros was overthrown by Ali Soilih in a bloodless coup. Because Abdullah remained in the country, Soilih hired a well-known French soldier of fortune leader, Bob Denard, and a collection of other soldiers of fortune to capture him and initiate his exile abroad in order to consolidate the rule of the new government. But in 1977, the mercenaries changed sides. South African and French mercenaries were hired, with Denard again at the helm, by people close to Abdullah to restore him to power. After the successful operation in May of 1978, Denard was integrated into the new government's structure; over the following months he held the positions of defence minister, commander in chief, and chief of police. These arrangements came to a close in September 1978 when the OAU and France together pressured the Abdullah government to remove Denard from influence.¹⁰¹ Denard, however, remained in the country to set up a firm with a monopoly over meat imports from South Africa. This business relationship developed into a governmental post whereby soldiers of fortune filled the ranks of the Comorian Presidential Guard with Denard at its head. When Abdullah was assassinated in 1989, Denard was believed to be at least complicit in the killing and was again forced to leave the islands under pressure from South Africa and France. In 1995, Denard, at 66 years of age, made one last attempt to again become a prominent force in Comoros. Thirty-three soldiers of fortune led by Denard captured

Abdullah's successor, President Said Mohammed Djohar, on 27-28 September 1995, accusing him of misrule and the misuse of government funds.¹⁰² This coup, however, was short-lived; France mounted a 1,000 man strong intervention force and arrested Denard in early October 1995. In 1999, Denard stood trial in France for the assassination of Abdullah ten years earlier.¹⁰³

In the main, the era since the end of the Second World War has generally exhibited the further vilification of the mercenary profession due largely to the actions of a single type of actor. Certainly, as discussed above, other types of mercenaries exist that assault the relatively recent notion that organized force should be tied to the state of origin and driven by nationalistic or patriotic zeal. Attention, however, is drawn away from them due to the conservative, state-governed nature of their presence and the outrageous exploits of soldiers of fortune. Taken collectively, soldiers of fortune blatantly reveal in their operations a disregard for human rights, frequent inexperience, ineptitude, and a lack of scruples pertaining to what causes they choose to serve. A Machiavellian gun-for-hire adequately describes the soldier of fortune; whatever means that are necessary are employed to ensure the end of continued reward.

3.6 The Private Security Company

3.6.1 Causal Ingredients

It is true that while they were not prevalent, PSCs did predate the end of the Cold War. In 1967, for instance, David Stirling, the founder of the United Kingdom's elite Special Air Service (SAS), created Watchguard. Like its creator, most of Watchguard's

personnel were retired SAS members. The firm offered its clients, mostly governments from the Middle East and Africa, a variety of services: the undertaking of military surveys, the training of special forces, and the provision of security for heads of state. Similarly, Vinnell Corporation of the United States also existed before the end of the Cold War. In fact, it developed its PSC classification not immediately, but rather over the course of its business dealings. Vinnell Corporation started out as a construction company in 1931 and later served as a contractor to American Armed Forces serving in Southeast Asia. It was only in 1975 that it took on the status of a PSC when it accepted a contract to train the Saudi National Guard. The training was meant to advance the weapons abilities and tactical and logistical skills of the guard, the entity responsible for internal security and the safety of the Saudi Royal Family.¹⁰⁴ This contract, involving approximately 1,000 former American special forces personnel, has been renewed on several occasions.¹⁰⁵ While Watchguard no longer exists, Vinnell Corporation is still active and is now a subsidiary of the conglomerate BDM International.

However, it is also true that what makes the PSC largely a post-Cold War phenomenon is that many of the ingredients leading to the increased presence the industry has today were either triggered by the end of the Cold War or came about afterwards. More highly trained personnel were made available, conditions were more suitable for their employment, and there was more need for their services by a number of potential clients for different reasons. As noted by James Taulbee, "[t]he number of companies, the scope of services offered, and the visibility of their operations, not the novelty of the phenomenon, mark the current era as significantly different".¹⁰⁶

On the supply side, an important contributing factor was security-sector downsizing with the end of the Cold War. This occurred as states responded to treaty requirements such as those imposed by the Conventional Forces in Europe Treaty (CFE), pursued the peace dividend, and/or were restricted by economic limitations and diverted by other priorities. The United States, for instance, has one third fewer personnel in uniform today than it did at the height of the Cold War. The British Army is at its lowest manpower levels since the Battle of Waterloo in 1815.¹⁰⁷ Similar reductions are noticeable in other European states.¹⁰⁸ As for Russia, unprecedented cuts in manpower and funding have made the military a former shadow of its self during Soviet times. For instance, the annual discharge rate for officers alone, starting in the early 1990s, ranged between 40,000-50,000.¹⁰⁹ These reductions together, accordingly, contributed to worldwide trends; between 1987-1994, the number of individuals in uniform fell by five million, thus creating a potentially large manpower base.

South Africa, in particular, contributed to these trends as it had to respond not only to factors such as those noted above, but also to changes in regional political dynamics and within South Africa itself as Apartheid-era structures were dismantled. A key matter was the downsizing and integration of the South African Defence Force (SADF) into the new South African National Defence Force (SANDF) which also consisted of African National Congress (ANC) fighters and individuals from other groups. Cutbacks before the 1994 elections in South Africa eliminated 90,000 jobs, or approximately one half of defence related positions.¹¹⁰

Even though these changes started over a decade ago, other factors have also facilitated a steady draw of personnel from state-security sectors and into the PSC industry. True, a potentially problematic factor is that the numbers of potential employees would diminish and that standards would drop as training and expertise became outdated. But since the PSC industry started to blossom, firms have become established by taking advantage of a globalized marketplace and utilizing global transportation and communications. As a result, many have become well known and are able to recruit new employees with up-to-date expertise away from the public sector. These employees, from all ranks in their public employment, turn to a healthy PSC industry in search of better benefits and rates of pay higher than those available through employment in state-security sectors.¹¹¹ In addition, individuals often choose the private route as smaller militaries mean less chance for promotion. Also, as studies have shown, the process of restructuring and downsizing often leads to turbulence and disappointment for the “survivors”, those individuals that remain in the restructured organization.¹¹² As a result of this dissatisfaction, employment is frequently sought elsewhere in the private sphere to the continued benefit of PSCs.

On the demand side of the equation, four factors can be discerned and they all relate in one way or another to the perceived need, albeit for different reasons, for PSCs. One often made point is that with the end of the Cold War, patron states, namely the superpowers and former colonial powers, have cut back on providing governing regimes in the developing world with substantial financial and military aid and assistance. Instead, as these parts of the world have lost their geopolitical significance with the end

of the world ideological divide, the patrons have turned to other important endeavours: domestic economic change, the shift from communism to capitalism, or a re-emphasis on European projects such as the North Atlantic Treaty Organization (NATO) or the European Union (EU). Note, just for instance, that France, the former colonial power with the most substantial presence in Africa, elected in the 1990s to cut the level of its forces on that continent by 40 percent.¹¹³ As a result, this retraction of outside support and presence has upset clientist strategies within many states. This not only has sparked conflict as the position of governments has deteriorated, but also has served as a catalyst for governments in former client states to search out other avenues of assistance.

Second, and continuing in this vein, despite its ambitions, the United Nations often came up short in its activities in the 1990s. In some cases, the United Nations could not respond to all the conflicts occurring the world. In many ways, the fear of sustaining casualties, a lack of geopolitical impetus in some cases, and a related unwillingness to engage in numerous state-building or normative enterprises gripped the world body's member states and thus prevented it from acting.¹¹⁴ When the United Nations could and did respond, many operations during the 1990s for peacekeeping and peace enforcement were plagued by a number of problems: excessive red tape, slow response time, poor command and control both in the field and at headquarters in New York, insufficient equipment, and the substandard quality of the troops provided by some member states.¹¹⁵ PSCs, then, while not peacekeepers nor with the authority of peacekeepers, became an alternative upon which the United Nations and the governments of weak states might rely.¹¹⁶

Also, thirdly, as states have downsized their armed forces, they have to turn to private actors, PSCs included, in order both to work within the means allotted and to counter the possibility of overstretch. The Logistics Management Institute contends that the use of PSCs costs approximately one third of the amount of relying on "national" assets.¹¹⁷ Also, PSCs allow for a presence to be made and capabilities to be felt in other parts of the world that otherwise might not be made due to limited financial and manpower resources. In a reflection upon this need in the American context, Deborah Avant comments that,

[w]hen the Soviet Union collapsed, U.S. forces were downsized, but they were not sufficiently reorganized to meet the demands of regional and ethnic conflicts, humanitarian emergencies, and new missions such as counternarcotics and counterterrorism. In scrambling to meet more requirements with fewer personnel in a more competitive labor market, the U.S. government has turned to private contractors to carry out logistical support, site security, foreign military training, observation missions, and other functions.¹¹⁸

In this way, note that taking a dozen colonels out of a public military establishment to conduct a training operation would affect both the chain of command and military readiness. This expertise, qualitatively and quantitatively, exists in the private sphere and therefore can be contracted out. What is more, because PSCs often interact extensively with national military establishments, this serves as a good advertisement for recruitment. Also, it permits PSCs to stay current with up-to-date military practices and requirements. If anything, PSCs may very well reinforce their presence by contributing to the development of these activities. While not all developed countries rely on PSCs in such an explicit way as a direct instrument of statecraft, these practices nevertheless

perpetuate the demand for PSC services.

Fourth, the increasing utilitarian stance taken towards armed force creates the need for the PSC alternative. One matter is recruitment. Even though intake requirements have been reduced with the downsizing of armed forces, developed states are nevertheless facing difficulties in recruiting for those spaces that are available. Pay has been increased and standards have been dropped, but to no avail. The economy, with its greater opportunities for reward and less hassle, draws people into pursuits other than the military.¹¹⁹ A second matter is the end of conscription. The United States ended the practice and turned to a professional army in 1973 and European countries have more recently made similar changes.¹²⁰ The results here are that armed forces have contracted in size for the sake of enhanced professionalism and fewer people are being exposed to military life.¹²¹ This lessens the sense that a responsibility of citizenship is to respond to the patriotic call of nationalism. The PSC industry has developed, therefore, because the armed forces have a smaller pool of manpower from which to fill their ranks, and with respect to nationalism, the idea of serving for the sake of duty rather than money is becoming less important.

3.6.2 Comparisons and Distinctiveness

When compared with those of other types of contemporary mercenaries, soldiers of fortune aside, PSC activities are distinctive in terms of their higher degree of marketization, internationalization, and democratization. In the case of the sale of standing forces, military personnel may only be sold into service for another state or the

United Nations, a state-based organization. Similarly, in the cases of secondment and retirees, economic motives may play a part, but they are overshadowed by considerable political direction. PSCs, in comparison, may also serve as the tool for external policy of the state in which they are based and thus be subject to political direction. Yet they may also be able sell their expertise with a substantial degree of independence to a much wider array of clients, possibly including non-state related actors. In the case of enlisted forces, these individuals are paid for by only one state and they are directed by one state. PSCs, instead, are owned independently by management and/or shareholders and are directed both by these individuals/groups and their clients.

Overall, these differences with PSCs can be distilled down to the fact that these other types of mercenaries have been subject to a process of “statism” or the exclusive and substantial control by the state. In this way, they do not run contrary to the post-World War Two thinking espoused in the United Nations Charter: if force was to be used, its exercise was the domain of states and states were responsible to the United Nations for their conduct. On the one hand, as will be discussed below, PSCs are not without structure and guidance, a point made clear by Kevin O’Brien: “These organizations are more business-like, motivated, funded, and governed than any other such entities have been since the rise in the dominance of the nation-state”.¹²² On the other hand, PSCs, like soldiers of fortune, are outside of the barracking, the training, the legal military codes, and the accountability mechanisms characteristic of state-security sectors. Certainly, the fact that a mercenary is subject to these activities and these structures does not by itself determine an observance of human rights or the maintenance

of a high level of quality. One need only look at the problems with the French Foreign Legion in Algeria in the early 1960s. This, obviously, is also a point that also applies equally to individuals in a security-sector who do not have a mercenary status. Note, for instance, the accusations of murder and torture levelled at the Canadian Airborne Regiment during its operations in Somalia in the early 1990s. The individual, mercenary or not, is only as good as how he is trained, guided, and led. However, in both these cases, Algeria and Somalia, accountability measures did kick-in, individuals were punished, and the offending regiments were in fact disbanded. Thus, the fact remains that these official practices and arrangements do exist, that they are hopefully of some worth, and that PSCs and soldiers of fortune alike are not subject to them.

PSCs, nevertheless, stress the importance of structure as a mitigating factor. For the sake of reputation and legitimacy, PSCs see these matters as key in differentiating between them and soldiers of fortune. In particular, PSC personnel often espouse the merits of a corporate orientation. A corporation generally refers to a unified group of people that have formed an association which is permitted to exist by law, and as a result, is entitled to certain rights and responsible for certain liabilities. To exercise these entitlements and responsibilities, the PSC moves beyond the ad hoc nature of soldier of fortune operations which at best can be seen as some kind of impromptu recruiting network.¹²³ Instead, the PSC has a definite corporate nature featuring such aspects as a permanent core staff and an ongoing capability to collect intelligence and to market their services.¹²⁴ Whereas soldiers of fortune drift from place to place and generally work outside of an explicit organizational structure, PSCs, as standing entities, are not one shot

endeavours; they are not formed to deal with a specific task. Moreover, through their advertisements and their interaction with the media, states, international organizations, and other actors, PSCs strive to ensure greater transparency in their operations and to differentiate themselves from the covert manner of their soldier of fortune brethren. While there are limits in the degree of this transparency for the sake of competitiveness or ownership considerations, enough exists, so state PSCs, to reveal a difference in kind.¹²⁵

In order to instill further their permanence, and by extension, the international acceptance of the industry they collectively create, PSCs indicate two other differentiations from soldiers of fortune: their state-system orientation and their obedience towards rules and norms. With respect to their business orientation, PSCs vary from soldiers of fortune in that they discriminate in their selection of clients. Soldiers of fortune, as expressed earlier, are known to have followed the marketization of violence to its highest point. They have offered their services to the highest bidder, a potential list that includes non-state groups such as rebel movements and criminal elements. In contrast, PSCs assert that they provide their services only to governments with international recognition, in addition to international and non-governmental organizations, and businesses. As expressed by Juan Carlos Zarante, PSCs have “developed a *modus operandi* compatible with the needs and strictures of the post-Cold War, state-based international system”.¹²⁶ Also in this regard, PSCs do not force themselves into a particular environment; they have the permission of the state to be present and to conduct their operations for non-state clients. A long-term business plan,

then, entails not going against the practices and expectations of the primary constituting elements of the international system - states.

With respect to their obedience towards rules and norms, PSCs claim that this extends from the experience of their personnel and the corporate desire for a good reputation. Effectively trained and skilled personnel and the maintenance of standards are claimed to be essential for PSCs to ensure both success in operations and a client base willing to discriminate between soldiers of fortune and PSCs and thus be willing to purchase the latter's services. Hence, recruitment into a PSC is done on the basis of an individual's past experience in a state's security sector. In other words, personnel at the very least have had earlier training; PSCs rely predominantly upon individuals who have retired from military service. Though there are no industry-wide standards, PSCs attempt to ensure that those who work for them were discharged honourably.¹²⁷ Common training, common experiences, and a pre-existing officer hierarchy also mean that goals, in theory, should be achieved more easily and quickly and in accordance with accepted human rights practices. This stands in opposition to the soldier of fortune as identified by Lieutenant Colonel Timothy Spicer (retired, O.B.E.), the current head of the PSC Strategic Consulting International: "He is not part of a permanent structure... he subscribes to no doctrine or collective training standards and his ideas on discipline, the rule of law and human rights may well be short of those required by the Law of Armed Conflict".¹²⁸ In the end, the thinking is twofold. First, PSC personnel should seemingly follow higher and appropriate standards because they have prior training and good records garnered through earlier military service. And second, these standards should

remain high because of internal corporate discipline due to normative concerns in the international marketplace.

3.7 Conclusion

It is clear that the trends coming together at the time of the French Revolution, the impact of the end of the Second World War and the subsequent era of decolonization, and the termination of the Cold War have been three predominant points affecting contemporary mercenarism. The international environment is such that mercenaries are tolerated, but in a very circumscribed, state-oriented way. Like the soldier of fortune, PSCs challenge the status quo regarding mercenaries. PSCs, however, contend that they are different from soldiers of fortune in terms of the organizational form they take and the normative standards they uphold in practice. Given the need for competent security services due to weak statism and the related assaults on the human security of individuals, the words of Timothy Spicer seem comforting: "We have standards to maintain and we do not want 1960s-style freebooters or psychopaths. This is not a game for bandits".¹²⁹

Prudence, however, dictates that these industry generated distinctions between PSCs and soldiers of fortune should not necessarily be taken as conclusive of the overall worth of PSCs. The fact that PSCs follow this middle path concerning mercenarism should not make them exempt from further assessment. One needs to consider if the pressures faced by PSCs and their own stated desire to act responsibly and effectively actually lead to beneficial results. Also, is a limited client base and the relationships

with those clients enough to ensure positive outcomes? Moreover, the international buying and selling of security-oriented expertise is still going to have an impact unique in its own regard. It is sure to lead to a change in international dynamics, as it has generally been states that have offered security related services to others in a competent and organized manner. Now there is a new player on the international scene, one that acts with a substantial degree of independence. The different relationships between clients and PSCs and the different services that are offered are sure to have effects, but of what nature in terms of the promotion of human security? In order to make this determination, we must first consider the criteria through which to make this assessment. This is the task of the next chapter.

ENDNOTES FOR CHAPTER THREE

1. Anthony Mockler, *The Mercenaries*. New York: The Macmillan Company, 1969, p. 21.

2. Ian Bruce, "Guns for hiring and firing," *The Herald* (19 February 2002), (www.theherald.co.uk/perspective/archive/19-2-19102-22-7-39.html).

3. David Isenberg, *Soldiers of Fortune Ltd.: A Profile of Today's Private Sector Corporate Mercenary Firms*, Center for Defense Information Monograph, Washington D.C.: Center for Defense Information, November 1997, p. 5.

4. Not all the unemployed soldiers generated by the Hundred Years War became freelance mercenaries. In 1444, King Charles VII of France responded to the unsettling presence of approximately 40,000 mercenaries by opening the royal treasury and putting some of these individuals under permanent royal service, thus creating Europe's first real standing army. Yet even here, the large number of these individuals were not French.

5. The standard conditions of the feudal fief were that those lords who could command the allegiance of knights for the king's cause could do so for only 40 days per year and they could not be deployed beyond the kingdom. To mitigate these limitations, the concept of scutage or a buy-out became accepted practice. By paying a certain sum of money, a knight could be relieved of his feudal duties. The king could then dig into his treasury, enriched by scutage fees, to buy the services of other knights.

6. Not all, however, were pleased with the presence of foreigners in Italy. Machiavelli's two key criticisms, for instance, concerned the mercenaries' undue influence and their ineffectiveness. On the first issue, Machiavelli saw the *condottieri* as a separate factor that prevented the different entities that made-up the Italian city-state system from realizing Italian unity; for him, their own greatness was their primary goal. Leaders became overly reliant on these mercenaries, thus providing the *condottieri* with a more substantial place in Italian society and more space for independent action than was warranted. This prevented the development of citizen militias that would reinforce civic values and civic pride. On the second issue, the *condottieri* were not particularly warlike nor were their activities bloody. A highly stylized form of warfare developed because the two contending parties were often represented by different *condottieri*. They were quite cautious in their "battles", actions largely based upon feints, manoeuvre, and surprises. Described by one commentator as "carefully choreographed" dances, battles were so minimalist in this sense that there were frequently no intentional deaths. See Bruce, "Guns for hiring and firing"; Niccolò di Machiavelli, *The Prince*. Reprinted in Peter Bondanella and Mark Musa, eds., and trans., *The Portable Machiavelli*. New York: Penguin Books, 1979.

7. To expand, many of Great Britain's troops were already stationed in North America or in other colonies and imperial possessions. Great Britain paid for approximately 30,000 German mercenaries; Hesse-Cassel shipped across the Atlantic Ocean 17,000 soldiers, the Duke of Brunswick followed suit by providing 5,700, the Margrave of Anspach-Bayreuth sent 2,350, and the Prince of Waldeck and the Prince of Anhalt-Zerbst each provided 2,000. Not all were pleased with this reliance. In terms of global politics, fears were that a British reliance on foreigners might serve as a justification for the colonists to turn to a foreign power. Beyond this particular conflict was the worry that it might demonstrate to the Europeans the seeming weakness that Great Britain could not hold its colonies without foreign assistance. This had effects both in terms of Great Britain's abilities to keep its empire together and also in the country's sense of its imperial self. Mockler, *The Mercenaries*, pp. 24- 25.

8. In their organizational make-up, the companies did vary. Companies from Portugal and France were more state-centric and thus were more concerned with state power than with profit. Dutch companies were more profit-taking in their orientation while English firms generally fell between these two extremes. Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe*. New Jersey: Princeton University Press, 1994, p. 33.

9. Mercenarism came to the fore in the activities of these companies in three ways. First, mercantile companies virtually became states in their own right. They negotiated treaties with other states and with other companies, they governed over their employers and the indigenous populations alike in the places where they operated, and they even minted their own money. To back up their authority, the governors and courts of the companies also had the ability to make war and peace, to establish garrisons, and to raise naval fleets. At its height, the British East India Company had its own officer school and more than 150,000 men-under-arms; this number was greater than the standing force of the British military at the time. To ensure it held a monopoly on its trade routes, the company in 1801 had a naval force of 122 ships with some vessels carrying up to forty mounted guns. Second, their capacity for independent action was also illustrated by policies or activities that often put them at odds with those who granted them their charters. The companies often fought against states with which their home states were at peace, and they even threatened their home states. Indeed, the British East India Company, given its military strength and commercial prowess, went so far as to demand that the Royal Navy cede Indian territory to the company so that it could expand and solidify its operations in South Asia. And third, many of the individuals filling the ranks of these private forces were not from the political jurisdiction where the charter was initially granted. Gurkhas from Nepal, for instance, provided some of the manpower for the British East India Company's operations. James R. Davis, *Fortune's Warriors: Private Armies and the New World Order*. Vancouver: Douglas & McIntyre Ltd., 2000, pp. 41-42; David Shearer, "Outsourcing War," *Foreign Policy* (No. 112, Fall 1998), p. 69; Christopher Coker, "Outsourcing War," *Cambridge Review of International Affairs* 13 (Autumn/Winter 1999), p. 99; *Ibid*, p. 67.

10. One example concerns Italy. For some, the security offered by the Free Companies became virtually institutionalized to the degree that it allowed the Italian-City states to continue their advances in economics and art, thus permitting the Renaissance to flourish. See Juan Carlos Zarate, "The Emergence of a New Dog of War: Private International Security Companies, International Law, and the New World Disorder," *Stanford Journal of International Law* 34 (Spring 1998), p. 84, note 53.
11. Thomson, *Mercenaries*, pp.3-6.
12. One example of where the French Revolution serves as a dividing point is James Larry Taulbee, "Myths, Mercenaries and Contemporary International Law," *California Western International Law Journal* 15 (1985), p. 339.
13. See Kenneth Allan Fowler, *Medieval Mercenaries*. Oxford: Blackwell, 2001; John Schlight, *Monarchs and Mercenaries: A Reappraisal of the Importance of Knight Service in Norman and Early Angevin England*. Bridgeport: New York University Press, 1968; R.A. Stradling, *The Spanish Monarchy and Irish Mercenaries: The Wild Geese in Spain, 1618-1668*. Dublin: Irish Academic Press, 1994; John McCormack, *One Million Mercenaries: Swiss Soldiers in the Armies of the World*. London: Leo Cooper, 1993; Mockler, *The Mercenaries*; Anthony Mockler, *The New Mercenaries*. London: Sidgwick & Jackson Limited, 1985.
14. United Kingdom, Foreign and Commonwealth Office, "Private Military Companies: Options for Regulation 2001-02." London: Stationery Office, 12 February 2002, p. 9.
15. Mockler, *The Mercenaries*, p. 19.
16. Cited in Wilfred Burchett and Derek Roebuck, *The Whores of War*. London: Pelican Special, 1977, pp. 201-202.
17. *Ibid.*, p. 146.
18. Shearer, "Outsourcing War," p. 68.
19. Emmanuel Kwesi Aning, "Africa's Security in the New Millennium: State or Mercenary Induced Stability?" *Conflict Trends* (June 2000), (www.accord.org.za).
20. Thomas K. Adams, "The New Mercenaries and the Privatization of Conflict," *Parameters* (Summer 1999), (carlisle-www.army.mil/usawc/Parameters/99summer/adams.htm).
21. The use of the masculine pronoun is intentional. Overwhelmingly, mercenaries have been men.

22. See Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*. Cambridge: The Belknap Press of Harvard University Press, 1957, chapter 1.

23. It is recognized, as per the previous chapter, that commercial security companies with an international posture might fall into this classification as might some logistics companies. Greater definitional exactitude, however, is unlikely given the blurred distinctions.

24. Payment usually entails a monetary transfer, but depending on the type of mercenary or time period, also often involves loot, bounty, and pillage.

25. With respect to the Spanish Civil War, much attention is usually placed upon the International Brigades, the some 35,000 to 40,000 foreigners who volunteered to fight on the behalf of the Republican Government in Spain against the Nationalists headed by General Francisco Franco. Many of them were idealists and lacked any formal military training. But note that the Nationalists too had the support of true foreign volunteers; some 1,200 foreigners assisted in the Nationalist cause. They have been described as a varied group of "pious Catholics, crypto-Nazis, aspiring fascists, old-style conservatives and anti-Semites of every stripe". See Judith Keene, *Fighting For Franco: International Volunteers in Nationalist Spain during the Spanish Civil War, 1936-39*. New York: Leicester University Press, 2001, p. 2. Their contribution, however, was minimal in light of the massive presence of Germans and Italians supporting Franco who numbered in the tens of thousands.

26. Certainly, group characteristics played or play a role in the availability and utility of the various forms of mercenaries. The United Kingdom respected the Gurkhas' combat abilities while for the individual Gurkha, being a British soldier allowed both for travel and for much needed money to be sent back to Nepal. African governments often hire white and western soldiers of fortune because of the thinking that these two group characteristics made them more skilled fighters than Africans. In reality, many soldiers of fortune lack appropriate military skills, they often come from lower economic classes, and they have turned to mercenarism as an avenue for solving their money and/or social problems. This is examined later in the chapter.

27. See Mockler, *The Mercenaries*, p. 15.

28. Once the Swiss cantons had ensured their own security through the military training of their male citizenry, this highly skilled manpower had to be vented elsewhere as the generally meagre pastoral economy could not otherwise provide the necessary support. Without a change in the status quo, a potentially disgruntled and dangerous element lurked within the Swiss cantons. Indeed, one group, the several hundred strong Companions of the Mad Life, threatened to sack Geneva if money was not forthcoming. Therefore, by the 16th century, cantons such as Uri, Unterwald, and Schwyz developed

the practice of creating treaties or "capitulations" with foreign powers. In other words, they hired out cantonal contingents directly to foreign princes in return for pay and on the condition that they would be released if needed by the cantons. Hence, one witnesses the rise of the practice of a ruler renting out soldiers to a foreign client instead of individuals selling their services individually or in groups. For the cantons, this arrangement was to provide the best of all worlds; the cantons overcame the sparseness of their economies through mercenarism, cantonal soldiers received further military experience abroad, these soldiers could be called upon if needed, and they were out of the cantons, thus reducing the possibility of troublemaking. See Michael Howard, *War in European History*. Oxford: Oxford University Press, 1976, p. 15; Ibid., p. 83.

29. This tradition exists to this day with the Swiss mercenaries garbed in colourful costumes of Renaissance design.

30. Mockler, *The Mercenaries*, p. 103; Mockler, *The New Mercenaries*, p. 20.

31. The only exception to the prohibitions laid out in the 1848 constitution concerned the Papal Guard at the Vatican. The 1874 recast constitution kept this distinction.

32. See Charles Tilly, "Reflections on the History of European State-Making," in Charles Tilly, ed., *The Formation of National States in Western Europe*. Princeton: Princeton University Press, 1975, pp. 3-83.

33. Lawrence W. Serewicz, "Globalization, Sovereignty and the Military Revolution: From Mercenaries to Private International Security Companies," *International Politics* 39 (March 2002), p. 82.

34. These sentiments varied depending on the state. In the case of Great Britain at the time of the American War of Independence, parliament balked at the idea of increasing enlistment partially because of the presumed dangers a large standing army might pose given the ramifications of the English Civil War. Thus, the Hessians were turned to instead. Mockler, *The Mercenaries*, pp. 24-25.

35. Thomson, *Mercenaries*, p. 145.

36. This is made clear in the adoption by states of neutrality laws.

37. To consider the differing rates of evolution affected by domestic conditions, see Deborah Avant, "From Mercenary to Citizen Armies: Explaining Change in the Practice of War," *International Organization* 54 (Winter 2000), (EBSCO).

38. Martin Van Creveld, "The Fate of the State," *Parameters* 26 (Spring 1996), (carlisle-www.army.mil/usawc/Parameters/96psing/creveld.htm).

39. A similar point is made in Howard, *War in European History*, p. 75.

40. See Adams, "The New Mercenaries".

41. Kim Richard Nossal, "Bulls to Bears: The Privatization of War in the 1990s," in *War, Money and Survival*. Geneva: International Committee for the Red Cross, 2000, p. 36.

42. For example, when a British company wished to seek a contract from the British government for the siege of Sevastapol during the Crimean War, Whitehall rejected the inquiry not on the basis of cost, but on the grounds that such a project would not have been compatible with state glory. Coker, "Outsourcing War," p. 100.

43. Mockler, *The Mercenaries*, pp. 15-16.

44. Troops raised after 1806 were not instructed on manoeuvres or marching and weapons training was minimal. Howard, *War in European History*, p. 84.

45. Davis, *Fortune's Warriors*, p. 38.

46. Note that in today's context, potential recruits must first pass an Interpol security check, screening by French authorities, and medical and psychological exams before being admitted to the legion. Approximately 1,700 new recruits enter the legion annually. Peter Schweizer, "A Foreign Legion Could Answer USA's Military Needs," *USA Today* (25 March 2002), p. 15.

47. Anthony Rogers, *Someone Else's War: Mercenaries from 1960 to the present*. London: HarperCollins Publishers, 1998, p. 213.

48. Members of the French Foreign Legion have also served recently in the Balkans. Outside of Europe, notable deployments have been in Africa and Indo-China and during the Gulf War. Peter Schweizer suggests that another reason why members of the French Foreign Legion are isolated from the general French populace is to limit the possibility of one being a spy for one of France's enemies. Schweizer, "A Foreign Legion Could Answer USA's Military Needs".

49. The legion's operations in Indochina played a pivotal role in the French presence in the region after World War Two. In particular, the legion formed the large French component that was eventually defeated in May 1954 at Dien Bien Phu by the forces under the command of General Vo Nguyen Giap. This 56 day siege is known as the biggest ambush in modern military history and contributed to the 21 July 1954 pact that formally ended the Indochinese war and divided Vietnam into two parts. In Washington, the Republican leader of the United States Senate commented, "[w]e may live to regret that such an agreement has been forced upon the French". See John Parker, *Inside the French Foreign Legion: The Sensational Story of the World's Toughest Army*. London: Judy Piatkus (Publishers) Limited, 1998, chapter 13. This humiliation in Vietnam played upon the collective psyche of the legion and contributed to the intransigence of certain legion members on the issue of Algerian independence less than a decade later.

50. This was not the first time that the legion had to face divisions in France. Note, for instance, that during the course of the Second World War some regiments serving in Asia were loyal to Vichy France whereas others serving in the European and Northern African theatres were loyal to General Charles De Gaulle and the Free French.

51. Over 100 nationalities were represented in the legion's ranks in 1983.

52. The word "Gurkha" is derived from a valley in West Nepal named "Gorkha".

53. Rogers, *Someone Else's War*, p. 209.

54. An additional 13 Victoria Crosses were won by British officers commanding Gurkhas.

55. Adam Natham and Michael Prescott, "Gurkhas called up to fill army ranks," *The Sunday Times* (11 June 2000), (www.thetimes.co.uk). Gurkha privates were once only paid 30 percent of their British counterparts' £12,000 salary. Arrangements were made in 1947 between India, the United Kingdom, and Nepal to set uniform salary rates and pensions for Gurkha soldiers so that the United Kingdom could not skim off the best Gurkhas through the attraction of better pay. See also Michael Evans, "Gurkha takes on MoD over 'unlawful' pay," *The Times* (5 February 2002), (www.thetimes.co.uk).

56. Victorino Matus, "Unleash the Gurkhas Britain's most terrifying warriors prepare to take on the Taliban," *The Weekly Standard* (12 October 2001), (www.weeklystandard.com/content/public/articles/000/000/000/353gosbp.asp).

57. From Natham and Prescott, "Gurkhas called up to fill army ranks".

58. Many Gurkhas do hold officer rank, but the upper echelons of the Gurkha command structure remain British.

59. There is a museum in Winchester, United Kingdom, solely dedicated to the history of the Gurkhas. Winchester was chosen, however, not because of a Gurkha presence in the city, but because of the Gurkha's close historical connection with Winchester's own home regiment, the Green Jackets, dating back to the 1857 Indian Mutiny.

60. Rogers, *Someone Else's War*, p. 210.

61. Retired "British" Gurkhas serve in the Sultan of Brunei's Gurkha Reserve Unit.

62. General Gordon's fame was such that his death in Sudan in 1885 contributed to the collapse of the Gladstone government later that same year.

63. Burchett and Roebuck, *The Whores of War*, p. 168.

64. Ibid., p. 167.

65. Michael Alpert, *A New International History of the Spanish Civil War*. London: MacMillan Press Ltd., 1994, p. 32.

66. Ibid, pp. 83-92.

67. See Robert M. Blackburn, *Mercenaries and Lyndon Johnson's "More Flags": The Hiring of Korean, Filipino, and Thai Soldiers in the Vietnam War*. Jefferson: McFarland Press, 1994.

68. Note, for instance, that January 2002 figures reveal that seven of the top ten contributors of manpower to United Nations operations are all developing states. These ten states, in order of the size of their contributions, are: Bangladesh, Pakistan, Nigeria, India, Ghana, Jordan, Kenya, Australia, Ukraine, and Portugal. This also speaks to the nature of developed world commitment to United Nations activities, a point to be considered later in this study. For statistical analysis and further information on peacekeeping, see www.un.org.

69. A portion of a report produced by David Shearer merits noting: "For many poorer states the prospect of earning around \$1 million a month for each battalion contributed to a UN peacekeeping mission is the chief incentive. Quality then becomes the casualty. The rifle of a soldier from one of the United Nations' Mission in Sierra Leonean (UNAMSIL) African contingents manning a strategic forward bunker, for example, was found to have only two bullets in it when checked. His battalion's mortars had not been test fired and most of its other equipment was broken. 'We would have liked to see some of the governments with capacity, with good armies and well-trained soldiers, participate', said Annan, 'but they are not running forward to contribute to this force'." David Shearer, "Privatising Protection: Military Companies and Human Security," *World Today - The Royal Institute of International Affairs* (August/September 2001), (www.theworldtoday.org/wt.html).

70. This is a practice similar to that of the Landgrave of Hesse-Cassel when it was requested by London to provide mercenaries to be sent to North America. He demanded an additional 20 percent for his soldiers and that all funds be transferred through him such that he could skim the difference. Mockler, *The Mercenaries*, p. 117.

71. Foreign and Commonwealth Office, "Private Military Companies," p. 19.

72. The termination of World War One did not bring about a substantial increase in mercenary activities. Reasons for this might have been the resiliency of nationalist sentiments following the end of the war which prevented the creation of a European marketplace and the resiliency of colonial structures which also limited where individual mercenaries might ply their trade. The exception, however, pertains to demobilized

Germans. Many took up posts as military consultants in South America and Chiang Kai-Shek's China. But even here, state links became prominent. These individuals became the vehicle by which the interwar German armaments trade was fostered and Germany was able to receive raw materials for rearming, all activities which contravened the Treaty of Versailles. See Peter Lock, "Africa, military downsizing and the growth of the security industry," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Plunder or Profit? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, pp. 11-13.

73. Well known soldier of fortune Bob Denard put it this way with respect to his relations with his country of nationality, France: "I would receive the yellow light which meant there was no opposition". Cited in Guy Arnold, *Mercenaries: The Scourge of the Third World*. New York: St. Martin's Press, Inc., 1999, p. 61.

74. Even the names of some of the more colourful soldiers of fortune possess an ominous quality: Englishman "Mad Mike" Hoare and Belgian "Black Jack" Schramme.

75. See Burchett and Roebuck, *The Whores of War*; Arnold, *Mercenaries*.

76. Herbert Howe, *Ambiguous Order: Military Forces in African States*. Boulder: Lynne Rienner Publishers, Inc., 2001, p. 189. Burchett and Roebuck write of similar observations in the Angolan case; some of the soldiers of fortune had never held a rifle before arriving in southern Africa. Burchett and Roebuck, *The Whores of War*, p. 62.

77. The impact of the end of the Cold War on the development of the PSC industry will be considered later in this chapter.

78. Cited in Burchett and Roebuck, *The Whores of War*, p. 115. "Canada" was one of the approximately 100 British soldiers of fortune who died in Angola.

79. Ibid., p. 83.

80. United Nations, Commission on Human Rights, "Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination," submitted by Enrique Ballesteros, Special Rapporteur, E/CN.4/1999/11, 13 January 1999, p. 24, (www.unhchr.ch).

81. Yves Sandoz, "The Privatisation of Security: Framing A Conflict Prevention and Peacebuilding Agenda." Paper presented at the Wilton Park Conference, London, United Kingdom, 19-21 November 1999, p. 2.

82. Evidence such as this was presented in the internationally well-publicized mercenary trials in Angola in 1976.

83. Davis, *Fortune's Warriors*, p. 181.

84. Noted in Burchett and Roebuck, *The Whores of War*, p. 117.
85. One example is success achieved by soldiers of fortune in the early 1960s against United Nations peacekeepers. Taulbee acknowledges that soldiers of fortune in the Congo did have some initial success in their operations, but that their effectiveness declined over time. Taulbee, "Myths," p. 342.
86. Sean Boyne, "The White Legion: Mercenaries in Zaire," *Jane's Intelligence Review* 9 (June 1997), (jir.janes.com).
87. To reinforce their credentials, the "Frothblowers" brought with them toys and other Christmas gifts for the underprivileged children of the Seychelles. Rogers, *Someone Else's War*, p. 131.
88. One soldier of fortune, either drunk or not understanding the signage, walked into the wrong customs line (something to declare).
89. In many cases, the contracts that bind soldiers of fortune to their clients have been poorly drafted, thus creating principal-agent problems. Moreover, many clients do not want to be tied closely to soldiers of fortune which also contributes to the minimal development of contractual obligations.
90. Herbert Howe, "Global Order and Security Privatization," *Global Order and Security* (No. 140, May 1998), (www.ndu.edu/inss/strforum/forum140.html).
91. Mockler, *The Mercenaries*, p. 268.
92. See Arnold, *Mercenaries*, pp. 21-23.
93. Howe, *Ambiguous Order*, p. 193.
94. Cited in Mockler, *The New Mercenaries*, p. 142.
95. Mockler, *The Mercenaries*, p. 258. In addition, the Biafrans and the federal forces did not like the public relations implications of employing mercenaries which might impact upon the perceptions of other international actors. Moreover, many Nigerians on both sides had a pre-existing distrust for soldiers of fortune having fought against them in the early 1960s in the Congo. At the time, Nigeria was a contributor to the United Nations peacekeeping force deployed in that country against the soldiers of fortune.
96. On occasion, soldiers of fortune have worked for an employer that has garnered substantial international sympathy. Such was the case with the soldiers of fortune who worked for Biafra.

97. Damian Lilly, *The Privatization of Security and Peacebuilding: A Framework for Action*. London: International Alert, 2000, p. 8; Marie-France Major, "Mercenaries and International Law," *Georgia Journal of International Law* 22 (No. 3, 1991), p. 106.

98. Burchett and Roebuck, *The Whores of War*, p. 148.

99. Much of the credit for the defeat of the Simbas can be given to Belgian paratroopers who intervened with the approval of the United Kingdom and the United States.

100. To expand, in order to avoid embarrassment in the upcoming heads of state meeting of the Organization of African Unity (OAU) to be held in Kinshasa, Mobutu had attempted to reduce the presence and influence of soldiers of fortune in his country by eliminating one mercenary commando group and reducing the size of another. In response, the soldiers of fortune led by "Black Jack" Schramme and Bob Denard countered what they saw as an attempt to eliminate their lucrative presence in the country by seizing control of certain areas. The revolt failed, partially due to poor planning and partially due to the fact that their efforts were divided geographically; the soldiers of fortune fled into Rwanda and Angola.

101. By this time, Denard purportedly had converted to Islam and married a woman from the islands.

102. Rogers, *Someone Else's War*, p. 125.

103. Patrick Filleux, "Murder trail begins in France for 'dog of war' and lieutenant," *National Post* (5 May 1999), p. A14. Denard was eventually acquitted at the end of May 1999 via his arguments that it was not him that shot Abdullah but rather one of his fellow mercenaries guarding the president.

104. It is thought that Vinnell's expertise was key in the 1979 Saudi recapture of the Grand Mosque in Mecca in 1979. Zarate, "The Emergence of a New Dog of War," p. 103.

105. See the Vinnell Corporation's Internet site, www.vinnell.com/arabia.html. See also William D. Hartung, "Mercenaries Inc.," *The Progressive* 60 (April 1996), pp. 26-28.

106. James Larry Taulbee, "Mercenaries, Private Armies and Security Companies in Contemporary Policy," *International Politics* 37 (December 2000), p. 436.

107. C.J. van Bergen Thirion, "The Privatisation of Security: A Blessing or a Menace?" (www.mil.za/SANDEF/Defence%20College/researchpapers4199/privatisation_of_security.htm). See also Ken Silverstein, "Mercenary, Inc.?" *Washington Business Forward Magazine* (26 April 2001), (www.bizforward.com/currentissue/mercenary/).

108. Peter Lock, "Military Downsizing and Growth in the Security Industry in Sub-Saharan Africa," *Strategic Analysis* 22:9 (December 1998), (www.idsa-india.org/an-dec8-10.html).
109. Federico Varese, "Is Sicily the future of Russia? Private Protection and the rise of the Russian Mafia," *Archives Européennes de Sociologie* 35 (No. 2, 1994), pp. 248-249.
110. William Reno, "African Weak States and Commercial Alliances," *African Affairs* 96 (1997), p. 175. As of 2000, the South African military was 73,000 strong. See first.sipri.org.
111. Some firms even offer their employees life insurance. Note also that similar factors contribute to the draw of personnel away from public-security-sector employment into domestically oriented private security. See, for instance, Marni McEntee, "High Civilian Salaries Lure Away Many Security Troops," *European Stars and Stripes* (3 February 2002), (www.estripes.com).
112. See David McCormick, *The Downsized Warrior: America's Army in Transition*. New York: New York University Press, 1998.
113. Thirion, "The Privatisation of Security".
114. These types of issues are identified in the following pieces: Daniel Byman and Matthew Waxman, "Defeating US Coercion," *Survival* 41 (Summer 1999), pp. 107-120; Kenneth J. Campbell, "Once Burned, Twice Cautious: Explaining the Weinberger-Powell Doctrine," *Armed Forces & Society* 24 (Spring 1998), pp. 357-374; Mark J. Conversino, "Sawdust Superpower: Perceptions of U.S. Casualty Tolerance In The Post-Gulf War Era," *Strategic Digest* 25 (Winter 1997), pp. 15-23; Richard Falk, "The United Nations, the rule of law and humanitarian intervention," in Mary Kaldor and Basker Vashee, eds., *Restructuring the Global Military Sector: New Wars*. Volume 1. London: Pinter, 1997, pp. 108-133; Richard Falk, "Human Rights, Humanitarian Assistance, and the Sovereignty of States," in Kevin M. Cahill, ed., *A Framework For Survival: Health, Human Rights, and Humanitarian Assistance in Conflicts and Disasters*. New York: Routledge, 1999, pp. 122-136; Eric V. Larson, *Casualties and Consensus: The Historical Role of Casualties in Domestic Support for U.S. Military Operations*. Santa Monica: RAND, 1996; Edward N. Luttwak, "Where Are the Great Powers? At Home with the Kids," *Foreign Affairs* 73 (July/August 1994), pp. 23-28; Edward N. Luttwak, "Toward Post-Heroic Warfare," *Foreign Affairs* 74 (May/June 1995), pp. 109-122; Edward N. Luttwak, "A Post-Heroic Military Policy," *Foreign Affairs* 75 (July/August 1996), pp. 33-44; Michael Mandelbaum, "The Reluctance To Intervene," *Foreign Policy* (No. 95, Summer 1994), pp. 3-18; Colin L. Powell, "U.S. Forces: Challenges Ahead," *Foreign Affairs* 71 (Winter 1992/1993), pp. 32-45.

115. A wealth of information pertains to the toils and tribulations of the United Nations in the post-Cold War era as it attempts to execute its ambitious plans. See, as examples, Donald C. F. Daniel and Brad C. Hayes, "Securing Observance of UN Mandates Through the Employment of Military Force," *International Peacekeeping* 3 (Winter 1996), pp. 104-125; Michele Griffin, "Blue Helmet Blues: Assessing the Trend Towards 'Subcontracting' UN Peace Operations," *Security Dialogue* 30 (March 1999), pp. 43-60; Michele Griffin, "Where Angels Fear To Tread: Trends in International Intervention," *Security Dialogue* 31 (December 2000), pp. 421-435; Stephen P. Kinloch, "Utopian or Pragmatic? A UN Permanent Volunteer Force," *International Peacekeeping* 3 (Winter 1996), pp. 166-190; Richard C. Longworth, "Phantom Forces, Diminished Dreams," *The Bulletin of the Atomic Scientists* (March/April 1995), pp. 24-28; Assis V. Malaquias, "UN Peace Operations In Lusophone Africa: Contrasting Strategies And Outcomes," *Journal of Conflict Studies* 18 (Fall 1998), pp. 66-88; Shawn H. McCormick, "The Lessons of Intervention in Africa," *Current History* 94 (April 1995), pp. 162-166; James P. Muldoon, "What Happened to Humanitarian Intervention?" *The Bulletin of the Atomic Scientists* (March/April 1995), pp. 60-61; Adam Roberts, "From San Francisco to Sarajevo: The UN and the Use of Force," *Survival* 37 (Winter 1995-1996), pp. 7-28.

116. Though hindsight is 20/20, an EO employee released a document outlining how EO would have handled the crisis in Rwanda if it had been called upon to do so. The document in the hands of the author is entitled "A Possible Role of Executive Outcomes During the Rwanda Genocide of 1993/1994".

117. Noted in Howe, *Ambiguous Order*, p. 193.

118. Deborah Avant, "Privatizing Military Training," *Foreign Policy in Focus* 7 (May 2002), (www.fpif.org).

119. Stephen E. Ambrose, "The End of the Draft, and More: A common identity is lost," *National Review* (9 August 1999), pp 35-36; Andrew J. Bacevich, "Losing Private Ryan: Why the citizen-soldier is MIA," *National Review* (9 August 1999), p. 33.

120. Moreover, those European countries that have kept the practice of conscription have found that it is less useful for today's requirements. Conscription served to counter a Cold War menace close to home in Europe. In some countries the constitution dictates that conscripts are not to be sent abroad for "foreign" operations, a hardly ideal policy in the current international environment.

121. Christopher Coker notes that in 1964, almost 50 percent of the British population had interest in military life or had some experience with it. By 1994, this number had fallen to 10 percent and faced further reductions with military downsizing and the deaths of those who had served in 20th century conflicts. Coker, "Outsourcing War," p. 101. See also Martin Shaw, *Post Military Society: Militarism, Demilitarization and War at the End of the Twentieth Century*. Philadelphia: Temple University Press, 1991; Andrew

Latham, "Warfare Transformed: A Braudelian Perspective on the 'Revolution in Military Affairs,'" *European Journal of International Relations* 8 (No. 2, 2002), pp. 231-266.

122. Kevin A. O'Brien, "Military-Advisory Groups and African Security: Privatized Peacekeeping?" *International Peacekeeping* 5 (Autumn 1998), p. 80.

123. David Shearer, "Private Military Force and Challenges for the Future," *Cambridge Review of International Affairs* 13 (Autumn/Winter 1999), p. 86.

124. Ibid.

125. Nossal, "Bulls to Bears," p. 37.

126. Zarate, "The Emergence of a New Dog of War," p. 91.

127. Service records are usually checked and on occasion the individual's former superiors are contacted by the PSC.

128. Cited in R.D.C. Dangerfield, B.D.A. Kite, D.J. Robinson, and A.J.I. Wilson, *Private Military Companies: Options for Regulation - A Response to the UK Government Green Paper*, No. 6. DTC (MA) Project Study Report 2002, Royal Military College of Science, Cranfield University, 1 July 2002, p. 7.

129. Cited in Bruce, "Guns for hiring and firing".

CHAPTER FOUR - Human Security and Organized Force

4.1 Introduction

The objectives of this chapter are twofold. One is to make plain the intellectual and policymaking rationale for assessing the PSC industry, its activities, and its relationships in terms of human security. The second is to indicate how organized force may contribute to or detract from the promotion of human security by identifying its role and developing concepts for its assessment. For this study, PSCs stand as an example of organized force as the term refers to entities that possess, or are thought to possess, expertise in the management and application of violence. To complete these two objectives, the chapter first spells out the characteristics of the traditional national security approach and how they differ from those that flesh out the human security agenda. The chapter then considers the role of the state in the promotion of human security and the roles and responsibilities held by other actors. This permits a spotlight to be cast upon state entities, like security-sector bodies, and upon non-state actors, like NGOs and PSCs. It allows for an examination of their activities and the relationships they develop in the course of conducting their activities. This also allows the chapter to go on and identify the specific reasons why organized force should be analyzed in terms of human security. This is important since analysis of, or arguments for, the promotion of human security often purposely underplay or underestimate the issue of organized force. Finally, this builds to the chapter detailing the two main ingredients pertaining to organized force and human security noted at the start of this study: good conduct and good governance. In the main, the chapter reveals how one might assess the activities of

organized force, PSCs included, with respect to their direct and indirect effects upon human security.

4.2 National Security

As suggested by Emma Rothschild, the national security approach, with its roots in the military and diplomatic practices of Napoleonic times, has held considerable sway for at least the past two hundred years.¹ This approach places the utmost importance on maintaining the territorial integrity and national independence of the sovereign state. In terms of military practices, the provision of security rests with the state, the primary means utilized are through the force of arms, and the primary threat exists beyond a state's borders; specifically, it emanates from other states via similar means. To counter this threat, states can augment their own national capabilities, especially their security sectors and industries that support them. Alternatively, states can form temporary alliances with other states in order to combine their collective influence and capabilities and thus form a balance of power. Though balancing may not actually deter war, it nevertheless helps to ensure that no particular state or group of states dominates and, hence, is able to takeover territory and deny the independence and sovereignty of other states.

Similarly, in terms of diplomatic practices, states formally recognize the sovereignty of other states in return for a reciprocal recognition of their own sovereign status. Through this arrangement, states are the final authority pertaining to the political order within the territorial borders of the state as recognized by other states. As

suggested by Robert Jackson, the prohibition on foreign intervention in return for the independence of states forms nothing less than the "*grundnorm*" of international political life.²

The contemporary intellectual support for the national security approach rests largely with the broad based realist/neorealist school of thought, the dominant theoretical paradigm of international relations since at least the end of the Second World War.³ This school of thought makes certain assumptions and prioritizes certain actors, activities, and goals over others. While the literature emanating from this school is extensive and considerably nuanced on factors such as the role of human nature, the role of the international system, the merits of different configurations for balancing, and relative gains pertaining to the pursuit of power, there are, nevertheless, some shared characteristics: states are the key actors in international life - all others are secondary;⁴ states are unitary, rational, and national actors that pursue their self-defined interests in the international environment; this environment features the potential for a high degree of conflict because it is essentially anarchical; because the environment is anarchical, state survival pursued via a self-help approach is the key goal in international affairs; self-help is best assured through the garnering of military capabilities allowing for violence to be either threatened or used; and finally, because the greatest emphasis is placed upon military/security matters, all other political activity is relegated to the lesser category of "low politics". Without a doubt, the half century Cold War standoff, dominated by strategic issues such as nuclear weaponry and the geopolitical location and capabilities of allies, focussed upon high politics. It was both reinforced and was

informed by the realist/neorealist framework. In sum, though this literature is quite rich in terms of the variety of points and arguments made, a number of its essential ingredients provide the foundation of the national security approach which, together with the 20th century political environment, pushed the security of the state to the fore.

The state is the primary referent in the national security approach because of the values that are to be pursued by the state in the service of human beings. To elaborate, the national security approach identifies the issues of interstate war and peace as the main issues of concern and inherently features the well-being of citizens as linked to the state.⁵ The security provided by the state is of the utmost importance because without mitigation of the constant threat of external violence in anarchic international conditions, people will not be able to pursue effectively and efficiently the good life as they see fit due to constant fear and the potential for disruption. In other words, it is only within sovereign borders that the pursuit of the good life is possible and meaningful.

It is generally accepted that total accord is unachievable both in the international and domestic realms. Even though security and social order are possible to a much higher level within the state, discord, discomfort, and opposition to the rules laid down by the central authority still exist. But this adversity differs in kind from that lurking outside state borders in the international realm. It is, instead, part of the general swaying to and fro of domestic political life where priorities vary, means are limited, and decisions must be made. In no way is the fundamental utility or authority of the state in question. Instead, under the national security paradigm, the state hosts a population that is *relatively* unified, homogeneous, coherent, and peaceful. These factors form the

fundamental assumption of an essential harmony of interests between citizens and the state. In contrast, the international realm features nothing but the pursuit of survival amongst states. The elements of this thinking go back to the writings of Thomas Hobbes in which the sovereign state is identified as the only vehicle through which to mitigate the negative effects of both human nature and the resulting state of nature.⁶ Thus, in an international environment characterized by anarchy, the state's territorial integrity and national independence must be assured and rendered secure if the good life is also to be made secure.⁷

While the international environment still essentially remains anarchic because of a lack of formal or government hierarchy, international law and agreements have also instilled the importance of state sovereignty and the role that state force might play to ensure it. On the first matter, the United Nations Charter sets out the sanctity of state sovereignty, a principle that applies equally to all states and is a reinforcement of norms dating back to the 1648 Treaty of Westphalia. Article 2(7) reads that, “[n]othing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to the settlement under the present Charter”.

On the second matter, not only does the United Nations work to uphold sovereign jurisdiction, it particularly emphasizes that member states should not use force as an instrument of policy in order to violate the territorial integrity of other states. This is outlined in Article 2(4): “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any

state, or in any other manner inconsistent with the Purposes of the United Nations”. This sentiment is the result of an evolution over time through international conventions, such as the 1928 General Treaty for the Renunciation of War, in which war for offensive purposes or as an extension of external state policy in the Clausewitzian sense was deemed unlawful.⁸ The dual desires here are the preservation of sovereign statehood and the avoidance of the horrors of modern warfare made most plain in the First World War. Nevertheless, states may still deploy force in self-defence in order to ensure their sovereignty and territorial integrity. This in turn implies that states should maintain military forces for this particular eventuality. Again, the right to self-defence is codified in nothing less than the United Nations Charter. While the United Nations Security Council, the primary security organ of the world body, is to become involved in interstate conflict, Article 51 of the charter nevertheless reads: “Nothing in the present Charter shall impair *the inherent right of the individual or collective self-defence* if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security” (italics added). The United Nations then supports the national security approach as its membership consists of sovereign states. Also, its guiding principles are to ensure the preservation of these units in terms both of supporting their sovereign right to choose/act and of preventing foreign state intrusion that might quash that right.

4.3 Human Security

The human security approach differs from the national security approach in that ensuring the security of human beings is of the first order. In other words, the primary referent or the entity to be made secure is the human being rather than the state. As expressed in the 1994 Human Development Report issued by the United Nations Development Program (UNDP), “[h]uman security is people-centred. It is concerned with how people live and breathe in a society, how freely they exercise their many choices, how much access they have to market and social opportunities - and whether they live in conflict or peace”.⁹ Here the word peace has a more holistic meaning. It is more than just the absence of interstate conflict. The UNDP outlines the key objectives of human security as ensuring that the individual has a freedom from fear and a freedom from want. With respect to the freedom from fear, the individual is not to be threatened or actually harmed mentally or physically. Thus, the freedom from fear entails an all-encompassing safety from physically harmful activity up to and including premature death due to violence.¹⁰ The threats that hamper the enjoyment of the freedom from fear may emanate from any locus and they may challenge people’s human rights, restrict their movement, pose undue challenges to daily conduct, and, ultimately, even endanger human life. With respect to the freedom from want, the individual possesses a sense of basic entitlement that sets the conditions for a productive livelihood. Again, threats can be human-made, a product of nature, or a combination of the two. The spread of disease and hunger, for instance, can be ascribed to multiple causes. Individuals may also not enjoy a freedom from want due to the incapacity of governmental actors. These actors

may be unable or unwilling to engage a certain issue or problem or they may even carry out acts which are discriminatory or self-centred. Ensuring the freedom from want, therefore, requires at least a minimum level of public welfare that is granted impartially and the setting of conditions that will allow individuals to have access to opportunities.

In the main, the freedoms from fear and want are obviously threatened by interstate conflict, but the purview of human security extends to all human beings in all environments. Put differently, it extends to all individuals, regardless of the presence of state-to-state conflict in their own personal situations. While human security may be acutely affected by interstate warfare, it has been identified by the International Commission on Intervention and State Sovereignty (ICISS) that human security has a universal and indivisible application: "Human security means the security of people - their physical safety, their economic and social well-being, respect for their dignity and worth as human beings, and the protection of their basic human rights and fundamental freedoms".¹¹

Clearly, given this universal approach in terms of all human beings and all contexts or environments, the specific threats that are posed to these two freedoms are considerable. To map these numerous empirical threats, the 1994 UNDP report features seven essential and overlapping components in need of attention: economic, food, health, environmental, personal, community, and political. Countering these threats must be seen as a process, rather than an end-game, because of the number of threats posed. This is also true as the seven components identified by the UNDP are not necessarily additive nor are they prioritized.¹² Similarly, the nature of the threats themselves reinforces this

approach. As noted in the work of Sabina Alkire, these threats can be either direct or indirect in their nature, thus making them either acts of commission or omission in terms of their agency.¹³ Direct threats or those of commission feature deliberate or intentional activity which can be associated with violence, but “they can also take other forms, such as deliberate policies of social or economic exclusion”.¹⁴ In contrast, indirect threats or those of omission have their impact due to structural considerations. In other words, certain actions will have negative human security effects given the context in which they are exercised or because they have negative byproducts even though they were taken primarily for another purpose.¹⁵ The list of threats include, as examples, the spread of small arms in conflict situations, clientist political strategies that isolate and impoverish societies in whole or in part, and economic adjustments that lower the living conditions of those already suffering from hunger and/or poverty. It is evident that the sheer variety of threats and their differing attributes and implications make the human security approach a great deal more complex and all-encompassing than that of national security.

While spelling out the characteristics of human security is a contemporary task for policymakers and analysts alike, the historical genealogy of human security dates back centuries. Rothschild contends that the roots of the human security approach with its strong connections to the liberal tradition of political thought started to form in the mid-17th century.¹⁶ Of particular importance in this regard is the liberal internationalist thinking developed by Immanuel Kant. His espousal of the idea that individuals should be treated as ends rather than means and that they possessed a universal right, as human beings, to be made secure from threats is at the heart of human security. Note, just for

instance, the Cosmopolitan Right, as indicated by Kant:

The peoples of the earth have thus entered in varying degrees into a universal community, and it has developed to the point where a violation of rights in one part of the world is felt everywhere. The idea of a cosmopolitan right is therefore not fantastic and overstrained; it is a necessary complement to the unwritten code of political and international right, transforming it into a universal right of humanity.¹⁷

With cosmopolitanism, all individuals, though they may possess considerably different attributes, are nevertheless entitled to certain rights and should expect certain and uniform treatment regardless of race, religion, ethnicity, or other distinguishing characteristics. Additionally, further substance is provided to the human security frame by other theorists. While they may have differed in terms of emphasis and the best means to achieve the security of the individual in all its forms, other liberal thinkers such as John Locke and John Stuart Mill outlined the universality of the concept and made ideational contributions to what is today known as human security.¹⁸ The message of this collective body of work illustrates universality in its application to all individuals and to all the threats they face in terms of the liberal mantra: life, liberty, and the pursuit of happiness.

Moreover, though “human security” is a concept explicitly developed in the 1990s, the ingredients that constitute human security have been given considerable substance particularly over the last century. Indeed, this is the seeming flip-side of the coin for the United Nations: national security is on the one side and human security is on the other. Building upon President Woodrow Wilson’s 14 Points and the Covenant of the League of Nations, the United Nations has produced a variety of agreements and

conventions which identify the universal right human beings have to be protected from various threats. Key amongst these agreements is the Universal Declaration of Human Rights. This declaration issued by the United Nations General Assembly in 1948 covers a diverse range of rights: personal rights, legal rights, subsistence rights, economic rights, and political rights. The declaration was followed and expanded upon by other agreements: the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the Convention relating to the Status of Refugees (1951), the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social, and Cultural Rights (1966), the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment and Punishment (1984), and the Convention on the Rights of the Child (1989), amongst others.

Today, policymakers and analysts alike attempt to redress a seeming imbalance between the protection of states and the protection of people. Though many of the above conventions were generated during the Cold War, the global ideological and military divide essentially froze the impetus to make the universal obligations real. Similarly, on the academic front, though some scholars identified the weaknesses of the national security approach vis-à-vis appreciating the range of direct and indirect threats posed to human beings, the national security approach still held considerable sway.¹⁹ With the thaw in the Cold War coming in the late 1980s, however, one sees the development of new concepts such as cooperative and comprehensive security which recognize the interdependence of states, the collective threats they face, and the qualitative and

quantitative changes of those threats.²⁰ Kanti Bajpai reveals that these shifts also are evident in reports issued by the Independent Commission on International Development Issues (1980), the Independent Commission on Disarmament and Security Issues (1982), and the Stockholm Initiative on Global Security and Governance (1991).²¹ Direct and indirect threats and violent and non-violent ones are identified, their causal dynamics explained, and their implications made plain. Moreover, in the post-Cold War era, there is also a greater need to accept these responsibilities and recognize human security threats. Human security has acquired greater currency, as intra-state conflicts that do not fit into the national security approach have come to the fore, as issues and concerns suppressed by Cold War dynamics have emerged, and as new, transnational threats with violent and non-violent aspects have arisen. Though Ken Booth was writing back in 1979 in opposition to the dominant position of the national security approach and the then imbalance towards the security of states over the security of people, his words today are no less apt and provide impetus to the human security agenda: "If we ignore the multitude of lesser conflicts which take place, we will underestimate the extent of social conflict throughout the world, and so tend to exaggerate the degree of order which exists".²²

4.4 Human Security and the State

We have yet to consider the roles and responsibilities of various actors in the pursuit of human security. In particular, one might think that human security opposes the role of the state given how human security differs from the national security approach.

As the individual is given primacy in considerations of who is to be secured and in the definition of threat, the Westphalian system is flipped on its head; the individual, rather than the state, is supreme.²³

In fact, the notion of territorial security and the importance of the state do not necessarily stand at odds with human security. As identified by Edward Newman, although human security may eschew the dominance of the state, it is not anti-state in nature; human security need not be viewed necessarily as diametrically opposed to state sovereignty.²⁴ Bajpai suggests this when he notes that “[t]he security of the individual depends on the security of the state”.²⁵ But he also notes that individual and state security are not coterminous. Indeed, the overemphasis upon the security of the state and the ignoring of a greater number of threats other than interstate war are the problematic features identified under the human security rubric. Instead, analysts and policymakers alike also recognize that sovereign states are important because of their potential ability to ensure the well-being of people in a variety of ways.

Sovereignty can be seen in two ways: negative sovereignty and positive sovereignty. Whereas negative sovereignty entails the right to nonintervention, positive sovereignty refers to the actual capabilities to act.²⁶ Hence, though the exact characteristics of the state may differ across time and space, the state, in the basic conceptual sense, should possess important functions such as the resolving of sociopolitical disputes and the organizing of economic production and distribution.²⁷ In today’s globalized world, the ICISS notes the increased importance of states: “[They] remain the best way to ensure that the benefits of the internationalization of trade,

investment, technology and communications will be equitably shared”.²⁸ In addition to the issue of capacity, the state also offers a substantial degree of institutionalization allowing for both predictability and repetitiveness. For Rothschild, these are “the endless propensities of the state” and why the state is at the heart of the security of the individual.²⁹ What the state actually does and contributes to the security of the individual are therefore key. As Caroline Thomas asserts, “it is helpful to understand their significance [states’] in terms of their contribution to human security and not simply for their own sake”.³⁰

Accordingly, the human security approach makes clear that sovereignty in fact involves a dual responsibility. One responsibility is that states should respect the sovereignty of other states. This mutual responsibility of all states not only constitutes the international system of states, it also ensures stability and predictability in international affairs. The second responsibility refers to a state’s internal duties; the ICISS classifies them as pertaining to the promotion of its citizens’ welfare and ensuring their physical safety.³¹ As a result of this second responsibility, states should either possess or seek to possess the required capabilities. Indeed, as Fen Osler Hampson identifies, this approach is nothing less than a reinvigoration of the Hobbesian contractual undertaking such that attention is consciously paid to the *quality* of the security achieved within rather than solely towards threats kept at bay from without.³²

The problematic aspect, however, is that states often lack the required capabilities to ensure the safety and welfare of their citizens. Robert Jackson and Carl Roseberg write that many countries since the end of the Second World War lack empirical

attributes of statehood as basic as the Weberian idea that the state possesses the monopoly over the legitimate use of violence within the state's borders.³³ Instead, these states are quasi-states; their existence rests largely upon their negative sovereignty.³⁴ This lack of capability has contributed to poverty, disease, and underdevelopment. Moreover, states have not been able to possess or exercise the assumed monopoly over violence. The state is thus frequently unreliable in its provision of internal security to its inhabitants.³⁵ Recall that the majority of conflicts since 1945 has been within rather than between states borders. Moreover, it has been civilians that have borne the brunt of these conflicts.³⁶ As even a perusal of the popular media will show, whether in reference to many post-colonial states or to some of the post-Communist states, the Hobbesian state of nature is predominantly within as opposed to without. Said differently, tranquillity is more likely common between these states than within them.³⁷

What is more, while governments of these states may not have access to substantial capacity and they may lack legitimacy, they may also overly rely upon the elements of the security sector that they do seemingly command in order to compensate. Robin Luckham suggests that the security sector of the state is the most visible locus of concentrated state power which governments can exercise.³⁸ It is not surprising then that state-security sectors, though receiving substantial resources, often lack a clear and identifiable national security mission.³⁹ Instead, military forces are frequently deployed inwardly. There is often little differentiation between them and police forces. In terms of the direct human security threats they pose, they may target substantial segments of the entire populace or at least select groups therein. In terms of indirect human security

threats, the state becomes a sort of security racket in which government leaders use the security sector for personal and particular ends, especially promoting the longevity of the governing regime.⁴⁰ Whatever the case, the state is often captured by a governing regime, meaning that this body uses the state to promote its specific interests, ethnic, economic, or otherwise.⁴¹ In this way, distinctions between the state and government become blurred, so that regime security and state security become equated as one. As a result, human security recognizes the fact that state citizenship paradoxically is often a source of insecurity. Some governments, instead of being reliable watch-keepers over their citizens, are frequently part of the problem.⁴²

This leads to a couple of further problematic aspects if a state is ever to ensure the safety and welfare of its populace. First, the security sector may become politicized. As privileged members of society, personnel of the various security institutions often abuse their position through the extraction of rents and excessive praetorianism. This factor is noted by Julius Ihonvbere: "The factionalisation and fractionalisation of the dominant elite, as well as its inability to enthrone some acceptable rules to guide its politicking, have made the political terrain vulnerable to the ambitions and interests of sections of the dominant classes which monopolise the means of coercion - the military".⁴³ In this political terrain one sees corruption, factionalism, and authority structures built on personal or ethnic ties to the detriment of cohesion and integration.

Second, though reliance upon organized force may be politically attractive for regimes, a consequent fear is that the security sector, upon becoming a valuable partner of a governing regime, may then, in a cohesive or in a fractured manner, move against it.

The resulting fear for the regime is that the security sector may usurp the leadership role in turn leads to further complications such as the creation of parastatal or elite-armed formations, loyal to the government, to counter the influence of the traditional armed forces. Lewis Snider describes this situation: "The less the central government is able to mobilize and direct the human and material resources under its nominal control, the more it may have to rely on a proliferation of state security and military agencies, not only to check domestic unrest but also to act as a counterweight to the regular military forces".⁴⁴ The greater the reliance on these formations, the greater the chance of conflict between the armed forces and these new formations, and the greater the chance the cycle of violence and unrest will continue. When the number of people, organizations, and resources devoted to internal security in a state is high, instability and violence are bound to persist with human security threats continuing to be posed, directly and indirectly, to large portions of the population.

4.5 Roles and Responsibilities of Various Actors

Therefore, due in part to the difficulties posed by some states in terms of either their negligence, incompetence, lack of ability, and/or deliberate activities, other actors are responsible for the promotion of human security. The ICISS recognizes that states should have the primary responsibility in protecting people given the modalities of international law and the modern states system and also "the practical realities of who is best placed to make a positive difference".⁴⁵ Thus, the first basic principle expressed by the ICISS is that "[s]tate sovereignty implies responsibility, and the primary

responsibility for the protection of its peoples lies with the state itself".⁴⁶ But when a state, due to its lack of empirical attributes or its systematic abuse of its citizenry, becomes a problematic instrument in the promotion of the human security, other actors should respond. Hence, the second basic principle is that, "[w]here a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unable or unwilling to halt or avert it, the principle of non-intervention yields to the *international responsibility to protect*" (italics added).⁴⁷ Other actors should engage in activities that either reduce the chance that human security is not promoted or reverse the ill-effects if human security is not being promoted.

Furthermore, other facets of the human security approach already point towards a universal, multi-actor response. First, functional considerations must be taken into account. On the one hand, other actors do not displace the state nor do they form an alternative to it; the state cannot be wished away.⁴⁸ On the other hand, many of the phenomena that fall under human security as threats, the environment and international organized crime being but two examples, are complex and transnational in nature. Individual states alone cannot handle the problems; they must work in concert with other states and other actors with particular interests or expertise. Second, ideational considerations must also be taken into account. Given that human security is meant to be universal in its purview and in its application, it follows that other actors and their activities should be encompassed by this universalism. Thus, they should be wary of their responsibility to protect in the context of state failure *and* they should also be cognizant of the independent impact of their own activities more generally. The

promotion of human security, therefore, is not just a state-oriented undertaking; it is the responsibility of all.

In light of the broadened scope and substance of human security which includes a response to state failure manifest in the responsibility to protect, its promotion is best seen, in a larger sense, as a “diffused responsibility”.⁴⁹ While still keeping the state as a primary vehicle for ensuring the security of the individual, Rothschild makes plain that the responsibility to promote of human security extends: a) downwards to the individual; b) upwards to the international system and the natural environment; c) horizontally to other entities in order to cover all the threats posed to human security; and d) in all these directions in terms of political responsibility. To expand on the latter point, this covers expansion that is “upwards towards international institutions, downwards to regional or local government, and sideways to nongovernmental organizations, to public opinion and the press, and to the abstract forces of nature or of the market”.⁵⁰ This expanded responsibility covers all actors and the direct and indirect effects their activities may have upon human security. Hence, as per the questions laid out by David Baldwin, one can examine the conduct of numerous actors and ask the questions in order to reveal the degree to which this diffused responsibility has been accepted and the impact upon human security by actors’ undertakings: Security for whom? What values are being made secure? How much security is being provided by these actions? Security is being achieved from what threats? Security is being achieved through what means?⁵¹ Given its universal character, human security “answers” should see all actors as responsible for identifying, preventing, mitigating, and responding to threats to human security whether

they be intentional acts or byproducts/side-effects of others.⁵²

4.6 Organized Force

We have considered, so far, the universal character of human security, the positive and negative aspects pertaining to the provision of human security by states, and the responsibility of all actors, directly and indirectly, in the promotion of human security. But what, specifically, is the role of organized force, for good or for nought, with respect to human security? How might situations, involving organized force, be assessed in terms of human security? What should be done or what matters should be focussed upon in order either to ensure human-security-centric practice?

Without a doubt, this is an issue that those espousing human security often wish to skirt or at least downplay. For instance, despite its breadth of coverage, the 1994 UNDP report largely ignores or downplays organized force and continuing violent threats faced by individuals.⁵³ From one standpoint, this avoidance or understatement may be because of the substantial number of issues covered by human security. As a result, researchers and policymakers alike focus upon a particular issue for the sake of clarity and direction, but at the cost of inadvertently neglecting other factors. From another standpoint, however, this treatment of organized force, or lack thereof, may be intentional. Past prioritization placed on organized force caused other issues and actors to be overlooked. More importantly, organized force, depending on the methods by which it is employed and for what purposes, is often the clear cause, and certainly not the cure, of many of the woes dealt with in the human security agenda. In light of related

human rights problems, violations of humanitarian law, and suffering imposed on civilians, privileging these aspects and their utilization by the state in any way or form may be regressive. For Mahbub ul Haq, for instance, the promotion of human security demands the reduction of arms expenditures, the closing of all military bases, the conversion of military aid to economic aid, the termination of arms transfers, the elimination of arms export subsidies, and the retraining workers in defence agencies.⁵⁴ From a third standpoint, there is the thinking that human security, in light of its universalism, is integrative rather than defensive. The 1994 UNDP report expands on this point by juxtaposing the security of territory with the security of people: “[Human security] is embedded in a notion of solidarity among people. It cannot be brought about through force, with armies standing against armies. It can happen only if we agree that development must involve all people”.⁵⁵ Finally, from a fourth standpoint, some see the necessity to lessen the importance of organized force for the sake of effectively promoting human security. They warn that if organized force is seen as a high priority and a cure-all, it may lead to the militarization of human security objectives and cause negative results.⁵⁶ In this way, organized force is a secondary option because of its limited applicability. If coercion is to be used, a variety of other avenues exist to be explored first before force is applied.⁵⁷ While those operating from these four angles have different motives and employ different reasoning, it is clear that considerations of organized force, or how to consider organized force, are frequently of the second order.

Nevertheless, while organized force may be peripheral to some matters pertaining to human security, understanding its characteristics vis-à-vis this endeavour is still

important. First, the suggested utility of the state as a tool to promote human security, made plain above, requires a consideration of how the state's security sector, in its conduct and through its objectives, can enhance the freedoms from fear and want. The elements that make up the security sector, the military, paramilitary formations, intelligence services, police forces, and structures responsible for oversight and control of these entities, together form the backbone that maintains order, protects individuals in a physical sense, guards their rights and their property, and guarantees the rule of law. How the security sector operates in line with human security determines whether, in the language employed by the United Kingdom's Department for International Development (DFID), a particular security sector can be deemed a "positive force".⁵⁸

Second, bypassing organized force may not lead to successful conflict resolution and the tackling of the detrimental characteristics of the weak state, major causes of human security misfortunes. While some human security promoting efforts concerning violence, like controlling the spread of small arms and outlawing child soldiers, may be normatively positive endeavours, they do not address root problems such as a lack of capacity and a substantial reliance upon violence by governing elites. A lack of attention directed towards ingredients leading to state collapse means that a) the universalism of human security in terms of responding to all threats is denied and b) the human security agenda will frequently handle only palliatives, not cures.⁵⁹

Third, given that the responsibility to promote human security extends to all actors and to the direct and indirect effects of their activities, one must not ignore how they interact with other actors and issues pertaining to organized force. If one is to ask

the questions laid out by Baldwin, one should survey and assess the entire range of actors and their activities. This is especially true in the present environment as actors such as NGOs, international organizations, or multinational corporations often have to interact with security-sector actors and other combatants in unstable environments to ensure the safety of their personnel and property and the continuation of their respective operations.

What is more, the value of understanding the role of organized force in terms of human security extends to those who identify its appropriateness, even if they deem it secondary. Note, for instance, the debates surrounding armed intervention for the sake of human security. Those who espouse such a stance, such as the ICISS, recognize that many others hold reservations about this type of action, even in the last resort.⁶⁰ Indeed, it is upon this point that the national security and human security approaches are diametrically opposed. Therefore, the ICISS stresses that when outside actors are conducting operations in terms of exercising their responsibility to protect, these activities should be assessed by a different yardstick: “[S]ince military intervention involves a form of military action significantly more narrowly focused and targeted than all out warfighting, an argument can be made that even higher standards should apply in these cases”.⁶¹

Because the issue of armed intervention is so sensitive and controversial, even with a responsibility to protect, how it is conducted may very well affect the legitimacy of the activity. Some contend, for instance, that the use of organized force on the behalf of human security concerns, such as in the Kosovo case, reveals the diversity of the tools that can and should be applied to promote human security.⁶² But it is also true, as shown

again in Kosovo, that the use of force by interveners can just as easily exacerbate problems or be misdirected and thus lead to negative ramifications.⁶³

Additionally, as armed intervention is such a sensitive issue and one of the last resort, other measures can be taken, ones that also promote human security but could involve organized force.⁶⁴ To make the concept of armed intervention more acceptable, the ICISS makes it plain that other activities short of violating state sovereignty, such as targeted economic, political, and military sanctions, are valuable both in their own right and also in making the potential case for armed intervention should they fail. Moreover, the ICISS suggests that given the universal nature of human security, the responsibility to protect extends to addressing root causes (in order to avoid potential intervention) and also to post-conflict (or post-intervention) activity.⁶⁵

This includes such endeavours as the development objective of security-sector reform as the sector's responsible operation may also be a necessary precondition for sustainable development.⁶⁶ Reform of this kind is not a simple bean counting exercise in which expenditure is cut and the number of personnel in uniform is reduced in the hope that the released funds will go towards social spending.⁶⁷ Rather it provides the security sector with a clear and identifiable mandate and develops its capacity for effective and appropriate conduct. Also, security-sector reform does not involve upgrading an armed force to employ violence in the general sense. Nor does it entail building up a state's special forces or personalized militias, entities that constantly utilize violence, often commit human rights violations, operate outside regular chains of command, and report directly to the governing regime. Instead, it is to fill constructively a vacuum first

created by the role the security sector may have played in creating and sustaining internal violence and fear.⁶⁸

In sum, considerations of organized force in regards to human security, short of armed intervention, are key for two reasons: 1) it permits an assessment of the role and behaviour of a state's security sector; 2) it permits an assessment of the effect outside actors have on a state's security sector.

4.7 Human Security Characteristics for Organized Force

What should the ingredients of this assessment be? It is clear that they must apply to the direct human security effects of organized force as well as to the indirect ones. Also, in this regard, understanding how human security is provided does not come from simply isolating how organized force operates devoid of context. The ingredients, therefore, should be sensitive to the particular situation at hand, the means/methods employed, the ends sought, and the outcomes actually achieved. For state-security sectors, the key point is whether or not they pursue activities that are detrimental or positive and emphasize exclusion or inclusion. For foreign and non-state actors, the main points are whether they ameliorate negative conditions or if they instead contribute to them and how.⁶⁹ These overarching issues are recognized in the concepts of good conduct and good governance.

4.7.1 Good Conduct

The first component for evaluation is good conduct and is best approached by asking the following question: Through what means is security being achieved? The resulting answers will relate most clearly to how organized force adds to or takes away from an individual's freedom from fear. One aspect of good conduct, therefore, is the effectiveness of organized force. This refers to the competency of the actors, whether or not they can deter or counter foreign or domestic actors, and ensure law and order. These points apply to both external and internal actors because in many countries police and military duties tend to blur together and foreign intervening forces often take on the activities of policing and combat in their operations. It is also important to note that good conduct does not simply refer to some kind of end state, perhaps best described by the word "stability". Stability or calm or peace in a negative sense (absence of open conflict) can nevertheless include and even incorporate activity that causes individuals to fear and distrust organized force. Hence, the second aspect of good conduct is the point that the operations of organized force should follow both humanitarian law and human rights obligations. In a basic way then, good conduct refers to physical security in the sense that the individual is to be protected both by and from organized force. If a state's security sector breaks down or is inefficient or is an instigator of harm, this has direct and indirect effects upon human security. One can judge how organized force adds to or takes away from personal security and a greater sense of predictability in people's lives so that they can realize their full potential.

To expand, good conduct has a considerable impact upon the degree to which the individual can enjoy the freedoms from fear and want. Indeed, protection of the individual from the sudden and violent deterioration in his/her standard of living is at the root of liberal thought and hits upon these two basic freedoms.⁷⁰ One can clearly see that when an individual does not enjoy the freedom from fear, this will also have an impact upon the freedom from want. For example, if the individual fears for his/her physical security because of the actions or the lack of capacity of a security sector, this will have an effect upon the degree to which that individual can enjoy political security. From one standpoint, this relates to the human rights that are either supported or denied by the activities of organized force. It concerns the sanctity and dignity of human life such that the individual is afforded the right of protection from certain abuses incurred by violent means. Moreover, in terms of enjoying the freedom from want, without this protection, the individual will be unable to exercise fully other basic rights such as the freedoms of speech and assembly needed to organize and advance the goals of individuals. Similarly, there is an impact upon economic security which relates to the freedom from want. Individuals do not know if their persons or property will be protected as they pursue their economic livelihoods. There is additionally an impact upon food security because individuals do not know if they will be safe when they go to market or when they harvest their own crops. Due to factors like these, issues pertaining to organized force can be just as detrimental as and, in fact, related to, a lack of satisfaction of basic human needs such as food, shelter, and good health.⁷¹ Regardless then of the characteristics, whether or not organized force hinders or promotes the well-being and productive opportunities

of the individual in its direct and indirect ways ultimately relates to human security.

4.7.2 Good Governance

In comparison, the second component, good governance, refers both to the policies/objectives that provide the backdrop to organized force and to the outcomes that are actually brought about, directly and indirectly, through the activities of organized force. Good governance considers whether or not the objectives and the outcomes, advanced or supported by governments or other actors, and evidenced through the activities of organized force, provide minimum standards for people. It also refers to the degree to which organized force is seen to be operating in the interests of all rather than for certain parties to the exclusion of others. In other words, good governance assessments relate to the politics, motives, and goals behind the activities of organized force and whether or not, in Mary Kaldor's terms, cosmopolitan conduct is supported by the outcomes.⁷²

To continue, the promotion of human security cannot simply be equated to the *capacity* to act in such ways. "Capacity", writ large, is frequently used to serve particular interests, intentionally or non-intentionally, to the detriment of others.⁷³ If governments or other actors cannot or will not work to overcome barriers that prevent individuals from controlling their destinies, or if they actively raise these barriers, then the result will be new and continued insecurity.⁷⁴ Hence, good governance does not refer to the alternative interpretation espoused by the World Bank which deals with depoliticised management and accountability.⁷⁵ Instead, good governance as used here focuses less upon how

political machinery or institutions are organized in a legalist sense, and more upon how actors actually operate in terms of what policies they actually produce and how the outcomes have direct and indirect implications for human security.⁷⁶ Do they and their actions through organized force serve a socially meaningful purpose that promotes human security?

Additionally, good governance in this study does not refer to democracy. While potentially a positive normative development, placing faith solely in the creation of a democratic system without other normative and legal changes in how a society is run is folly.⁷⁷ In total, the word “governance” includes a political dimension and concerns internal and external actors, thus going beyond the word “government”.⁷⁸ Similarly, the word “good” is not necessarily a synonym for “democratic” but rather an indication of inclusiveness as suggested generally in liberal theory.

Therefore, one sees good governance aspects concerning the security of the individual manifest most clearly in the level of disparities of access and inequities of distribution of benefits. Here the freedom from want can be impacted upon negatively in two ways. One way reveals causal dynamics similar to those associated with negligence regarding good conduct. The policies directing organized force may be specifically meant to deprive people of their freedom from fear through imposing upon them the threat or actual application of violence. The resulting fear inhibits people from enjoying the freedom from want. The second way impacts directly upon the freedom from want through utilizing organized force to achieve particular goals or agendas to the detriment of others.

This two directional dynamic can determine a number of factors in a person's life. How organized force is used can determine whether or not and to what degree an individual has access to welfare benefits and state assistance. It can determine whether or not access is open and equitable or subject to discrimination. With respect to economic security in particular, it consists of matters such as fairness, equity, and redistribution. Economic security can vary in terms of the extent to which individuals have access to economic opportunities without discrimination and the degree to which governments or other actors participate in activities, with the support of organized force, that are self-enriching, self-promoting, and selfish. Good governance then highlights whether or not organized force facilitates objectives and makes real outcomes that directly or indirectly promote human security.

4.8 Conclusion - Turning to "Private" Goals and "Private" Means

Upon consideration of these two criteria, good conduct and good governance, it is clear that the "perfect" use of organized force in line with human security guidelines is an ideal. But it is also clear that in some places in the world, the use of organized force comes much closer to this ideal than in others. An appropriate recasting of Baldwin's questions is seen in an argument made by Christopher Clapham who identifies a "public" system of security existing to "the extent that it protects without discrimination the whole population of the territory concerned, and to the extent also that those who are responsible for furnishing this security are ultimately accountable to the people on whose behalf it is maintained".⁷⁹ In other words, the world operates not on the basis of

extremes, but on the basis of a mixture whereby the ratio of public or indiscriminate goals to private or discriminate goals vary from case-to-case.

But the fact that human security is not promoted in certain cases is not inevitable. It is instead the direct result of structures or patterns of behaviour that determine who enjoys the freedoms from fear and want, and to what degree, and who does not.⁸⁰ Therefore, assessment by these criteria makes obvious the effects, both positive and negative, of organized force in terms of operations, policies, and reform endeavours. While the polar extreme may be the unreachable ideal, one can nevertheless assess in which direction a certain activity is headed along a human security/insecurity continuum. Similarly, though quantifiable measures may be lacking or difficult to apply, one can still have a common-sense appreciation; this is the approach of this study.

Furthermore, this consideration of human security as public goods clearly must cover all means that might provide them, regardless of ownership, public or private. This expansion opens up considerations of PSCs, their activities, and the effect of their interactions with other actors. What is more, it is justified from three angles. First, states possess a particular responsibility in the provision of public goods as entailed in the assumed value and purpose of sovereignty. How they choose to exercise that responsibility can be through a variety of means, regardless of ownership. While public means, such as state-security sectors, are assumed to achieve public goals, the degree to which they actually do this, as suggested by Clapham and examined earlier in the chapter, cannot be assumed. Important, therefore, is how human security assessment of how private means hired by states act on their own merits or in their interactions with

contracting state-security sectors. Second, if other states and international institutions possess a responsibility to protect should the state fail, the means that they apply to exercise this responsibility need not be publicly owned. This might extend to all activities up to and including armed intervention. Private means provide these actors with extended capacity to pursue goals and the direct and indirect impact of these means upon human security is therefore important. In fact, the presence of such an industry might be seen as an advantage. In his regard, Amartya Sen puts forth a general survey of the present environment and the different manifestations through which human security might be promoted: “[T]here is an enhanced possibility in the contemporary world to put out efforts and understanding together to achieve a better coordinated resistance to the forces that make human survival so insecure”.⁸¹ Finally, as human security, given its universal and holistic character is to extend to all conduct of all actors, PSCs cannot be omitted from this purview. Additionally, as shown in the previous chapter, one cannot automatically assume that PSCs, like other forms of mercenarism such as soldiers of fortune, will immediately bode ill for many of the objectives to be promoted through human security. In the final analysis, one must inquire into how and to what effect PSCs impact directly and indirectly upon human security. How might the presence of a PSC industry be assessed in terms of good conduct and good governance? It is to answering this question that the study now turns.

ENDNOTES FOR CHAPTER FOUR

1. Emma Rothschild, "What is Security?" *Daedalus* 124 (Summer 1995), p. 60.
2. Robert H. Jackson, *Quasi-States: Sovereignty, International Relations, and the Third World*. Cambridge: Cambridge University Press, 1990, p. 6.
3. It is recognized, however, that the historical depth of this approach may run as far back as Thucydides. See Thucydides, *The Peloponnesian War*. Translated by R. Warner. London: Penguin, 1954.
4. There are both debates within the realist/neorealist school of thought and between it and other schools. For just a small sample, see David A. Baldwin, ed., *Neorealism and neoliberalism: the contemporary debate*. New York: Columbia University Press, 1993. Robert O. Keohane, ed., *Neorealism and Its Critics*. New York: Columbia University Press, 1986; Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*. 5th Edition. New York: Knopf, 1978; Stephen M. Walt, "International Relations: One World, Many Theories," *Foreign Policy* (No. 110, Spring 1998), pp. 29-44; Kenneth Waltz, *Theory of International Politics*. Reading: Addison-Wesley, 1979.
5. Keith Krause and Michael C. Williams, "Broadening the Agenda of Security Studies: Politics and Methods," *Mershon International Studies Review* 40 (October 1996), p. 232.
6. See Thomas Hobbes, *The Leviathan*. Edited by R. Tuck. Cambridge: Cambridge University Press, 1991.
7. Peter Wilkin, "Human Security and Class in a Global Economy," in Caroline Thomas and Wilkin, eds., *Globalization, Human Security, and the African Experience*. Boulder: Lynne Rienner Publishers, 1999, pp. 24-25.
8. The treaty is often referred to as the Kellogg-Briand Pact. The two primary points of the treaty were that all signatories would renounce war as *an instrument of national policy* and that all disputes should be settled by peaceful means (*italics added*). It is important to note, though, that the treaty did not distinguish between wars of offense or wars of defence.
9. United Nations Development Program, "Redefining Security: The Human Dimension," in Mark Charlton, ed., *Crosscurrents: International Relations in the Post-Cold War Era*. Second Edition. Scarborough: Nelson, 1999, p. 257.
10. The one caveat being individuals who willingly put themselves in harm's way, such as firefighters and soldiers. But even for the latter individuals, they are to be treated well as per humanitarian convention should they be captured or wounded.

11. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*. Ottawa, International Development Research Centre, 2001, p. 15.
12. Simon Dalby, "Geopolitical Change and Contemporary Security Studies: Contextualizing the Human Security Agenda." Working Paper No. 30, Institute for International Relations, University of British Columbia, April 2000, p. 19; In this vein, Robert Dorff contends that this new approach, in light of all the issues it covers, makes it difficult to prioritize, to create common understandings, and to devise the range of possible policy approaches. See Robert H. Dorff, "A Commentary on *Security Studies for the 1990s* as a Model Core Curriculum," *International Studies Notes* 19 (Fall 1994), p. 27. Because of numerous phenomena that fall under the rubric of human security, some actors, such as Canada, have elected to concentrate on specific matters such as political underdevelopment and its causal linkages to violence and depravation. See Kanti Bajpai, "Human Security: Concept and Measurement." Occasional Paper 19, Kroc Institute, August 2000, p. 32.
13. See Sabina Alkire, "Conceptual Framework for the Commission on Human Security." 6 December 2001. (Draft document cited with the permission of the author).
14. Ibid., p. 26.
15. Ibid.
16. Rothschild, "What is Security?" p. 60.
17. See Immanuel Kant, *Political Writings*. Edited by Hans Reiss. Cambridge: Cambridge University Press, 1991, pp. 105-108.
18. For such a survey see Fen Osler Hampson, *Madness in the Multitude: Human Security and World Disorder*. Don Mills: Oxford University Press, 2002, pp. 1-3.
19. See Johan Galtung, "A structural theory of aggression," *Journal of Peace Research* 1 (1964), pp. 95-119; Johan Galtung, "A structural theory of imperialism," *Journal of Peace Research* 8 (1971), pp. 81-94. James D. Cockcroft, André Gunder Frank, and Dale L. Johnson, eds., *Dependence and Underdevelopment: Latin America's Political Economy*. Garden City: Anchor Books, 1972.
20. See David Dewitt, "Common, comprehensive, and cooperative security," *Pacific Review* 7 (1994), pp. 1-15.
21. Bajpai, "Human Security," pp. 5-6.
22. Ken Booth, *Strategy and Ethnocentrism*. New York: Holmes and Meier, 1979, p. 145.

23. William W. Bain, "National Security, Human Security, and the Practise of Statecraft in International Society." Paper presented at the Conference on Global Governance and Failed States, sponsored by Purdue University, Florence, Italy, 6-10 April 2000, p. 7; Keith Krause and Michael C. Williams, "From Strategy to Security: Foundations of Critical Security Studies," in Keith Krause and Michael C. Williams, eds., *Critical Security Studies: Concepts and Cases*. Minneapolis: University of Minnesota Press, 1997, p. 43; Daniel M. Smith and Rachel J. Stohl, "The Evolving Role of Military Forces in Human Security." Paper presented at the Conference on Global Governance and Failed States, sponsored by Purdue University, Florence, Italy, 6-10 April 2000, p. 1.
24. Edward Newman, "Human Security and Constructivism," *International Studies Perspectives* 2 (August 2001), p. 239.
25. Bajpai, "Human Security," p. 12.
26. See Jackson, *Quasi-States*, chapter 1.
27. John F. Clark, "Zaire: The Bankruptcy of the Extractive State," in Leonardo A. Villalon and Phillip A. Huxtable, eds., *The African States at a Critical Juncture: Between Disintegration and Reconfiguration*. Boulder: Lynne Rienner Publishers, 1998, p. 110.
28. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, p. 7.
29. Rothschild, "What is Security?" p. 89.
30. Caroline Thomas, "Introduction," in Caroline Thomas and Peter Wilkin, eds., *Globalization, Human Security, and the African Experience*. Boulder: Lynne Rienner Publishers, 1999, p. 1.
31. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, p. 13.
32. This is identified in Hampson, *Madness in the Multitude*, p. 1.
33. Robert H. Jackson and Carl G. Roseberg, "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood," *World Politics* 35 (October 1982), pp. 2-4.
34. See Jackson, *Quasi-States*, chapter 1.
35. Ken Booth, "Security and emancipation," *Review of International Studies* 17 (October 1991), p. 313.

36. The ratio of those killed in conflict between combatants and civilians has changed substantially since the First World War to the detriment of the civilian side of the equation. See K. J. Holsti, "The coming chaos? Armed conflict in the world's periphery," in T.V. Paul and John A. Hall, eds., *International Order and the Future of World Politics*. Cambridge: Cambridge University Press, 1999, pp. 283-310.
37. See Jackson and Roseberg, "Why Africa's Weak States Persist".
38. Robin Luckham, "Introduction: The Military, the Developmental State and Social Forces in Asia and the Pacific: Issues for Comparative Analysis," in Viberto Selochan, ed., *The Military, the State, and Development in Asia and the Pacific*. Boulder: Westview Press, 1991, p. 43.
39. J 'Kayode Fayemi, "The Future of Demilitarisation and Civil Military Relations in West Africa: Challenges and Prospects for Democratic Consolidation," *African Journal of Political Science* 3 (No. 1, 1998), pp. 87-88.
40. Eboe Hutchful, "Understanding the Africa Security Crisis," in Abdel Fatau Musah and J 'Kayode Fayemi, eds., *Mercenaries: An African Security Dilemma*. London: Pluto Press, 1999, p. 213.
41. See Brian L. Job, ed., *The Insecurity Dilemma: National Security of Third World States*. Boulder: Lynne Rienner Publishers, 1992, especially chapter 1.
42. Krause and Williams, "From Strategy to Security," p. 44; Ken Booth and Peter Vale, "Critical Security Studies and Regional Insecurity: The Case of Southern Africa," in Keith Krause and Michael C. Williams, eds. *Critical Security Studies: Concepts and Cases*. Minneapolis: University of Minnesota Press, 1997, pp. 333-335.
43. Julius O. Ihonvbere, "The Military and Nigerian Society: The Abacha Coup and the Crisis of Democratisation in Nigeria," in Eboe Hutchful and Abdouloye Bathily, eds., *The Military and Militarism in Africa*. Dakar: CODESRIA, 1998, p. 516.
44. Lewis W. Snider, "The Political Economy of Military Expenditures in Developing Countries: Establishing Some Empirical Norms," in Norman A. Graham, ed., *Seeking Security and Development: The Impact of Military Spending and Arms Transfers*. Boulder: Lynne Rienner Publishers, Inc., 1994, p. 167.
45. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, p. 16.
46. Ibid., p. xi.
47. Ibid.

48. R.B.J. Walker, "The Subject of Security," in Keith Krause and Michael C. Williams, eds., *Critical Security Studies: Concepts and Cases*. Minneapolis: University of Minnesota Press, 1997, p. 69.
49. Rothschild, "What is Security?" p. 55.
50. Ibid.
51. David Baldwin's questions are not intentionally nor specifically directed towards human security. Instead, they are meant to overcome the fact that security is a "contested" concept. The questions might allow for comparison between different types of securities (i.e. national security and human security) and permit a common framework for understanding. David A. Baldwin, "The Concept of Security," *Review of International Studies* 23 (January 1997), p. 6, pp. 13-17. The work of Kanti Bajpai, for one, employs these questions to draw out the general characteristics of human security. See Bajpai, "Human Security".
52. Alkire, "Conceptual Framework," p. 7.
53. This recognition is made in Canada, Department of Foreign Affairs and International Trade, *Human Security: Safety For People In A Changing World*. Ottawa: Department of Foreign Affairs and International Trade, 1999, p. 3.
54. Noted in Bajpai, "Human Security," p. 11. In a similar vein, some development agencies in the field follow specific regulations that prevent them from providing any kind of assistance to military organizations. United Kingdom, Department for International Development, "Security Sector Reform and the Management of Defence Expenditure: A Conceptual Framework." Discussion Paper No. 1, Security Sector Reform and Military Expenditure Symposium, London, 15-17 February 2000, p. 12.
55. United Nations Development Program, "Redefining Security," p. 258
56. Baldwin, "The Concept of Security," p. 16.
57. Bajpai identifies this approach towards organized force as characteristic of the Canadian position towards human security. Bajpai, "Human Security," p. 29.
58. Ibid.
59. Fen Osler Hampson and Dean F. Oliver, "Pulpit Diplomacy: A critical assessment of the Axworthy doctrine," *International Journal* 53 (Summer 1998), p. 385. See also Lloyd Axworthy, "Canada and human security: the need for leadership," *International Journal* 52 (Spring 1997), pp. 183-196.

60. Points identified by the ICISS include moral issues, geopolitical concerns, fears of misuse, and the potential for upsetting the international legal order. For a further consideration of some of these arguments, see Robert H. Jackson, "Armed humanitarianism," *International Journal* 48 (Autumn 1993), pp. 579-606.
61. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, p. 37.
62. Canada, Department of Foreign Affairs and International Trade, "Kosovo and the Human Security Agenda," notes for an Address By The Honourable Lloyd Axworthy, Minister of Foreign Affairs, to the Woodrow Wilson School of Public And International Relations Princeton University, 7 April 1999, p. 6.
63. For points on the need to assess the means employed in humanitarian interventions, see Carrie Booth, "Intervention, Emancipation, and Kosovo," *Civil Wars* 2 (Fall 1999), p. 75; Richard Falk, "The United Nations, the rule of law and humanitarian intervention," in Mary Kaldor and Basker Vashee, eds., *Restructuring the Global Military Sector: New Wars*. Volume 1, London: Pinter, 1997, pp. 119-121; Robert C. Johansen, "Limits and Opportunities in Humanitarian Intervention," in Stanley Hoffmann, ed., *The Ethics and Politics of Humanitarian Intervention*. Notre Dame: University of Notre Dame Press, 1996, p. 76.
64. Note that not all feel that armed activity especially developed for and assessed in terms of human security is possible or without some problems. See, for instance, Christopher Coker, *Humane Warfare*. New York: Routledge, 2001; Donald C. F. Daniel and Brad C. Hayes, "Securing Observance of UN Mandates Through the Employment of Military Force," *International Peacekeeping* 3 (Winter 1996), pp. 104-125; Edward N. Luttwak, "Give War a Chance," *Foreign Affairs* 78 (July/August 1999), pp. 36-44.
65. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, p. xi.
66. A vast literature already exists on this relatively new development activity. See, for instance, Nicole Ball, "Security Engagement, and New Steps in Security Sector Reform," paper presented at the conference "Development, Conflict and Peacebuilding: Responding to the Challenge," Liu Centre for the Study of Global Issues, University of British Columbia, Vancouver, Canada, 14-15 March 2002; Nicole Ball, "Transforming security sectors: the IMF and World Bank approaches," *Conflict, Security & Development* 1 (No. 1, 2001), pp. 45-66; Neil Cooper and Michael Pugh, *Security-sector transformation in post-conflict societies*, The Conflict, Security & Development Working Group Paper 5, London: King's College, University of London, 2002; Dylan Hendrickson, *A Review of Security-Sector Reform*, The Conflict, Security & Development Group Working Paper 1, London: King's College, University of London, 1999; Chris Smith, "Security-sector reform: development breakthrough or institutional

engineering?" *Conflict, Security & Development* 1 (No. 1, 2001), pp. 5-19; *Security Sector Reform*. Bonn: International Centre for Conversion, 2000.

67. Worries like this are raised in Fayemi, "The Future of Demilitarisation," p. 83.

68. Department for International Development,
(www.dfid.gov.uk/public/what/pdf/poverty.pdf).

69. To a certain degree, this factor has not been deemed problematic by some analysts; outside forces assume the responsibilities for domestic security which were neglected by the state's own security sector. This is seen as good, a stance reflected in the comments of Larry Minear and Philippe Guillot: "[the military has] indispensable contributions to make in fostering a secure environment for civilians and for humanitarian activities, preventing bloodshed and protecting human life. After all is said and done, their comparative advantage may be precisely in what they know best: war and security". Yet this approach may be somewhat simplistic. It overlooks questions about who benefits from the intervention or whether or not the benefits are diffuse or specific. Larry Minear and Philippe Guillot, *Soldiers to the Rescue: Humanitarian Lessons from Rwanda*. Paris: Organization for Economic Co-operation and Development, 1996, p. 164. These sorts of issues are raised in Sandra Whitworth, "Where is the politics in peacekeeping," *International Journal* 50 (Spring 1995), pp. 427-435.

70. The point regarding liberal thought is stressed in Rothschild, "What is Security?" p. 62.

71. Laura Reed and Majid Tehranian, "Evolving Security Regimes," in Majid Tehranian, ed., *Worlds Apart: Human Security and Global Governance*. New York: I.B. Tauris & Co. Ltd., 1999, p. 44.

72. Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*. Stanford: Stanford University Press, 1999, pp. 114, 118, 125, 130.

73. Michele Griffin, "Where Angels Fear To Tread: Trends in International Intervention," *Security Dialogue* 31 (December 2000), pp. 422-423.

74. Edward E. Azar and Chung-in, "Legitimacy, Integration and Policy Capacity: The 'Software' Side of Third World National Security," in Azar and Moon, eds., *National Security in the Third World: The Management of Internal and External Threats*. Hants: Edward Elgard Publishing Limited, 1988, p. 79; Smith and Stohl, "Evolving Role," p. 1.

75. Martin Doornbos, "State Formation Processes under External Supervision: Reflections on 'Good Governance'," in Olav Stokke, ed., *Aid and Political Conditionality*. London: Frank Cass & Co., Ltd., 1995, p. 386.

76. Olav Stokke, "Aid and Political Conditionality: Core Issues and State of the Art," in Olav Stokke, ed., *Aid and Political Conditionality*. London: Frank Cass & Co., Ltd., 1995, p. 26.

77. See Charles-Philippe David, "Does Peacebuilding Build Peace: Liberal (Mis)steps in the Peace Process," *Security Dialogue* 30 (March 1999), pp. 25-41.

78. Doornbos, "State Formation Processes," p. 384.

79. Christopher Clapham, "African Security Systems: Privatisation and the Scope for Mercenary Activity," in Greg Mills and John Stremlau, eds., *The Privatisation of Security in Africa*. Johannesburg: The South African Institute of International Affairs, 1999, pp. 24-25.

80. This point is echoed in Thomas, "Introduction," p. 4.

81. Cited in Alkire, "Conceptual Framework," p. 10.

CHAPTER FIVE - Application of Violence

5.1 Introduction

The first human security assessment to be made deals with one company and two cases: the South African PSC Executive Outcomes (EO) and its contracts in Angola (1993-1995) and Sierra Leone (1995-1997). Indeed, these are two cases that are often cited by those who espouse the use of PSCs. To provide the reader with background, the chapter first presents a profile of the firm and indicates the particular conditions and the motivations for Luanda and Freetown to search for a solution to their woes in the PSC marketplace. Following considerations of EO's work in each African country where the firm, in a proactive manner, applied violence as per its contractual obligations, the good conduct and good governance assessments are made and take into account the direct and indirect impact upon human security that the presence of the PSC had in the two countries. This chapter argues that the PSC promoted human security directly, something made plain in the conduct of EO's personnel and the lack of a neo-colonial or hegemonic agenda. Indeed, as we shall see, EO, in fact, went out of business due to cash flow problems, something that stands as contrary to the exploitative links assumed by some.¹ Nevertheless, there were many indirect implications that were not positive in terms of human security. In each case, EO's impact was made in such a way that it fundamentally restructured, in different ways and with different effects, the players and the relations within the countries' security sectors. Moreover, this PSC presence served to protect and enhance particular interests to the overall detriment of common Angolans and Sierra Leoneans. Though these outcomes do not totally preclude other PSCs from

contributing to beneficial public goals in the future or in different types of endeavour, it is clear that EO's operations had distinct limitations.

5.2 EO Background

EO was in operation from 1989 to 1999 and its roots lay in the South African Defence Force (SADF), the now defunct national institution replaced by the South African National Defence Force (SANDF). Though many different nationalities, especially Russian, rounded out EO's ranks in positions such as technicians, doctors, and intelligence and photo reconnaissance experts, the bulk of EO's expertise was South African. With some exceptions, EO's South African personnel came from Apartheid-era counterinsurgency special forces, all of which had extensive operational experience in Southern Africa and many of which were disbanded by 1994: the 1-5 Reconnaissance Commandos (Reccies), the 44th Parachute Brigade (Parabats), the paramilitary unit Koevoet (Crowbar), and the 32nd Buffalo Battalion, the most decorated South African combat unit since the end of the Second World War. Of the pool of 2,000 personnel EO claimed it could draw upon on a contract basis for its operations, 70-75 percent were retired black soldiers formerly of the Buffalo Battalion. The firm's founder and CEO until July 1997, Eeban Barlow, was himself the second-in-command of the 32nd in the mid-1980s. Some of the other main personnel in EO's hierarchy, Lafras Luitingh and Nic Van den Bergh, had links to the Reccies and Parabats respectively.

Employment in EO's ranks was certainly a lucrative venture. Salaries ranged from US\$3,500 per month for soldiers through to US\$7,500 per month for commanders

and pilots, a substantial amount of money especially in the African context. Indeed, salaries were often as high as five times the amount paid in the South African military and ten times those offered in other African countries.² In light of this situation and beyond the issue of downsizing, EO was even accused of poaching South African military expertise.³ The end result was that EO represented a numerically strong and formidable force; common training and experiences and a pre-existing officer hierarchy were meant to contribute to cohesiveness and effectiveness.

The breadth of EO's expertise, based on its personnel's more than 5,000 years of military knowledge, combat seasoning, and training experience, was clear given the many areas in which the firm offered services: low-grade armed conflicts with counterinsurgency preparation, enemy infiltration, sabotage, protection of population/territory, infantry training, tank operations, artillery and anti-aircraft artillery defence, combat engineering training, intelligence, military police, medical support services, communications, special rapid reaction forces, officer training, support staff training, logistics, navy, air force, and technical support.⁴ To facilitate the sale of these numerous services, EO sat atop a South African-based corporate ladder of some 32 firms, tied together by the holding company, Strategic Resources Corporation (SRC). Ibis Air, EO's air-wing for transport and combat aircraft, operated out of Malta and Johannesburg. Other important companies included: Trans Africa Logistics (logistics), Saracen International and Lifeguard (combat engineer duties, installation security, and guarding), OPM Support Systems (anti-crime and intelligence services), Stuart Mills International (medical), and Advanced Systems Communication (communications). The interlinkage

of these companies was seen in the boardroom via their shared directors and in the field via their shared employees and clients. The general post-Apartheid expansion of South African business links served as the base for the activities of this collection of companies.⁵ Though EO itself is no longer open for business, having terminated operations in January 1999, some members in this family of firms are still running.⁶

Also, EO's family of firms had links to a larger private network. Plaza 107, a British-based holding company, had ties with SRC through mutual connections with a third party, the Branch Heritage Group (BHG). This group, known for its high risk, high gain policies, seen in its development of mineral and oil deposits in insecure areas, was made up of several companies: Ranger Oil, Heritage Oil, Branch Energy (Oil and Gas), Branch Minerals, Diamondworks (based in Canada), and their various state-based subsidiaries.⁷ This strategy also seemed, on paper at least, to payoff; the group's companies were, for instance, involved with diamond concessions worth perhaps as much as US\$3 billion.

Throughout its corporate lifespan, EO held contracts with a variety of clients. Within South Africa, it provided training to the SADF Special Forces as well as to the Military Intelligence Division. Ironically, it also assisted in the integration of the ANC guerilla force with the SADF to form the SANDF, the very trend of downsizing and reformation that led many of EO's employees into the private sector in the first place. EO also tackled security problems within South Africa, such as protecting farms located on the border with Lesotho from theft. Outside of South Africa's borders, EO had global reach thanks to its network of companies. Barlow, in this vein, noted the significance of

EO's paladin logo: "I like the way it moves on the world board".⁸ Cumulatively, EO had links to activities in 30 countries located in regions as far flung as Southeast Asia, South America, Eastern Europe, and the Middle East. But most of its attention was directed towards Africa; 70 percent of these 30 countries were African.⁹ It is towards two of these African countries, Angola and Sierra Leone, that the study now turns.

5.3 Angola

5.3.1 Angola, Foreign Support, and the Cold War

Amongst the different sub-classes of weak states, Angola is best placed under the "aborted state" classification.¹⁰ Aborted states are countries that, upon independence, lacked crucial ingredients for strong statehood, such as internal legitimacy and infrastructure, and almost immediately plunged into conflict. In the case of Angola, little effort was made by its European colonial power, Portugal, to prepare it for independence. In fact, the main catalyst for decolonization was the April 1974 coup in Lisbon; independence came quickly thereafter on 11 November 1975.¹¹ Despite the creation of the Alvor Accord, the agreement signed on 15 January 1975 meant to ensure reconciliation and effective governance in an independent Angola, the lead-up to this quick decolonization was also far from orderly. The three main Angolan groups differed as to what political direction an independent Angola should take: the Movement for the Liberation of Angola (MPLA) wanted a pro-Marxist orientation, the FNLA called for a nationalist and peasant-oriented government, and UNITA, after some ideological fluctuation, pursued an African nationalist agenda. What is more, these different groups

fought amongst themselves in the years before independence. Dislike amongst these indigenous parties for each other was so strong that, in some instances, they made deals with Portuguese authorities to suspend their mutual hostile actions and concentrate their efforts on one of the opposing Angolan organizations.¹² Weak statism thus plagued Angola upon independence; the minimal Portuguese-built infrastructure deteriorated under the weight of conflict and an ideational sense of the Angolan state was lacking.

But the possibility for increased state strength did present itself. By early 1976, the MPLA was able to form a one-party socialist government that obtained widespread recognition, both within Angola and without. The Organization of African Unity (OAU), for instance, recognized the MPLA as the sole legitimate government of Angola on 11 February 1976.¹³ As for forces opposing the MPLA government, the FNLA disintegrated under military attack and ceased to exist by January 1976. Active South African support of the FNLA on Angolan territory, initiated shortly after Angolan independence, terminated as South African troops returned to their barracks on 22 January 1976. While UNITA still existed and had external support, most notably from the United States, it was minimal in both absolute and relative terms. Since the independence-related upheaval in Angola coincided with the aftermath of Watergate and the April 1975 debacle in Vietnam, the American public and government had no stomach for a substantial engagement in Angola. Though the CIA continued its US\$32 million Angolan Task Force, with most of the money funnelled to Zaire and destined, in the end, for soldiers of fortune, the US Senate passed the Clark Amendment which, while not recognizing the MPLA government, did prevent the United States from officially helping any side in the

Angolan conflict.¹⁴ In contrast, the Soviet Union ensured that the new government of this new Southern African state was its client in order to take advantage of this decline in American presence and to counter Chinese influence in the region. This was done not only through the support of Cuban troops and materiel sent to Angola with the backing of the Soviet Union, but also through direct patronage.¹⁵ For its part, the client regime in Luanda benefited from the US\$6 billion worth of aid and support provided over 15 years by its Soviet patron, resources potentially useful in countering weak statism.

This assistance, however, was directed largely towards activities that did not augment the legitimacy-enhancing capacity of the MPLA government. Outside assistance permitted the centralization of the government structure in Luanda, especially around the office of the president. In order to concentrate resources and counter the potential creation of alternative power centres, provincial and local structures remained in their pre-1975 undeveloped state.¹⁶ Despite the fact that the MPLA initially stood for radical egalitarian politics, its activities dropped Angola, as Norrie MacQueen noted, into the destructive cycle of underdevelopment, venality, and clientalism.¹⁷

What did develop were Angola's security-sector institutions, but in ways that did not instill the legitimacy of these institutions specifically nor the regime in Luanda generally. A good portion of the Soviet patronage went towards armaments; during the mid-1980s, Angola placed seventh amongst arms importers in the developing world in terms of value. Put another way, from 1984-1988, Angola was one of only five states that accounted for 75 percent of all Soviet arms exports.¹⁸ Other assistance went towards reorganization of the Armed Forces for the Liberation of Angola (FAPLA) in line with

rigid Soviet conventional strategies.¹⁹

The resulting effects were fourfold. First, the FAPLA became a useful tool for the MPLA, one employed for repression, to shore up its rule, and to overcome the limitations posed by the Angolan state. Second, the FAPLA became a highly politicized and at the same time fractured actor. True, socialist-style civil-military relations commonly entailed the intermixing of party and army in contrast to Western models. But MPLA reliance on the FAPLA to maintain internal control also gave it an enhanced status, leading its officer corps in particular to become a potential threat, given its powerful, though not necessarily cohesive, status. Third, the FAPLA's adoption of the Soviet-style conventional approach meant that it had difficulty countering UNITA's guerilla insurgency, thus preventing the protection of Angolans from disruptive UNITA activity. Fourth, whereas some have described the Cubans in Angola as well trained and disciplined, the same cannot be said for the FAPLA.²⁰ Like many other African militaries, a scorched earth approach was often the order of the day with obvious effects on the popularity and legitimacy of the FAPLA/MPLA. Morale amongst the lower ranks of the FAPLA suffered, thus having an impact upon capability, conduct, and the observance of human rights. This reduced morale can be partially attributed to corruption within the MPLA and FAPLA; resources and pay often did not reach those in the field, a matter which also contributed to the dearth of successful military activity. These factors together led to the development of a skewed and often harmful security sector, one which contributed to weak statism rather than reversing it.

The end of the Cold War presented many challenges to the MPLA. The Soviet Union no longer had the ideological impetus nor the material ability to keep Angola as a client. Moreover, international agreements pushed Moscow to reconsider its approach towards Southern Africa. The Brazzaville Accords and the New York Accords, both signed in December 1988, called, amongst other things, for the removal of Cuban military personnel, a key component of the Soviet relationship with Angola. Also, the May 1991 Bicesse Peace Accord, partially brokered by the Soviet Union and signed by the MPLA and UNITA, mandated several points: a cease-fire, disarmament, demobilization, elections, the creation of a new, unified army, the Angola Armed Forces (FAA), and the end of superpower provision of lethal military aid to their respective Angolan allies. These were all factors which entailed that Moscow reassess how its influence played out in Southern Africa.

In place of Soviet patronage, Luanda developed, to a certain degree, a relationship with its erstwhile enemy, the United States. Even though there was a marked increase in American assistance to UNITA, especially with the 1985 repeal of the Clark Amendment, this support disappeared in the 1990s for two reasons. First, UNITA, under the direction of its late leader and presidential candidate, Jonas Savimbi, pulled out mid-stream from the Bicesse Accord's mandated elections held on 29-30 September 1992. This occurred after it was clear that UNITA had lost the legislative election. Moreover, it seemed that Savimbi might also lose the presidential contest to the MPLA's Jose Eduardo dos Santos. UNITA, therefore, appeared to the world as the main culprit preventing peace in Angola.²¹ The fact that the United States also had a hand in

producing the accord and that UNITA restarted its military activities in October 1992 did not encourage the provision of further American support. Second, in the wake of the Gulf War, American policy was driven to diversify the United States' sources of oil imports. Ironically, American oil companies already had a substantial presence in Angola even during the Cold War, a presence which the United States wished to maintain and augment.²² Hence, the shift in American policy culminated in 1993 when Washington lifted its longstanding arms embargo directed at Luanda and recognized the MPLA government, thus officially estranging UNITA.

Though Luanda still desired outside assistance, the support of the United States came with difficult limitations. While lethal military aid did arrive from the United States for the FAPLA/FAA, it came in amounts much lower than from the onetime Soviet patron. Independent of American peacekeeping training endeavours and emergency initiatives, during the 1990s Angola shared US\$111 million worth of American weapons and training with eight other African states: Burundi, Chad, the Democratic Republic of the Congo, Namibia, Rwanda, Sudan, Uganda, and Zimbabwe.²³ What is more, a primary method for American post-Apartheid re-engagement with Southern African governments was via its diplomatic initiatives resulting in the above agreements and the creation of the United Nations Angola Verification Missions (UNAVEM I and II).²⁴ Though perhaps ill-conceived on some issues, these activities were meant not only to bring calm to Southern Africa, but also to lead to internal, transformative changes with respect to peacebuilding, democratic government, and security-sector reform.²⁵

These changes were, in many cases, not desired by the leadership in Luanda. While one can question UNITA's willingness to accept these changes given its stance regarding the 1992 elections, one can direct similar questions at the MPLA. Indeed, shortly after Savimbi retreated to his base in Huambo in the midst of the elections, the MPLA ordered an attack on UNITA's headquarters in the capital, an attack led by riot police and units of the new FAA. It resulted in the killing or capture of nearly all of UNITA's civilian and military representatives in Luanda.²⁶ Furthermore, during the demobilization and reintegration process before the elections, both UNITA and MPLA/FAPLA dragged their feet leading to a reduced number of individuals seeking to be demobilized or recommissioned into the FAA and only a small number of old and unserviceable weapons being collected for destruction.

Though one might contend that actions of one side were simply in response to those of the other, there were also, however, independent reasons explaining the MPLA's intransigence. Even though some in MPLA/FAPLA circles desired a termination of violence and a semblance of calm, many did not.²⁷ Recognizing that foreign support relationships might soon be changing, the MPLA had concentrated its efforts from the late 1980s on the maintenance, recovery, and capture of rich resource areas in order to acquire and reinforce independent means to support the MPLA and FAPLA. This meant solidifying the government forces' hold on the oil extraction industry, located mostly offshore, and ensuring a presence in the country's diamond mining industry. Hence, Angola developed the characteristics of the rentier state. While the harvesting of resources had been an order of business before this time, the degree of emphasis and

attention increased significantly as the end of the Cold War drew near.²⁸ The entailed turnabout in affairs would have prevented or at least hampered the ability of political and military elites to assert their influence through the use of organized force, to maintain their internal patronage networks, and to fuel their corruptive activities. As the directives demanded by outside parties, especially the United States, called for internal reorganization and substantial modifications in the ways of governance and did not address the sensitive issue of exploitable resources, this post-Cold War vision of Angola stood in stark contrast to Luanda's objectives: the further solidification of the regime or at least the maintenance of the status quo developed in the late 1980s.

5.3.2 EO's Activities

Events on the ground, however, challenged this status quo. The FAA, now essentially the renamed FAPLA with the termination of demobilization and reintegration, suffered several setbacks in 1992-93 at the hands of UNITA's fighters. Many of the FAA's soldiers, lowly paid, poorly trained, and still hampered in their deployment by conventional battle strategies, revealed their resignation by turning to diamond mining in order to supply their needs. Leadership too was an issue. For Virginia Gamba and Richard Cornwell, "[t]he high-level, pervasive, and large-scale corruption surrounding those in power has not only alienated the government from popular support but has also engendered a different type of corruption".²⁹ For instance, wild-cat senior officers, or "Garimpeiro generals", participated in illicit diamond mining operations and worked at cross purposes to the MPLA government, whether it be to combat UNITA or to bring

resources under the exclusive control of Luanda. In some instances, they even operated in collaboration with the rebels. As a result, UNITA may have had a dominant presence in as much as 80 percent of the countryside by 1993.³⁰ UNITA directed its attacks towards the MPLA's economic resource base, the oilfields and diamond mines under the government's control. By January 1993, for instance, UNITA forces controlled the oil town of Soyo, the strategic airport of Cuito Cuanavale necessary for continued resource exploitation, and approximately 70 percent worth of Angola's diamond production.³¹ The dominance of UNITA in rural areas, and its consequent control of much of Angola's road system, exacerbated the fact that the MPLA, since 1975 and due to post-independence policy decisions, had never had a constant official presence in the entire country.

In the face of this deteriorating situation and the lack of sufficient foreign support, Luanda turned to EO. At first, the contractual relationship between EO and Luanda set minimal objectives. In May 1993, the MPLA government, in conjunction with the Angolan state-run oil company, Sonagol, hired EO on the basis of a two-month agreement to retake and hold the Soyo oil centre and the computerized pumping station owned by Chevron, Elf-Fina-Gulf, Petrangol, and Texaco. In that same month, a team of 80-100 EO personnel, supported by two FAA battalions, launched a surprise attack and captured Soyo. Reports indicate that whereas EO was competent in this task, the FAA's efforts were found to be lacking.³² In a similar vein, Luanda subsequently again lost control of the region to UNITA when EO withdrew as per its contractual obligations and defence of the oilfields was left solely to the FAA. Together, these events made plain

EO's military prowess, both in an absolute sense and in a relative sense in contrast with the FAA.

The outcome of this operation was the 27 month contractual engagement of EO in Angola valued at US\$50-60 million with some US\$20 million directed towards the purchase of weaponry. EO's long-term presence in Angola, starting in September 1993 and ending in January 1996, involved at times up to 550 personnel. The firm's responsibilities were twofold: to train certain Angolan military personnel and to undertake military operations to counter UNITA's presence in areas deemed important by its MPLA client. As for the first responsibility, EO trained the 5,000 strong 16th Brigade.³³ EO's training of the 16th Brigade covered a number of soldiering skills: combat, weapons, maintenance, engineering, signals, and reconnaissance.³⁴ To facilitate this training, EO took up an advisory position in the headquarters of the Armed Forces Chief of Staff, General Joao de Matos, once the adversary of many EO personnel when they served as part of the SADF's Cold War operations. By means of this arrangement, EO made available not only its unique expertise pertaining to UNITA's strategies and tactics, but also instruction in a field not sufficiently covered by the former Soviet patron - counterinsurgency.

As for the second responsibility, military operations, the goals assigned to EO predominantly featured the recapture of resource areas once held by the MPLA/FAA and the removal of UNITA's presence in other resource-rich regions. Though 20 EO personnel lost their lives due to fighting, disease, and training accidents over the course of their firm's operations, EO's contractual obligations continued to be pursued. As

noted by military analyst Jim Davis, through the use of special forces reconnaissance teams and a reliance on electronic intelligence, capacities previously not available to the FAA, EO identified the location of UNITA units and performed in conjunction with the FAA "classic find, fix, and destroy" operations.³⁵ In support of these operations, Ibis Air pilots flew Mi-8 and Mi-17 helicopters and MiG 23 fighter-jets. EO removed the UNITA presence from N'dalatando City in June 1994, from the diamond areas in Cafunfo in July 1994, and again from the oil installation in Soyo in November 1994. By the end of 1994, UNITA had lost all its major urban footholds. EO and the FAA also worked to disrupt UNITA diamond trading along the Zairian border with Zairian diamond merchants.³⁶ Additionally in November 1994 and as a result of the pressure placed on Savimbi by EO and revitalized elements of the FAA, the rebel leader gave up UNITA's traditional stronghold of Huambo.

It was under this pressure as well that UNITA agreed to the Lusaka cease-fire in that same month, an agreement that called for an end to EO's operations. This was one of the stipulations demanded by UNITA, given the damage EO had done to its economic interests and its manpower base. Luanda nevertheless continued supporting EO's presence beyond this point as fighting did not really cease until February 1995 and the future of the agreement was often in doubt. But when the MPLA finally did ask EO to leave as laid out in the cease-fire accord, it did so. In sum, EO is seen by many as key for the reinvigoration of the FAA and for turning the conflict in favour of the MPLA.³⁷

5.4 Sierra Leone

5.4.1 Sierra Leone's Problems and Lack of Foreign Assistance

Despite its notorious viciousness, it is important to recall that the Revolutionary United Front's (RUF) rebellion, starting in March 1991, was a response to Sierra Leone's poor conditions and governance since its independence.³⁸ The RUF called for social democracy and an end to corruption manifest in the country's long-standing rent seeking political system.³⁹ While informed by Libyan revolutionary populism and its call to overthrow entrenched and corrupt regimes, the RUF's demands were very much Sierra Leone centric: to have the government account to the populace how government proceeds had been spent over the years since independence in 1961.⁴⁰ For instance, at one point, of Sierra Leone's annual diamond exports estimated at US\$300 million, only US\$10 million worth were officially reported to the government's Gold and Diamond Office, the main entity responsible for the collection of taxes on metals and gemstones.⁴¹ The remaining or "lost" diamonds went towards maintaining internal support for the governing regime and/or were sold through illicit trading channels in other countries.

The interaction of internal and external factors led to the problems that exist today. As described in a 1996 report issued by the International Crisis Group, the internal turmoil in Sierra Leone was rooted in "years of successive undemocratic and corrupt government, an abuse of social investment and extreme and widespread poverty [that] characterized the country. The war is not a rebel war, but rather the result of years of bad governance and economic mismanagement".⁴² According to F. Adedejo Ebo, Siaka Stevens, head of the All People's Congress (APC) and the long time leader of

Sierra Leone from the 1960s until 1985, hunted down political opponents rather than alleviating poverty to the detriment of the common good.⁴³ Political violence and corruption were the enduring norm in Sierra Leone. Others point to the activities and motives of actors beyond Sierra Leone's borders that further contributed to this mix.⁴⁴ The end result was that "Stevens failed to construct either a legitimate, effective, or durable political system with any mobilizational capacity".⁴⁵

In lieu of mobilizational capacity, Freetown attempted to dominate through coercion but failed to keep a monopoly on violence. In other words, successive governments in Sierra Leone relied upon the use of force, a situation which over time, in fact, contributed to the marginalization and fracturing of the Sierra Leone Defence Force (SLDF). Stevens initially politicized and relied upon the force to substantiate his regime because he needed it to enforce his edicts and convince rivals and members of his patrimonial system alike that he possessed the capacity to enforce discipline.⁴⁶ Increasing politicization of the SLDF, however, culminated in divisions in the force and coup attempts. As a consequence, though some factions of the SLDF remained loyal, Stevens during his rule elected twice to rely on a bodyguard of Guinean troops. Fearful of further threatening activity, Stevens kept the SLDF as a whole in check by ensuring that it was generally weak, poorly trained, and lowly paid.⁴⁷ Even though Joseph Momoh, Stevens' successor, was able to use army factions to strong-arm diamond mining operations in Sierra Leone, the military was nevertheless part of the problem at the time of the RUF incursion.

Coupled with Freetown's reliance on force and the decline of the SLDF was the proclivity of the APC regime to create and employ parastatal forces to ensure capability and loyalty. During his tenure, Stevens established both the Special Security Division (SSD), otherwise known as Siaka Steven's Dogs, and APC paramilitary forces. These actions harmed the SLDF because they represented a vote of non-confidence. Charged with the job of countering coup attempts and performing violent acts to maintain regime power, these parallel forces operated outside the normal chain of command and possessed preferential access to funds and supplies over the SLDF.⁴⁸

While generally directed towards with the day-to-day internal management of violence, the parallel forces and the SLDF crumbled in the face of the RUF's onslaught. As the RUF campaign advanced, Freetown found itself without significant foreign support to counter the rebellion and a generally reduced capacity to employ the security sector. On the one hand, as David Keen reports, international pressure and attention was very much directed at the RUF, whereas the problematic activities of Sierra Leone's security sector and government were generally overlooked.⁴⁹ On the other hand, despite Freetown's requests for assistance in order to fill the vacuum left by the security sector, foreign assistance did not come in the qualitative and quantitative forms desired. Instead, states for the most part focussed their attention upon Sierra Leone's blacklisted status for International Monetary Fund (IMF) and World Bank programming.⁵⁰ True, Freetown did manage to wrest some military expertise and equipment from the United States in 1991, the *quid pro quo* for Freetown's military excursion to the Persian Gulf as part of Operation Desert Storm. But in the final analysis, Washington and London

together provided only a limited amount of training, communications equipment, vehicles, non-lethal military supplies, and the accompanying military advisors.⁵¹

Instead of concentrating directly on developing the capacity of the SLDF, the United States and the United Kingdom during the 1990s provided financial assistance and equipment to facilitate the operations of the Economic Community of West African States' Monitoring Group (ECOMOG). This force, in turn, offered assistance to the SLDF. This West African force had a substantial presence in the country for three reasons: one, Sierra Leone participated in ECOMOG's efforts to stem the violence in neighbouring Liberia; two, the country provided the headquarters and staging ground for said operation; three, Sierra Leone had a bilateral defence pact with the dominant player in ECOMOG, Nigeria. Moreover, the force had already acted in Sierra Leone; ECOMOG contingents from Nigeria and Guinea operated alongside the SLDF to counter RUF incursions.⁵²

Beyond the implications this would have on the situation vis-à-vis the SLDF and the government, an ECOMOG-centric solution was not favourable to Freetown. The poor reputation of ECOMOG forces in Liberia, known for their military deficiencies and their participation in looting, plundering, and drug dealing, did not bode well for successful activities, whether they be economic, political, or military. Because military commanders stole as much as half the salaries of those under their command, ECOMOG soldiers often resorted to activities detrimental to peace in Liberia. Additionally, ECOMOG lacked important items necessary for successful counterinsurgency operations: equipment (qualitative, quantitative, and compatible), unity amongst the

various states that made up the force, and sufficient manpower, administration, and intelligence.⁵³ Also, ECOMOG's presence in Liberia had developed into an end in itself, rather than a means to an end, thus raising fears particularly about Nigeria's potential hegemonic designs. Finally, consistent external support to ECOMOG was far from guaranteed because of Nigeria's pariah status at the time, a label particularly applied by London and Washington. In sum, the evidence from Liberia, when combined with other factors, revealed how ECOMOG might become an occupying force with highly problematic effects.

With respect to matters internal to Sierra Leone, in spite of the coup-initiated arrival in 1992 of a new government with military credentials, the National Provisional Ruling Council (NPRC) led by Captain Valentine Strasser, its control over the various SLDF factions was minimal. The SLDF, already a weak and problem-prone entity, was further diluted with its rapid increase from 4,000 to 14,000 soldiers. This augmentation in manpower came mostly from urban youth, street kids, and petty and newly released criminals, ironically the same pool from which the RUF drew its ranks.⁵⁴ Many soldiers, poorly commanded, disciplined, and paid, turned to diamond mining. This led to the "sobel", the phenomenon of "soldier by day, rebel by night". Moreover, many military officers became warlords with their own access to weaponry and diamond extraction. By the time the NPRC came to power, many soldiers, in fact, were mining diamonds for the purchase of weapons in Belgium and Romania outside of regular SLDF procurement.⁵⁵ The looting, harassment, self-enrichment, and destruction of property committed by both the RUF and SLDF made ordinary people cynical about the true orientation and

effectiveness of the military and its supposed political masters in Freetown.

In the main, RUF forces, due to either the SLDF's lack of preparedness or the preoccupation of many of its personnel in the diamond fields, increasingly took control of Sierra Leone's resources and territory. By 1995, the RUF had overrun resource-rich areas located in the east of the country. Out of Freetown's control were the Sierra Rutile titanium-dioxide mine at Gbangbatok, the Sierra Leone Ore and Metal Company bauxite mine at Mankanji, and the diamond areas in Kono district and its commercial centre of Koidu. The loss of these resources to the RUF, the three main sources of foreign revenue and, hence, of patrimonial funding and corruptive enterprises, posed problems for the NPRC in legitimate and illegitimate circles alike. The Sierra Rutile titanium mine alone accounted for 50 percent of the country's export earnings and was the country's largest official employer.⁵⁶ Furthermore, though the RUF strategy was initially directed at rural areas, its expanding control over geography and wealth-producing assets turned the RUF towards more urban-oriented operations. By the time NPRC held negotiations with EO, the RUF was but 20 kilometres from Freetown.

5.4.2 EO's Activities

As early as 1994, BHG had held negotiations with the NPRC government over the issue of harvesting Sierra Leone's mineral resources. Thus, EO's ties with BHG helped the PSC to win its contract in Sierra Leone in early 1995.⁵⁷ The resulting EO operations, which at their height saw 350 EO personnel in the field, featured the securing of the area around Freetown, the regaining of government control of resource areas, and the

destruction of the RUF's headquarters. The intent of the contract, which eventually reached a value of US\$35-40 million, was to bring about the destruction of "terrorist enemies of the state", to restore internal security, and to facilitate a *positive* economic environment open to international investment.⁵⁸ Through the use of electronic warfare, coordinated fire support, and helicopters, EO conducted air mobile operations and achieved the required goals. EO's operations commenced in May 1995 and by the end of the month, the Freetown area was secure. EO routed the RUF from the Kono diamond mining district and Sierra Rutile mining site in August and December 1995, respectively. In January 1996, following EO's destruction of the key RUF base in the Kangari Hills, the RUF began serious negotiations for the first time. When Foday Sankoh, the RUF leader, reneged on signing a peace accord after months of negotiations, EO was ordered to destroy the RUF's headquarters in southeast Kenema in the fall of 1996.⁵⁹

The impact of EO's presence was easily seen in its area of operations. The calm instilled by EO where it operated contributed to a sense of security enabling the return of some refugees, the repatriation of child soldiers, and the increased reach of non-governmental organizations (NGOs).⁶⁰ What is more, in March 1996, Sierra Leone elected President Tejan Kabbah in the country's first multi-party elections in 23 years.

It is important to note that in order to achieve this success, EO, as in its Angolan operations, relied upon local forces. EO initially planned to operate alongside the SLDF and it did train a few companies during its time in Sierra Leone. EO found, however, that many of the SLDF soldiers presented to them were children and/or sufferers of drug addiction, individuals hardly capable of or appropriate for taking on the RUF onslaught.⁶¹

Moreover, given the general problems of competency and the questionable loyalty of the force, the firm's interactions with the SLDF were selective and minimal. Even though EO did set up its headquarters at Cockrill Barracks, the SLDF's headquarters, the firm operated outside of the regular chain of command.

Rather than turning wholeheartedly to the official military, as was its original plan, EO chose instead to concentrate its efforts on the *Kamajoisia* or Kamajors, an ethnic *Mende* militia based in the southeast of the country. Formed in 1994 before EO's arrival, and largely in response to RUF activities and SLDF weaknesses, the then 2,000-3,000 Kamajors relied on traditional weapons and hunting skills and warrior cult beliefs. Under the tutelage of EO starting in 1995, the Kamajors received modern military training and sophisticated weaponry. Their numbers exploded to at least 20,000.⁶² The Kamajors provided the guides, the intelligence gatherers, and the supporting infantry for EO. In recognition of their support, Kabbah structured and formalized the Kamajors into a Civil Defence Force (CDF). Furthermore, Kabbah made Sam Hinga Norman, the Kamajor chief, Deputy Defence Minister. In sum, one EO commander acknowledged the importance of the symbiotic relationship between his firm and the Kamajors: "[T]hey would never have been able to do it without us--the planning and support. On the other hand, we couldn't have done it without them".⁶³

The combined EO/CDF successes in the field actually helped to terminate EO's presence in the wake of the Abidjan Peace Accord signed between Freetown and the RUF on 30 November 1996. As part of the conditions laid out in the accord, and similar to those demanded in the Lusaka Accord in the Angolan case, all outside parties,

inclusive of EO, were to leave Sierra Leone. By January 1997, EO ceased its military operations. While these operations were successful from the military standpoint, they did not occur without loss; seven EO personnel were killed during the course of the contract. After January 1997, 100 personnel from the larger EO family of firms, mostly employees of Lifeguard, remained in Sierra Leone to provide security for Branch Energy's diamond mines, the Sierra Rutile mine, a hydroelectric dam in North-central Sierra Leone, and the humanitarian NGO World Vision, amongst other employers.

Indisputably, Freetown's decision to employ EO gave it the opportunity to avoid the troubles and excesses of ECOMOG and to rely on a more disciplined and effective force that would act according to its wishes. This decision was praised by many. According to Yekutiel Gershoni, when compared to the alternatives, "[Freetown's] decision to engage Executive Outcomes' mercenaries proved to be correct".⁶⁴ Similarly, John Leigh, Sierra Leone's envoy to Washington, commented at the time of EO's operations that "[t]he government of Sierra Leone believes EO can do a better job [providing security] than the Sierra Leone army".⁶⁵

5.5 EO and Good Conduct

5.5.1 The PSC's Conduct

At first cut, one might think that assessments of EO in terms of the good conduct aspect of organized force as it pertains to human security would not be favourable, especially given the negative conduct of some mercenaries in the 20th century. Yet while suspicion and caution are no doubt healthy, assessment reveals that on the whole,

the conduct of EO itself in Angola and Sierra Leone did not give cause for concern. As for a good conduct assessment, one can organize the prominent issues into two parts: effectiveness and means/methods. As for the first issue, the presence of EO made a direct impact upon UNITA and RUF activity, thus removing the threat for many Angolans and Sierra Leoneans of the notorious viciousness of these organizations. In the case of Angola, it is clear that EO posed great difficulties for UNITA given its description of EO as a "crack unit".⁶⁶ What is more, UNITA attempted to saddle EO with pejorative characteristics. For one UNITA official reporting on EO to the NGO Human Rights Watch (HRW), "They are mercenaries. They fight for money not ideology. They have no rights in UNITA eyes".⁶⁷ As for the Sierra Leone case, the RUF not only condemned Freetown for its lack of patriotic credentials, it put out a bounty on EO employees and offered US\$25,000 for the destruction of any of EO's three helicopters in operation.⁶⁸ In addition to these statements and actions, EO's activities, as indicated above, had the direct effect of bringing the respective rebel movements to the negotiating table. What is more, the resulting agreements revealed their anxiety directed towards EO because both agreements demanded that the acquiescence of UNITA and the RUF be linked to EO's withdrawal. Though hindsight is 20/20, it is now apparent that EO maintained the pressure on UNITA and the RUF. Upon EO's departure, UNITA's and the RUF's intransigence renewed and barriers were put in the way of effective United Nations operations in each country. Fighting soon returned in both countries on a horrendous and gruesome scale.

In light of its abilities and effectiveness, EO garnered praise from within Africa and beyond. Though he recognizes that other factors such as United Nations sanctions contributed to limiting UNITA's capacity, Alex Vines of HRW noted that "[t]here is no doubt that EO quickened the pace of the war in Angola and added pressure on UNITA to sign the Lusaka Protocol in November 1994".⁶⁹ Similarly, Sierra Leone's military liaison with EO commented that the firm "did a positive job...we didn't consider them mercenaries but as people bringing in some sanity".⁷⁰ Ian Douglas, a retired general from the Canadian Armed Forces and now a United Nations advisor for peace missions, echoed this comment: "EO gave us this stability. In a perfect world, of course, we wouldn't need an organization like EO, but I'd be loath to say they have to go just because they are mercenaries".⁷¹

Though EO personnel may have been vigilant in doing their utmost to ensure successful operations, what of their means and methods? Were the direct implications of their presence in terms of the good conduct aspect positive? To frame the answer in a general sense, it is apparent that, in light of the conduct of national forces and other entities engaged in post-Cold War conflicts, ethical objections regarding commercial non-state force should be kept in perspective.⁷² Even the International Committee of the Red Cross (ICRC) believes that there is no reason to assume that the behaviour of a PSC would be worse than that of any other actors.⁷³

Specifically then, the direct impact of EO's conduct in Angola and Sierra Leone in terms of good conduct was relatively uncontroversial. True, in the Angolan case, EO did use upon occasion fuel air explosives. But this type of weaponry is also used by

state-security sectors, is only illegal in the context of its use against civilians, and EO did not purposely use these weapons against Angolan civilians (or any other weapons for that matter).⁷⁴ Moreover, EO did not use these explosives in further contracts. As for Sierra Leone, some unsubstantiated accusations exist as to collateral damage caused by EO. But acts that directly targeted civilians did not drive these charges. Instead, they related to geography and the difficulties of conducting operations in dense rainforest and the confusing nature of post-Cold War conflicts in which forces blend in with civilians. In this sense, the difficulties encountered by EO or the accusations levelled at it were not unique. In light of these points, an official investigation of the United Kingdom's Human Rights Committee into the conduct of PSCs generally and EO specifically concluded that "[d]espite much effort by various organisations, allegations of human rights abuses are mostly unproven".⁷⁵

But what is important to identify, in light of the pejorative fog over mercenaries, was EO's attempts at openness and its direct conduct towards civilians and the rebel movements.⁷⁶ During its Angolan operations, EO wished to counter concerns from parties in the United Nations and OAU by inviting news organizations to cover their activities.⁷⁷ This media access continued during EO's contract in Sierra Leone. Reporting in these cases made clear that unlike other parties to the conflicts, EO was not guilty of committing atrocities, looting, drug dealing, or the harassment of civilians. In fact, EO personnel relied on a hearts and minds approach both to win over the populace and to gather intelligence.⁷⁸ Similarly, UNITA and RUF prisoners were treated well by EO for the sake of both intelligence collection and a desire to reduce resentment in the

opposing side. As asserted by Barlow, "[w]e train our soldiers to behave with the locals and not [to] become their enemy...we build trust and acquire more intelligence".⁷⁹

In the final analysis, nothing probably better supports the case of EO's positive conduct in terms of human security than the response of many Angolans and Sierra Leoneans. This fact is emphasized by Jeremy Harding:

[EO's] greatest friends are probably vulnerable civilians whose environment it has secured against armed conflict - displaced peasant farmers, piece-workers, impoverished miners, people who are less concerned with the idea that their nation-state may have become a job-lot than they are with physical safety, food and livelihood, all of which Executive Outcomes has reinstated for tens of thousands of non-combatants in Africa.⁸⁰

True enough, in environments as dire as Sierra Leone or Angola, it does not take much to improve the situation and provide people with a sense of safety and predictability in their lives. Nevertheless, these are still key matters in ensuring a freedom from fear.

Moreover, EO was able to achieve the acceptance of the population at large. In fact, in the case of Sierra Leone, reports indicated that EO received a sense of legitimacy that the SLDF had never garnered.⁸¹ One chief from the diamond-rich Kono district complained upon receiving the news that Freetown was to terminate EO's contract: "We know it's expensive, but you cannot compare that to life. I told the president that we are all ready to move if the South Africans, who are also sacrificing their lives here, pull out".⁸² One should consider also the United Kingdom's Human Rights Committee's findings: "[I]n a country devastated by two armies with little concept of human rights are the words of one Sierra Leonean observer on EO's impact: 'Wherever they went, civilians stopped dying'".⁸³ In helping to remove the fear in the lives of many and thus enhance human

security, EO personnel were hailed as nothing less than liberators.

5.5.2 Problematic Good Conduct Issues

It is important to recall that EO did not operate alone in Angola and Sierra Leone; the PSC's personnel numbers were limited and thus "indigenous" support was required. In this way, EO served as a "force multiplier" by augmenting the military capabilities of the employing state through training, joint missions, and the application of specialized skills meant to enhance the effectiveness of the larger local force.⁸⁴ Beyond the functional numerical aspects, the philosophy behind this approach, according to David Shearer, is that security is best assured through the improvement of a government's forces and their ability to deter an attack.⁸⁵ This point raises questions and suggests that one should further delve into the issues of how much security is achieved and through what means.

The two cases of Angola and Sierra Leone demonstrate the limited beneficial effect the force multiplier approach had upon the security sectors of its client states, despite EO's good conduct on its own merits. With respect to Angola, the effects of EO were minimal on the security sector as a whole. It trained only select MPLA members. The rest were left to their own devices and old habits. With respect to Sierra Leone, EO responded to its client's demand for assistance by fundamentally restructuring the security sector in Sierra Leone; EO effectively introduced and strengthened a new actor, the Kamajors/CDF. Not only has the Kamajors' behaviour been problematic in its own regard, but EO's contract also did not entail reform of the SLDF and the force's

difficulties were further exacerbated through the introduction and activities of the Kamajors.

To expand, in the case of Angola, though the PSC had a substantial two-year presence in the country, the effects of its training were not disseminated beyond the 16th Brigade other than through transfers of individuals out of the military unit. In other words, despite the effectiveness illustrated by the EO/16th Brigade relationship, it did not trigger a larger transformative exercise pertaining to the Angolan security sector. On the one hand, EO's expertise was invaluable not only in the context of fighting UNITA, but also in terms of assisting the FAA General Staff in defining their military requirements and in training certain FAA soldiers on modern equipment.⁸⁶ EO made sure that the US\$20 million it allotted for hardware and supplies, in close consultation with the FAA elite, was spent on the necessary equipment. Also, EO provided training to 159 Angolan instructors' instructors who then initiated a chain of dissemination of the lessons learned to those in the 16th Brigade. On the other hand, FAA personnel on the whole, then and today, are still poorly paid and commanded, leading to continued human rights abuses, violations of humanitarian law, and looting. Since EO's departure from Angola, helicopter gunships and FAA units have, almost routinely, attacked civilians, especially those living in the diamond-producing regions. While these attacks removed UNITA's presence from several of these enclaves, they also intentionally targeted civilians, thus forcing them to flee.⁸⁷ As a result, FAA units in the field have been accused of nothing less than brutal coercion.⁸⁸ Here then concern is placed not so much on the direct or indirect impact of the firm's presence, but on how EO did very little to the security sector

as a whole.⁸⁹

In the case of Sierra Leone, the three problems in terms of good conduct issues that have arisen are indirect. First, there is the issue of fighting and violence, particularly between the CDF and the SLDF. The sanction of the CDF represented Freetown's seemingly official vote of no confidence in the SLDF. On the one hand, in the lead up to Kabbah's election in 1997, the SLDF was virtually a force onto itself.⁹⁰ Three unsuccessful coup attempts followed Kabbah's ascent to power. Kabbah attacked the SLDF for its disloyalty and its self-interested pursuits, an attack that culminated with the sacking of 200 senior officers and non-commissioned officers.⁹¹ On the other hand, what was also required was reformation of the SLDF and a management of the tensions brought about by introducing a new actor, the CDF, into the security sector. Indeed, the Kamajors, once meant to supplement the SLDF, became the armed forces' primary rivals. Many in the SLDF still had a sense of duty and viewed their institution as the primary guardian of Sierra Leone. Others perceived the CDF as a threat to their economic interests. In this light, it is not surprising that one of the first acts of the Armed Forces Revolutionary Council (AFRC), the instigators of a successful coup against Kabbah in May 1997, was to attempt to abolish the CDF.⁹² Though Kabbah returned to power in 1998, the resentment still exists. Thus, it is also not surprising that in the national elections on 14 May 2002, more members of the army voted for a party headed by a former AFRC junta leader than for Kabbah.⁹³

Added to the issues of rivalry and competition is the fact that the CDF became virtually a force onto itself. The CDF fought with other local militias like the *Jombolas*.

Of even greater importance was the fact that fighting between the CDF and the SLDF, especially in the diamond-rich areas of the country, was not uncommon up to and even after the arrival of the United Nations Mission in Sierra Leone (UNAMSIL) in 1999 and British military personnel in 2000. Though much of this fighting has been quelled due to the international, and especially British presence, regions that were once under government control did fall back into the hands of the RUF which perpetuated the cycle of violence and removed the semblance of calm for many.

Furthermore, it is only now, after the partial disarmament of the Kamajors through diplomatic pressure and the presence of international troops, that reform of the national military institution is underway. A few thousand individuals, from the ranks of the SLDF, but also from the RUF, at the time of writing are being trained by British military advisors to form the new Republic of Sierra Leone Armed Forces (RSLAF). This force is being formed with an eye to filling the vacuum brought about by the decline in prominence of the CDF facilitated by the UN disarmament process which ended in January 2002. Moreover, it is meant to fill the vacuum both effectively and with a respect for human rights and humanitarian law once the international presence eventually departs Sierra Leone.

The second indirect point in terms of human security was that EO's training of the Kamajors explosively combined traditionalism and the detrimental effects of parallel forces in such a way that there was a negative impact in terms of good conduct. Indeed, the Kamajors are known to have contributed to the general chaos in Sierra Leone.⁹⁴ This relates to the above point regarding fighting with the SLDF and other actors, but it also

pertains to how the CDF acted. The CDF has been accused of treating RUF prisoners harshly. Furthermore, as confirmed by Human Rights Watch, looting and human rights violations committed by the CDF were prevalent both before and during the United Nations/British presence.⁹⁵ Violence of this sort slowed the activities of the United Nations which started in 1999 and helped to trigger the 2000 British military presence in Sierra Leone in order to assist the beleaguered peacekeeping force. In short, without proper controls and oversight, the discipline and effectiveness of the CDF instilled by EO was only temporary, to detrimental effect in terms of human security.

Third, given the violence that continued after EO's departure and its nature, the CDF's close links to Freetown had negative implications as they represented the continued militarization of Sierra Leonean society, or at least elements of it. This did not help promote what could be described as "normal" conditions allowing for people to enjoy a freedom from fear and take advantage of a freedom from want. This was identified in a United Nations report dating back to 1998:

The problems of extreme poverty and lack of staple foods and the continuing presence of armed groups engaged in pillage have helped to perpetuate insecurity and fear as factors limiting the Government's ability to expand its basis of legitimacy. For much of the population, there has been no difference whatever between the war of earlier months and the proclaimed peace.⁹⁶

According to Juan Linz, a breakdown such as this in traditional civil-military relations is problematic given the negative effect militia groups have on human rights: "[T]he government is faced with a serious loss of legitimacy...when [it] allows organized groups with paramilitary discipline...to emerge in the society".⁹⁷ The government's reliance on

the CDF to maintain control put it on par with previous Sierra Leonean governments whose policies laid the groundwork for recent problems. For many, the CDF's activities not only slowed the development of the Lomé Accord, eventually signed in July 1999, but they also affected current endeavours in Sierra Leone.⁹⁸ These problems may very well be heightened now that the bulk of the British military contingent has left Sierra Leone.

In total, given the above examination of situations in Angola and Sierra Leone, several observations can be made with respect to good conduct. First, as stressed earlier, the soldier of fortune does not generally follow human rights obligations. In contrast, EO personnel, when assessed in terms of their effectiveness and their observance of human rights and humanitarian law, had a direct and positive impact in terms of human security. One cannot, however, necessarily apply this to those individuals, groups, and organizations that EO assisted or interacted with in the client states. These are the indirect negative implications. As suggested by Damian Lilly of International Alert, it is an open question as to whether or not PSC activities might lead to the development of more effective and professional forces.⁹⁹ This analysis of EO takes steps towards answering that question.

It is evident from the two cases that the nature of the marketplace coupled with the state of the regulatory environment and EO's capabilities together created conditions such that negative implications for human security were likely. To an extent, reliance on the force multiplier approach by EO was due to operating strategies and situational pressures: supplementary personnel were required as the PSC did not have an

overwhelming numbers of employees.¹⁰⁰ Also, a negative impact in terms of good conduct was not necessarily the company's intention. These developments were, after all, the indirect byproducts that came about in pursuing other objectives. Yet one can also point to commercial incentives embraced by EO in order to maintain good client relationships and to gain future contracts. Indeed, client governments and potential client governments, especially coming from a weak state environment, might not appreciate unwanted ventures into security-sector reform that might upset the status quo in a way not in their favour.¹⁰¹ It might even be seen as a breach of contract. Moreover, there was nothing illegal, for example, in EO setting up a parallel force in the weak state environment where civil-military relations were problematic at best. Therefore, it was not, unless requested, part of EO's contractual policy to restructure the "political space" or to conduct security-sector reform for its clients in a way that coercion would no longer be the norm and that negative effects were foreseen and/or mitigated. So long as what was desired by the client state, headed by an internationally recognized government, did not see EO directly violating international laws, the customer, for good or for bad, was always right. There was no code of conduct amongst PSCs for EO to govern its conduct that might have mitigated these effects. Hence, the structure of the market and commercial incentives led to emphasis being placed only upon direct implications with respect to good conduct. This had obvious implications for EO acting responsibly and ensuring the all-around promotion of human security.

5.6 EO and Good Governance

5.6.1 Common Concerns

To whom or for what interests did EO provide security? Key in answering this query is to determine whether or not EO contributed to or detracted from good governance aspects in Angola and Sierra Leone. Thus, did EO's presence and its operations add to a sense of inclusiveness rather than particularism and even discrimination? Did EO execute direct and deliberate policies of economic and social exclusion to the detriment of promoting human security? If so, did EO's application of force promote particular interests or advance its own self-serving agenda at the expense of the Angolan and Sierra Leonean people?

Again, if prominent developments in 20th century mercenarism are to serve as a guide, the immediate response would support the hypothesis of self-interest, or even directly imposed self-interest. Note, for instance, the proclivity of soldiers of fortune to purposefully not achieve their objectives for the sake of continued remuneration. Another fear is that while PSCs may seem to provide client states with desired military capacity, they instead remove the ability of a state to control organized force. A further common argument is that EO, given its links to other corporations, served as the sharp end of corporate recolonization.¹⁰² As spelled out by Peter Klerks: "[T]he trend now is for private corporations to actively reach out and "establish" governments, that will then make their decision with an eye first on corporate interests, so that instead of a country's citizens, foreign shareholders become the real basis for sovereignty".¹⁰³ Put another way, the concern is that the EO/BHG relationship perverted Angolan and Sierra Leonean

politics towards the direct interests of capital, particularly foreign capital, thus preventing the respective populations from exercising their right to self-determination or governing in pursuit of their own interests. In this vein, given the intimate relationship that EO had with mineral extraction companies, the argument is that the PSC was likely paid in diamond concessions rather than in cash, thus creating the image that the respective countries were mortgaging their economic futures to “mercenaries”. The United Nations Special Rapporteur on the use of Mercenaries suggests that “these companies come to take control of the country's security and have considerable influence over production and economic, financial and commercial activities. Companies of this kind which market security internationally may acquire a significant, if not hegemonic, presence in the economic life of the country in which they operate”.¹⁰⁴

While these are no doubt worthy points and ones that fall in line with human security concerns, they are nevertheless overplayed. First off, note that EO did not impose itself upon the governments of Angola and Sierra Leone; they courted the PSC. EO conducted operations in line with the demands spelled out in its contract and as requested by its clients. Its proficiency was such that the firm brought about the end of its presence; as per the resulting peace agreements, EO was requested to leave.¹⁰⁵ Also, in both cases, EO *did* leave when it was asked to do so. In sum, control was left in the hands of the client and violence was not kept on-going for the sake of further profit.

Also, one should note that the evidence appears to support a not so hegemonic presence. In Angola, other foreign PSCs have had a presence since EO's operations. Also, firms other than BHG obviously operate in the field of resource extraction, many of

them having a much longer history in the country and a much greater total worth. Others too have since entered the Angolan marketplace. Moreover, up until recently with the decline of UNITA's fortunes, BHG's assets were far from secure; continuing strife ensured that mining was only profitable for intermittent periods and some BHG properties were even overrun by UNITA.¹⁰⁶ As for Sierra Leone, Freetown rejected BHG's attempt to obtain Sierra Leone's National Petroleum Company and did not consider EO, despite its bid, for a maritime surveillance contract. Lifeguard was forced to limit its operations and pull-out of some mining areas as the result of the renewal of fighting in 1997. During the late 1990s, Diamondworks stock, buffeted by the financial, political, and security woes in Sierra Leone, fell so low that the Toronto Stock Exchange (TSE) suspended its trading in December 2000. In this way, companies of the "extended" BHG family would seem not to be actively directing and manipulating events in Angola and Sierra Leone, let alone being done so solely for self-interested benefit.

Finally, with respect to the issue of payment for the PSC services, it appears that payments were in money rather than mineral concessions. True, some analysts have attempted to make a causal link as, for instance, Branch Energy acquired diamond mining rights in Kono three months after EO initiated its operations in Sierra Leone.¹⁰⁷ In this vein, corporate synergy was evident throughout the 1990s because the operations of BHG and EO often went hand-in-hand and benefit was mutual.¹⁰⁸ But note that EO's contracts stipulated cash installments. Also, while Sierra Leone's ability to pay for EO's services was obviously based partially on tax revenues garnered through the active resource exploitation in areas under government control, upper limits were set upon how

much of it could be forwarded to cover EO's fees. Additionally, when EO left Sierra Leone in 1997, Freetown was still unable to pay fully for the PSC's services, despite the restart of mining that was initiated while EO was in the country and continued after it left. As a result, when it departed the West African country EO was owed slightly less than US\$20 million. This was a significant factor that hampered the economic viability of the firm and led to EO's closure at the start of 1999. Indeed, EO lost money. The Sierra Leone operation removed the profitability gains EO acquired in its Angolan operation.¹⁰⁹ In fact, the remnants of EO's organization have launched a US\$30 million lawsuit directed at the government of Sierra Leone in hopes of recouping outstanding dues and related costs.¹¹⁰ In the end, while companies associated with EO may have benefited, their position was not dominant and EO's economic stability rested not upon its own ownership of mineral resources, but upon revenues derived therefrom.¹¹¹ Hence, there was no deliberate and direct impact in terms of good governance.

5.6.2 Angola and Good Governance

But in the specific case of Angola, one can see evidence that EO's presence had an indirect effect and thus served particular interests. Senior FAA officers, particularly the elite in Luanda, developed an independent financial role that grew directly out of EO's presence. Military successes, arms purchases, and the capture of mining sites facilitated by EO in turn led to the greater autonomy of these individuals from their MPLA masters.¹¹² A greater number of FAA who were actually deployed against UNITA now seemed to opt for personal enrichment rather than combatting UNITA.¹¹³ Put

differently, as an indirect result of the PSC's presence, the Angolan security sector was reshaped, as the FAA elite saw a niche that could be occupied for their own personal wealth and power.¹¹⁴

Furthermore, this niche was formalized shortly after EO left the country. In 1996, the MPLA government revised Angola's mining code such that foreign resource extraction firms are now required by law to rely on private security services to guard their mines and protect their personnel. The FAA elite jumped at the opportunity to develop their own privatized protection of economic assets; the US State Department has indicated that while there were only six "indigenous" or domestically-based and oriented firms in Angola in 1992, by 1998 there were at least 80.¹¹⁵ Ownership either is based in the upper echelons of the MPLA or FAA leaderships or is a combination of the two. The list of shareholders in one of the larger firms, Teleservices, includes General Joao de Matos - the FAA Chief of Staff, the commander of the FAA's ground forces, the head of intelligence, and the ambassador to the United States.¹¹⁶ Another firm, Alpha-5, also has links to the Angolan High Command. There is, as a result, a reduction in the sense of mission and public service that security-sector actors are to possess and an increase in the larger trend of the privatization of security as identified in the second chapter of this study.

Indeed, these developments point towards the servicing of more particular interests amongst and between the Angolan military and political elite to the detriment of common goals. Said differently, there is the reinforcement and perpetuation in conduct that promotes inequalities and supports primarily regime maintenance. This fits into a

larger context featuring the significant divide between the political and financial “haves” and “have nots” as documented in a 1998 report issued by the US State Department: “[T]he country’s wealth continued to be concentrated in the hands of a small elite who used government positions for massive personal enrichment”.¹¹⁷

But it is also indicative of divisions within the “haves”. To expand, William Reno notes that “[t]he recruitment and training of special units at private expense creates a parallel efficacious military force” in Angola, one that functions as an alternative to the regular army.¹¹⁸ While the creation of a parallel force is problematic enough, analysts such as Patrick Cullen point to how the creation of these private units promotes nothing less than the creation of “private kingdoms” within the state.¹¹⁹ In this way, benign security activities performed by private companies, regardless of their ownership, have given way to a sea-change in the Angolan military-political environment in ways that do not enhance the capacity of the state to promote human security, particularly in terms of good governance. This was a complaint inherent in the 1998 comments made by the Angolan Police Commissioner: “[T]hese private security firms [i.e. commercial security] erode the state further. They are dangerous, we cannot regulate them as they are politically controlled by senior government officials”.¹²⁰

Indeed, one can see how these developments might prevent the creation of a sense of common purpose in the country. For instance, in January 2001, in what was an attempt to reassert and consolidate his control over military instruments, President dos Santos dismissed the long-serving General Joao de Matos, along with other prominent officials in the chain of command. In their place the president installed his own allies.

Analysis points to splits within the FAA and between it and the MPLA government as leading to further turmoil in Angola.¹²¹ The development of fiefdoms, regardless of the recent decline in UNITA's fortunes, can only serve to exacerbate this turmoil.

5.6.3 Sierra Leone and Good Governance

As for Sierra Leone, the Kamajors, for one, did pose a potential problem after EO left and the United Nations disarmament process. For Linz, groups such as the Kamajors "are likely to become more and more autonomous, [and may even] develop their own ideology and purposes".¹²² Though regionally and ethnically based, the now prominent Kamajors could pursue their particular interests because of EO's efforts in pushing them onto the national stage and a thankful government's desire earlier to give them official status. Because of their strength as a parallel force, there were internal battles amongst the political elite over who actually controlled the CDF.¹²³ In this vein, some feared that Chief Norman with the support of some CDF elements might even have attempted a coup against the Kabbah government.¹²⁴ Yet regardless of whether or not the Kamajors actually "capture" the state, the root concern was that this interplay between the Kamajors and the government reinvigorated the long-running style of exclusionary and discriminatory politics which impacted negatively upon the country's sociopolitical life.¹²⁵

Attention can also be turned to the issues of benevolence, the strategy of the government, and how EO played a role in that strategy. Former-EO personnel and military analysts alike have commented that the proper military decision would have

been to follow the RUF into the jungle. Even though EO was able and prepared to do this, governmental barriers were put in EO's way and control over the diamond areas was overemphasized.¹²⁶ As such, the reclaiming of resource areas and the subsequent establishment of zones of calm did not prove to bring overall peace to Sierra Leone. What is more, the NPRC junta benefited directly from the exploitation of resources brought back under government control by EO, lining both its own pockets and those of its close supporting circle of allies. True, Strasser, upon seizing power, espoused political and military goals similar to that of the RUF at the start of its insurrection: an end to corruption, economic reform, better rule, and a quick end to the civil conflict.¹²⁷ But it is well documented that like the regimes before it, the NPRC could not divert itself from the path of self-service and corruption.¹²⁸ Therefore, the conflict provided the cover for NPRC activities and EO provided the necessary calm in the mining areas to allow for exploitation. Here the human security implications are indirect by supporting inequalities and the particular interests of governing actors.

5.6.4 Shared Good Governance Concerns

One can make plain the nature and the outcomes of the three-way relationship between a PSC, foreign companies, and state governments evident in the cases of Angola and Sierra Leone. A common argument is that PSCs are an ingredient for African states to overcome their numerous problems.¹²⁹ This argument takes into account the point made by others that in the globalized world economy, the differentiation between "good" and "bad" states is highlighted in terms of the amount of unrest and the degree of state

administrative capacity.¹³⁰ Investors, for their part, are generally wary of allotting substantial resources to high-risk areas. In order to attract foreign investment to stimulate the economy and bring about spin-off benefits, PSCs are deemed a valuable resource due to their expertise and security skills which may be lacking given the presence of instability and an inefficient, ineffective, or unequipped state-security sector. Once investment has occurred and economic activity is underway, exposure to international business standards and practices is to then moderate negative behaviour exhibited by the governing regimes.¹³¹

But was there some kind of catalytic spark for comprehensive change in either Angola or Sierra Leone? It seems that EO helped only to carve out and then protect property. EO contributed to a revamping of political authority in which strategies of social inclusion and exclusion, between the “haves” and the “have nots”, were taken to the extreme. Though EO may directly have quelled some of the physical violence, it indirectly reinforced and exacerbated Angola’s and Sierra Leone’s endemic structural problems.

Therefore, in terms of good governance, the localization and the intended specification of security and economic objectives make clear the limited beneficial effect of EO’s operations. EO’s presence did not promote the idea that the objective of government is the universal provision of services and benefits. Instead, it simply established a regime’s control over natural resources and its ability to bring them to market.¹³² True, some of EO’s operations as dictated by its clients were directed at rebel bases, regardless of whether or not they were in resource areas.¹³³ But for the most part,

EO unintentionally assisted in securing the rich regions of Angola and Sierra Leone for particularistic motives, thus making the relative calm enjoyed by people in these regions during EO's presence only a side-benefit, not the right of being a member of a political community. Furthermore, the unintentional beneficial impact of EO's presence was not uniform across the PSC's countries of operation. Though EO's personnel were not indifferent to the plight of Sierra Leoneans, EO's mandated concentration largely in wealth-producing areas meant that individuals outside these regions did not benefit nor, for that matter, were they able to exercise their democratic rights.¹³⁴ For instance, as noted in a United Nations report, the 1996 elections in Sierra Leone saw a voter turnout of only 25 percent. No one voted, or could vote, in disputed or RUF held areas.¹³⁵ Facts such as these, despite EO's military prowess, raise "questions about the exact nature of the 'security' which private companies are trying to secure - where there is a need to distinguish between the political and military success of such assistance".¹³⁶

If EO had been given the set objective of making secure the entire country, rather than prized geographical areas, the PSC's activities would have helped to establish the idea that all Angolans or Sierra Leoneans were entitled to the same degree of calm as their right of being members of their particular political community. What is more, revenues accrued from mining, rather than benefiting personal, private interests, might have been used to benefit all. Instead, the presence of zones of calm and zones of conflict with the territorial borders of the country, along with motivations of Luanda and Freetown for sustaining the zones of calm, reveals how EO's presence, when assessed through the lens of human security, was not a panacea.

5.7 Conclusion

On the one hand, this chapter has taken issue with some of the criticisms that are directed specially towards EO in Africa. EO did not mimic the conduct of soldiers of fortune. EO personnel were not the cruel shock troops of the corporate recolonization of Africa.¹³⁷ Similarly, the idea that EO imposed itself on Angola and Sierra Leone, thus denying their peoples a right to “self-determination”, does not ring true.¹³⁸

On the other hand, EO's operations were such that difficulties stemming from the nature of the marketplace were left unaddressed, EO unwittingly created others, and the firm's presence was employed by different actors to achieve particular ends that did not promote human security. Some might contend that problems rested not with EO and that troubles arose after the firm's departures from Angola and Sierra Leone such that they were the fault of the peacebuilding activities (e.g. demobilization, rehabilitation etc.). But this ignores the facts that EO contributed in an indirect manner to these problems via its acts of omission.¹³⁹ EO interacted with others, it played into the strategies of various players, and it created certain conditions and instilled the prominence that others ultimately had to deal with. It is problematic that the PSC applied force in certain ways or through certain means such that its activities hampered or complicated later peacebuilding endeavours. Shortly after EO's 1997 withdrawal from Sierra Leone, Barlow asserted that, “[w]e are selling the business of surviving”.¹⁴⁰ How that survival is achieved and who it was largely achieved for has here been made plain.

But one should not contend categorically that PSCs cannot achieve positive results in terms of human security. It is not impossible to conceive of a private for profit

actor that contributes to public, beneficial causes, even those perhaps once seen as the sole domain of the state: peace, security, and the just implementation of law and order. Human security might be promoted directly and actors might be made cognizant of the potential indirect impact their activities may have. Indeed, EO personnel, on their own merit, acted quite well. Yet still, when private and public purposes are indistinct, and when PSC operational strategies, for the sake of military success and continued business, rely on client directives and local resources, a PSC presence, as shown with EO, may be problematic in terms of human security. Market conditions, client-provider dynamics, and a resulting lack of a code governing PSC operations together led to negative results in Angola and Sierra Leone. It is clear then that one must focus upon the frameworks in which PSCs operate and the strictures of a marketplace as currently regulated which call upon PSCs to respond to client objectives in certain ways.

Therefore, one should consider how and through what means the ideal situation would be promoted. Ideally, there should be in the first instance a consideration of the means to be applied in a given case, the goals that are to be sought through this application, and the political, economic, and social context into which the PSC expertise is to be applied. In this assessment, good conduct and good governance criteria would be used to determine potential direct and indirect implications for the promotion of human security before the firm was in theatre. Additionally, there would have to be an ongoing evaluation to ensure that the PSC's activities evolved as planned and that the outcomes, intended or not, were human-security-centric. If not, adjustments would have to be made to counter any negative repercussions. To consider this line of thinking further as to how

PSCs operate and how the ideal situation might be achieved in practice, the next chapter turns to the specific service of PSC training, how firms are employed in this endeavour, and for what purposes.

ENDNOTES FOR CHAPTER FIVE

1. Asserting these lines of argument are, for example, Guy Arnold, *Mercenaries: The Scourge of the Third World*. New York: St. Martin's Press, Inc., 1999; Khareen Pech, "Executive Outcomes - A corporate conquest," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, pp. 81-110; David J. Francis, "Mercenary intervention in Sierra Leone: Providing national security or international exploitation?" *Third World Quarterly* 20 (April 1999), pp. 319-338.
2. United Nations, Commission on Human Rights, "Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination," submitted by Enrique Ballesteros, Special Rapporteur, E/CN.4/1997/24, 20 February 1997, p. 11, (www.unhchr.ch).
3. Jeremy Harding, "The mercenary business: 'Executive Outcomes'," *Review of African Political Economy* 24 (March 1997), (EBSCO).
4. EO's now defunct Internet site (www.eo.com) contained claims and lists such as these.
5. David Shearer, *Private Armies and Military Intervention*, Adelphi Paper 316, London: International Institute for Strategic Studies, 1998, p. 44.
6. While a number of factors have been suggested as contributing to the closure of the firm, a main one was likely the matter of financial solvency. See the later points on good governance in this chapter.
7. Shearer, *Private Armies and Military Intervention*, p. 45.
8. Elizabeth Rubin, "An army of one's own," *Harper's Magazine* 294 (February 1997), (www.harpers.org/online/).
9. Kevin O'Brien, "Privatizing Security, Privatizing War? The New Warrior Class and Regional Security," in Paul B. Rich, ed., *Warlords in International Relations*. New York: St. Martin's Press, Inc., 1999, p. 62.
10. Weak state classifications can be found in K.J. Holsti, *Political Causes of Humanitarian Emergencies*, Research for Action 36, UNU World Institute for Development Economics Research, 1997.
11. In the late 1960s, Portugal indicated that Southern Africa was just entering into its second three century period of Portuguese domination. Herbert Howe, *Ambiguous Order: Military Forces in African States*. Boulder: Lynne Rienner Publishers, Inc., 2001, p. 62, note 22.

12. Norrie MacQueen, "Peacekeeping by attrition: the United Nations in Angola," *Journal of Modern African Studies* 36 (September 1998), p. 403.
13. On 11 November 1975, FNLA/UNITA declared Huambo, the country's second largest city, as the capital of the Democratic People's Republic of Angola.
14. Hannelie de Beer and Virginia Gamba, "The Arms Dilemma: Resources for Arms or Arms for Resources?" in Jakkie Cilliers and Christian Dietrich, eds., *Angola's War Economy: The Role of Oil and Diamonds*. Pretoria: Institute for Security Studies, 2000, p. 71; Anthony Mockler, *The New Mercenaries*. London: Sidgwick & Jackson Limited, 1985, p. 166.
15. As many as 50,000 Cuban military personnel may have served in Angola.
16. Virginia Gamba and Richard Cornwell, "Arms, Elites, and Resources in the Angolan Civil War," in Mats Berdal and David M. Malone, eds., *Greed & Grievance: Economic Agendas in Civil Wars*. Boulder: Lynne Rienner Publishers, 2000, p. 167.
17. These characteristics are noted in MacQueen, "Peacekeeping by attrition," p. 418.
18. The other countries were Libya, India, Iraq, and Syria. Peter Lyon, "The Ending of the Cold War in Africa," in Oliver Furley, ed., *Conflict in Africa*. London: Tauris Academic Studies, 1995, p. 176.
19. Soviet conventional strategy also dictated the kinds of weaponry offered to the FAPLA: heavy artillery, tanks, and aircraft.
20. Mockler, *The New Mercenaries*, p. 165.
21. The United Nations had deemed the elections free and fair. In the legislative contest, the MPLA won with 53.7 percent of the vote while UNITA received 34.1 percent. In the presidential race, a run-off vote was required as dos Santos won 49.7 percent of the vote and Savimbi was behind at 40.1 percent.
22. According to the US Department of Energy's Energy Information Administration, Angola is the eighth largest supplier of crude oil to the United States.
23. William D. Hartung and Dena Montague, *Deadly Legacy Update: U.S. Arms and Training Programs in Africa*, Washington D.C.: World Policy Institute, 22 March 2001, (allafrica.com/stories/200103220524.html).
24. This point is echoed in Kathryn O'Neill and Barry Munslow, "Angola: Ending The Cold War in Southern Africa," in Oliver Furley, ed., *Conflict in Africa*. London: Tauris Academic Studies, 1995, p. 196.

25. For such criticisms, see Assis V. Malaquias, "UN Peace Operations In Lusophone Africa: Contrasting Strategies And Outcomes," *Journal of Conflict Studies* 18 (Fall 1998), pp. 66-88.
26. de Beer and Gamba, "The Arms Dilemma," p. 81.
27. Gamba and Cornwell, "Arms, Elites, and Resources," p. 166.
28. UNITA also adopted a similar strategy of resource appropriation and protection. See de Beer and Virginia Gamba, "The Arms Dilemma," p. 86.
29. Gamba and Richard Cornwell, "Arms, Elites, and Resources," p. 167.
30. Herbert M. Howe, "Private security forces and African stability: the case of Executive Outcomes," *Journal of Modern African Studies* 36 (No. 2, 1998), p. 311.
31. de Beer and Gamba, "The Arms Dilemma," p. 78.
32. Harding, "The mercenary business".
33. EO also selected 30 individuals for pilot training by Ibis Air personnel. I am grateful to Doug Brooks of the International Peace Operations Association for pointing out the ironic fact that the 16th Brigade had largely been destroyed during Cold War times by the SADF.
34. Sean Cleary, "Angola - A case study of private military involvement," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-torn African Societies*. Pretoria: Institute for Security Studies, 1999, p. 161.
35. James R. Davis, *Fortune's Warriors: Private Armies and the New World Order*. Vancouver: Douglas & McIntyre Ltd., 2000, p. 129. These operations were similar to those used by the SADF during its Cold War era operations in Southern Africa.
36. William Reno, "African Weak States and Commercial Alliances," *African Affairs* 96 (1997), p. 177.
37. Shearer, *Private Armies and Military Intervention*, p. 48.
38. See Mats Berdal and David Keen, "Violence and Economic Agendas in Civil Wars: Some Policy Implications," *Millennium* 26 (Summer 1997), p. 801.
39. In retrospect this turned out to be largely rhetorical and influenced strongly by Charles Taylor, the then warlord in neighbouring Liberia.
40. Paul Richards, "Rebellion in Liberia and Sierra Leone: A Crisis of Youth?" in Oliver Furley, ed., *Conflict In Africa*. London: Tauris Academic Studies, 1995, p. 135; Abiodun

Alao, "Diamonds are Forever...but so are Controversies: Diamonds and the Actors in Sierra Leone's Civil War," *Civil Wars* 2 (Autumn 1999), p. 46; Abdel-Fatau Musah, "A Country Under Siege: State Decay and Corporate Military Intervention in Sierra Leone," in Abdel-Fatau Musah and J. 'Kayode Fayemi, eds., *Mercenaries: An African Security Dilemma*. London: Pluto Press, 2000, p. 85.

41. F. Adedeji Ebo, "The Sierra Leonean Civil War: Implications for Regional Security," *Defence Studies* 6 (July 1996), p. 74.

42. See International Crisis Group, *A Report to the Japanese Government by the International Crisis Group*, Freetown/London/Brussels: International Crisis Group, May 1996, (212.212.165.2/ICGold/projects/sierral/reports/sl02poli.htm#top).

43. Ebo, "The Sierra Leonean Civil War," p. 73.

44. See Yekutieli Gershoni, "War Without End and An End to A War: The Prolonged Wars in Liberia and Sierra Leone," *African Studies Review* 40 (December 1997), pp. 55-76.

45. Max Sesay, "Security and State-Society Crises in Sierra Leone and Liberia," in Caroline Thomas and Peter Wilkin, eds., *Globalization, Human Security, and the African Experience*. Boulder: Lynne Rienner Publishers, 1999, p. 152.

46. See William Reno, *Corruption and state politics in Sierra Leone*. Cambridge: Cambridge University Press, 1995; William Reno, *Warlord Politics and African States*. Boulder: Lynne Rienner Publishers, Inc., 1999.

47. In particular, note that Stevens limited each soldier to one bullet annually. Joseph Momoh (Stevens' successor) was also fearful of a coup; he equipped the SLDF largely with defective Nigerian made G3 rifles.

48. See Howe, *Ambiguous Order*, p. 44.

49. David Keen, "Aid and Violence, with Special Reference to Sierra Leone," *Disasters* 22 (December 1998), p. 321.

50. Ibid.

51. Herbert Howe, "Lessons of Liberia: ECOMOG and Regional Peacekeeping," *International Security* 21 (Winter 1996/97), p. 150; Gershoni, "War Without End," p. 63; William Reno, *Corruption and state politics*, p. 169.

52. Guinea too had a bilateral defence pact with Sierra Leone.

53. Howe, "Lessons of Liberia," p. 167.

54. David Shearer, "Exploring the Limits of Consent: Conflict Resolution in Sierra Leone," *Millennium* 26 (Summer 1997), p. 850.
55. Reno, *Corruption and state politics*, p. 175.
56. Guy Arnold, *Mercenaries: The Scourge of the Third World*. New York: St. Martin's Press, Inc., 1999, p. 133.
57. Anthony Buckingham, the chairman and CEO of Branch Energy and president of Heritage Oil and Gas, introduced EO in April 1995 to the NPRC.
58. Rubin, "An army of one's own".
59. Shearer, "Exploring the Limits of Consent," p. 854.
60. Almost half of Sierra Leone's two million people have fled their homes at some point during the fighting. "Sierra Leone: The spreading battleground," *Economist* (7 April 2001), p. 48.
61. The author wishes to thank Doug Brooks for this insight.
62. Some suggest the numbers might have been as high as 37,000 with a further 100,000 potential volunteers waiting in the wings. Glenn McKenzie, "Unruly Militia Defends Sierra Leone," *Associated Press*, 5 July 2000, (wire.ap.org).
63. Shearer, *Private Armies and Military Intervention*, p. 54.
64. Gershoni, "War Without End," p. 58.
65. Cited in Kevin Whitelaw, "Have Gun, Will Prop Up Regime," *US News & World Report* (20 January 1997), (www.usnews.com).
66. Whitelaw, "Have Gun".
67. Alex Vines, "Mercenaries, Human Rights and Legality," in Abdel-Fatau Musah and J. 'Kayode Fayemi, eds., *Mercenaries: An African Security Dilemma*. London: Pluto Press, 2000, p. 174.
68. Ibid., 185; Alao, "Diamonds are Forever," p. 57.
69. Vines, "Mercenaries," p. 174.
70. Cited in Shearer, *Private Armies and Military Intervention*, p. 66.
71. Cited in Rubin, "An army of one's own". Douglas says elsewhere that in Sierra Leone, EO "demonstrated how a small, private security force can impact positively and

strongly upon a chaotic, destabilised state". Ian Douglas, "Fighting for diamonds - Private military companies in Sierra Leone," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, p. 198. The American Ambassador to Sierra Leone at the time of EO's presence, John L. Hirsch, has made similar conclusions. See John L. Hirsch, "War in Sierra Leone," *Survival* 43 (Autumn 2001), pp.145-62.

72. Christopher Coker, "Outsourcing War," *Cambridge Review of International Affairs* 13 (Autumn/Winter 1999), p. 109.

73. Yves Sandoz, "The Privatisation of Security: Framing A Conflict Prevention and Peacebuilding Agenda." Paper presented at the Wilton Park Conference, London, United Kingdom, 19-21 November 1999. In fact, EO faired quite well when compared to other actors often found in the weak state context.

74. On the international legality of fuel air explosives, see the "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (with Protocols I, II, and III)," Geneva, 10 October 1980. The document can be found at www.un.org/millennium/law/xxvi-18-19.htm.

75. Citations from the committee's report can be found at www.sandline.com/comment/list/comment11.html.

76. One interesting move for the sake of enhanced publicity and reputation was the ferrying of Sierra Leone's national football team by EO to the African All Nations Cup in South Africa.

77. Davis, *Fortune's Warriors*, p. 130.

78. This approach also applied to EO's subsidiaries. Bernie McCabe indicates that Lifeguard promoted "collateral benefit" which had both passive and active components. On the passive side, the mere presence of the firm provided a degree of stability for the local populace. On the active side, Lifeguard provided, free of charge, such services as food, medicine, and water distribution. Interview. 10 April 2000.

79. Cited in Howe, *Ambiguous Order*, p. 203.

80. Harding, "The mercenary business".

81. Reno, "African Weak States," p. 181.

82. Cited in Rubin, "An army of one's own".

83. See www.sandline.com/comment/list/comment11.html.

84. Howe, "Private security forces," p. 312, p. 314.
85. Shearer, *Private Armies and Military Intervention*, chapter 3.
86. Ibid., p. 161.
87. Christian Dietrich, "Power struggles in the diamond fields," in Jakkie Cilliers and Christian Dietrich, eds., *Angola's War Economy: The Role of Oil and Diamonds*. Pretoria: Institute for Security Studies, 2000, p. 182.
88. Ibid., p. 183.
89. Though, at the time of writing, violence between UNITA and the MPLA was lessening due to the 2002 death of Jonas Savimbi, it is likely that problematic issues in terms of good conduct will remain given the prevalence of economic interests and the perceived need, therefore, for a sustained presence. For differing views on the events in Angola in early 2002, see Margaret Hemenway and Martin James, "Savimbi to become a powerful martyr," *Washington Times* (28 February 2002), (www.washtimes.com); Rachel L. Swarns, "Angola's Fragile Peace Rests on a New Guerrilla Leader," *New York Times* (10 April 2002), (www.nytimes.com).
90. Douglas, "Fighting for diamonds," p. 185.
91. Davis, *Fortune's Warriors*, p. 143.
92. Herbert M. Howe, "African Private Security," *Conflict Trends* (June 2000), (www.accord.org.za).
93. It is also important to note that army personnel were drawn to other candidates due to their somewhat outlandish promises. One, for example, was that all military officers would be given Mercedes Benz automobiles.
94. An example is the disruption of the disarmament processes by the CDF despite agreements amongst all the parties. Some feared that the CDF was becoming a problem bigger than the RUF. See BBC Focus, "CDF Denies Attacking RUF," (22 July 2001), (www.bbc.org). Regarding CDF lawlessness, see also United Nations, Office for the Coordination of Humanitarian Affairs, Integrated Regional Information Network for West Africa, 16 August 2000.
95. Letter to Kofi Annan, Secretary General of the United Nations, from Human Rights Watch, 29 November 2000.
96. United Nations, Commission on Human Rights, "Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination," submitted by Enrique Ballesteros, Special Rapporteur,

E/CN.4/1998/31, 27 January 1998, p. 10, (www.unhchr.ch).

97. Cited in Howe, "African Private Security".

98. Comfort Ero, "Vigilantes, Civil defence forces and militia groups: the other side of the privatisation of security in Africa," *Conflict Trends* (June 2000), (www.accord.org.za).

99. Damian Lilly, *The Privatization of Security and Peacebuilding: A Framework for Action*, London: International Alert, 2000, p. 25.

100. Indeed, the management of some PSCs supportive of private security question the ability of firms to provide the requisite number of skilled personnel for long periods of time. Ed Soyster, Vice-President, Military Professional Resources Incorporated. Correspondence. 23 March 2000. In this vein James Fennell of Defence Systems Limited suggests that private firms could take part in a train and equip programme for peacekeeping operations or could provide logistics and management expertise. As for more active participation, this too could be possible, but only as part of a larger multinational operation, not as the endeavour in its entirety. Correspondence. 7 April 2000.

101. One might even contend that such suggestions for reform would be a lucrative venture given the substantial and extended presence that would be required of the PSC.

102. See Arnold, *Mercenaries*; Pech, "Executive Outcomes"; Francis, "Mercenary intervention".

103. Cited in Kevin A. O'Brien, "Military-Advisory Groups and African Security: Privatized Peacekeeping?" *International Peacekeeping* 5 (Autumn 1998), p. 88.

104. United Nations, Commission on Human Rights, E/CN.4/1997/24, 20 February 1997, p. 29, (www.unhchr.ch).

105. In the case of Angola, for instance, the "repatriation" of EO was a required point along with a termination of FAA offensive operations, the release of political prisoners and captured soldiers, the provision of United Nations monitoring for military demobilization, and the appointment of UNITA party officials to prominent political and administrative positions. See Donald Rothchild, "The Impact of U.S. Disengagement on African Intrastate Conflict Resolution," in John W. Harbeson, ed., *Africa in World Politics: The African State System in Flux*. Third Edition. Boulder: Westview Press, 2000, p. 174.

106. Dietrich, "Power struggles in the diamond fields," p. 176.

107. See, for instance, Francis, "Mercenary intervention".

108. Dietrich, "Power struggles in the diamond fields," p. 176.
109. This also points to a lack of control over any assets in Angola given that revenue should have been forthcoming otherwise.
110. Alan Beattie, "Debt relief scheme missing targets, says IMF," *Financial Times* (5 September 2002), (www.jubilee2000uk.org/worldnews/northamerica/imf050902.htm).
111. For more detail, see Davis, *Fortune's Warriors*, chapter 8; Douglas, "Fighting for diamonds".
112. Ibid., p. 177.
113. Christian Dietrich, "The commercialisation of military deployment in Africa," *African Security Review* 9 (No. 1, 2000), (www.iss.co.za).
114. Dietrich, "Power struggles in the diamond fields," p. 173.
115. Noted in Herbert M. Howe, "Global Order and Security Privatization," *Global Order and Security* (No. 140, May 1998), (www.ndu.edu/inss/strforum/forum140.html).
116. Vines, "Mercenaries," p. 185.
117. United States, Department of State, Bureau of Democracy, Human Rights and Labor, *Angola Country Report on Human Rights Practices for 1998*. Washington, February 1999, (www.state.gov/www/global/human-rights/1998-hrp-report/angola.html).
118. William Reno, "Foreign Firms, Natural Resources, and Violent Political Economies," (March 2000), (www.social-science-forum.org/new_page_27.htm).
119. Patrick J. Cullen, "Keeping the New Dogs of War on a Tight Leash: Assessing Means of Accountability for Private Military Companies," *Conflict Trends* (June 2000), (www.accord.org.za).
120. Cited in Vines, "Mercenaries," p. 186.
121. "Angola: Military Shake-up threatens security," (12 March 2001), (www.stratfor.com/home/giu/archive/031201).
122. Cited in Howe, "African Private Security".
123. For an expansion, see Musah, "A Country Under Siege," p. 107.
124. International Crisis Group, *Sierra Leone*, p. 8.
125. Ero, "Vigilantes".

126. See Arthur Abraham, "War and Transition to Peace," *Africa Development* 22 (No. 3/4, 1997), pp. 110-111; Marcia Lutyens, "Military Operations," *Volkskrant*, 17 February 2001, (www.volkskrant.nl); Howe, *Ambiguous Order*, p. 210.

127. This comparison can be found in Richards, "Rebellion," p. 151.

128. This description is found in Ebo, "The Sierra Leonean Civil War," p. 76. Implementation of Strasser's populist goals also came with the suspension of the constitution, political parties, and elections announced earlier by the previous regime.

129. Doug Brooks, "Hope for the 'Hopeless Continent': Mercenaries," *Traders: Journal for the Southern African Region* (July-October 2000), (www.tradersP.co.za/index.html).

130. This is stressed in Martin Wolf, "Will the Nation-State Survive Globalization?" *Foreign Affairs* 80 (January/February 2001), p. 190.

131. John J. Maresca, "Investment in Conflict-Torn Regions," in *War, Money and Survival*. Geneva: International Committee for the Red Cross, 2000, p. 46.

132. For K.J. Holsti, this lies in direct contrast to the welfare state. K.J. Holsti, "The coming chaos? Armed conflict in the world's periphery," in T.V. Paul and John A. Hall, eds., *International Order and the Future of World Politics*. Cambridge: Cambridge University Press, 1999, p. 303. Note also that this path seems to have been chosen long before the arrival of EO. As early as 1993, the NPRC was in a position to eliminate the RUF due to its weakness at the time, but instead elected to hold back and concentrate on maintaining control over diamond resources. See Abraham, "War and Transition to Peace," p. 105.

133. The Kangari Hills in Sierra Leone, for instance, are located outside of the diamond producing areas.

134. The thoughts of EO personnel are noted in Rubin, "An army of one's own".

135. Eric G. Berman and Katie E. Sams, *Peacekeeping in Africa: Capabilities and Culpabilities*. Geneva: United Nations Institute for Disarmament Research (UNIDIR), 2000, p. 112.

136. Greg Mills and John Stremlau, "The Privatisation of Security in Africa: An Introduction," in Greg Mills and John Stremlau, eds., *The Privatisation of Security in Africa*. Johannesburg: South African Institute of International Affairs, 1999, p. 13.

137. Musah, "A Country Under Siege," p. 109. See also Francis, "Mercenary intervention".

138. This argument is made in United Nations, Commission on Human Rights, "Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination," submitted by Enrique Ballesteros, Special Rapporteur, E/CN.4/1999/11, 13 January 1999, (www.unhchr.ch).

139. David Shearer, "Outsourcing War," *Foreign Policy* (No. 112, Fall 1998), p. 69, p. 75.

140. Cited in Angella Johnson, "Glory of War," *Electronic Mail & Guardian* (28 February 1997), (www.mg.co.za).

CHAPTER SIX - Security-Sector Training

6.1 Introduction

It has been asserted that the effects of PSC training and the provision of specialized knowledge are likely to be quite profound.¹ This objective of this chapter is to assess this “profoundness” in terms of human security. This chapter, after providing a description of traditional state-to-state security-sector training and the role PSCs play in it, provides the background to and the good conduct and good governance analysis of two primary cases: Military Professional Resources Incorporated (MPRI) and its operations in Bosnia and Defence Systems Limited (DSL) and Sandline International and their work in Papua New Guinea (PNG). These particular cases were selected because, though they both share the PSC variable, they differ in terms of whether the PSC involved was incorporated into official or traditional foreign sector security assistance (Bosnia) or was operating independently of state-to-state activity (PNG). The chapter then considers an evolving case featuring the official use of a PSC: MPRI and its implementation of an American peacekeeping development project in Africa -- the African Crisis Response Initiative (ACRI).

The chapter stresses the need to look at ways the presence of a PSC impacts upon human security. This includes and goes beyond considering the direct effects of security-sector training. Certainly, one should inquire into whether or not the objectives will affect human security, and moreover, whether the training regimen will actually lead to the achievement of the desired objectives. However, even if the goals of training are well intentioned, the augmentation of capacity in the trained force may nevertheless

contribute to unintentional outcomes as environments change and new issues arise.

Equally important, then, are examinations of the unique and evolving social, political, and economic characteristics of each case and how the PSC affects and is influenced by these characteristics. This is required because these factors impact upon the values that are being made secure, for whom they are being made secure, and by what means they are being made secure.

The chapter contends that oversight, accompanied by leverage and appropriate direction, is necessary to achieve human-security-centric outcomes. This is because of the manner in which the PSC marketplace is currently managed. Oversight is required in order to assess the inputs of security-sector training. Similarly, because of the way that the presence of a PSC plays into the activities and strategies of other actors, particularly governing regimes, oversight of these larger contextual factors needs to be taken into account. This assessment regarding oversight, however, is nuanced. A key factor is that oversight should be designed in such a way as to ensure the needed diligence and scope. On the one hand, the chapter shows the human security benefits of oversight in the Bosnia case in contrast to the PNG case in which there was no overseeing body. On the other hand, with the ACRI case, though oversight is present, it is not effective or appropriate with respect to promoting the good conduct and good governance aspects of organized force in terms of human security.

6.2 Traditional Security-Sector Training and PSCs

State-to-state security-sector training has traditionally served many purposes in the relations between supplier and recipient states. From the supplier standpoint, the roles of training are many. It serves as a cost-effective way to keep ongoing links between states. It allows states to have a presence in another country without the necessity of maintaining a military base. It often accompanies the purchase of weapons systems. It can serve as a reward given to the recipient state for political support directed to the supplier state in a certain diplomatic forum or on a certain issue. It can be used as a medium to counter threats or to promote national interests abroad. It can also be used as a source of leverage in order to ensure that recipient states do what the supplier state wants. As for recipient states, training may be desired because of the military-to-military links, official or unofficial, that are formed with the supplier state. Training allows a recipient state to improve its security sector generally or to counter internal and/or external threats specifically. Finally, it may be required as the recipient state may not have the necessary educational or technical expertise to handle new weapons systems.

The international environment also influences the nature of security-sector training. In Cold War times, training was a tool used by the superpowers and their allies to ensure the solidification of and growth in the respective ideological camps.² Supplier states used training to shore up the internal position of sympathetic governments in recipient states and to lure non-aligned states and even rebel movements into their ideological camps.³ The high degree of activism exhibited by both sides through consistent and intentional activities often reinforced the reliance on repression and the

use of force by many recipient state governments. Hence, normative matters in training programs were largely secondary.⁴ This signified a divergence between human security concerns and national security concerns.

Ironically, with the end of the Cold War, training programs have in fact expanded, as supplier states have sought new goals and responded to new threats. The International Military and Education Program (IMET), a longstanding American foreign training program, has seen its budget increase fourfold since 1994 and the number of foreign military trainees has doubled between 1993-1999.⁵ The training programs of other states such as France and the United Kingdom, despite, or perhaps because of, the post-Cold War reduction of military forces, have also expanded.

The expansion of training is to solidify the changes brought about by the end of the Cold War. In some cases training concerns the depoliticization, departization, democratization, and professionalization of security sectors in former Warsaw Pact states.⁶ In other cases, it deals with the "formation" of security sectors in Eastern Europe following political divides ranging all the way from the peaceful endeavour in Czechoslovakia to the violence and dissolution of Cold War-era Yugoslavia.⁷ From another standpoint, the supplier-state objectives of training are both strategic and normative: the development of peacekeeping forces, the creation of effective counter-narcotics forces, the promotion and spread of democracy and human rights observance, the solidification of stable civil-military relations, and more recently, the creation of antiterrorism capacities.⁸ Though these objectives are not sought in all cases and are not specifically directed at developing/weak states, this type of training nevertheless

generally occurs in said states. The expansion of security-sector training, therefore, reflects and is a response to contemporary problems and a desire to achieve certain objectives.

In the post-Cold War environment, the medium for this training need not be “public” security-sector employees; PSC personnel can also perform the required tasks. American regulations, for instance, state that foreign military training is the “formal or informal instruction of foreign soldiers by officers or employees of the U.S. government or by *private contractors* authorized by the U.S. government” (italics added).⁹ Moreover, the United States 1996 Strategic Assessment emphasized the importance of PSCs: “New actors in peacetime defense engagement are defense contractors [i.e. PSCs] who negotiate agreements directly with foreign governments . . . in such areas as streamlining security assistance, force management, modernization, training, and military transition assistance programs...the arrival of such independent parties suggests the direction in which this instrument of U.S. power might travel in the future”.¹⁰ Similarly, following a symposium hosted by the Defence Intelligence Agency (DIA) near the end of the 1990s, one participant noted that “[t]here was a consensus among government officials and the companies that this sort of activity is going to greatly increase during the next few years”.¹¹

The advantage of PSCs is they can often provide tens, if not hundreds, of retired high-ranking, experienced officials. Indeed, militaries frequently do not wish to remove senior leadership and expertise from the active roster. This is due to concerns related to combat readiness and effectiveness for other potentialities.¹² Therefore, the robust PSC

presence in training is manifest, for instance, in the fact that the militaries of 42 states received training by American-based PSCs in the 1990s.¹³ In addition, firms operating domestically in many countries wish to adopt an international posture in order to take advantage of this expanding marketplace.¹⁴ In this way, PSCs can serve, in a new and creative way, as the agents of supplier-state policy.

6.3 Private Security Company Training Presence and Bosnia

6.3.1 Background for MPRI

Formed back in 1987, MPRI is an American-based PSC headquartered in Alexandria, Virginia. MPRI has a permanent office staff of 25 individuals and possesses a database of more than 7,000 potential employees.¹⁵ Its personnel are largely American citizens. While the company does have former ambassadors and academics on staff, the bulk of the company's manpower was once employed in the ranks of the United States Armed Forces. In this regard, individuals employed by MPRI range from former non-commissioned officers (NCOs) with expertise in gunnery and tank operations through to once high ranking military officials; more than 200 generals or flag officers are part of MPRI's pool of labour.¹⁶ As for the firm's founding members, directors, and executives, 19 were general officers with accumulated military experience surpassing 700 years. Given this level of know-how, MPRI's motto is "the world's greatest corporate assemblage of military expertise".¹⁷

Unlike firms such as EO, MPRI does not conduct active combat operations on the behalf of its employers. Nevertheless, the range of its expertise includes the provision of

services pertaining to the direct management and the application of organized force such that training might have strategic and tactical impacts. Thus, services offered cover structure, organization, and staff operations: military education and recruitment, strategic planning, cost management, doctrinal development, war gaming, evaluations of force structure and management, procurement advice, and democracy transition assistance. Also, MPRI's services cover more hands-on skills: operational planning, the fielding of and training on new weapons systems, computer simulations, logistics management, special operations, law enforcement, security assistance, peacekeeping and humanitarian operations, fire support, maritime operations, explosive ordinance training, and military intelligence training.

The July 2000 purchase of MPRI by L-3 Communications integrated the wide range of products offered by MPRI into the pool of capabilities offered by an even larger service provider with expertise in security matters. L-3 Communications is a US\$3 billion per year high tech military manufacturer and service provider based in New York City with clients ranging from the Pentagon to United States intelligence agencies to aerospace corporations to commercial cellular and telecommunications firms.¹⁸ This acquisition places the PSC phenomenon even more into the mainstream because the new parent company is a large and publicly traded corporation. L-3 Communications feels that the activities of firms such as MPRI will become even more acceptable, prominent, and lucrative. According to Frank Lanza, the chairman and chief executive officer of L-3 Communications, "MPRI is a very well managed company with good margins in a growing market. As U.S. military forces look to outsourcing to compensate for increased

costs and manpower constraints, MPRI has the people and the proven programs to continue its growth in excess of 10 percent per year".¹⁹

Projections such as this are based in part upon continued operations in the domestic American marketplace. An alphabet soup of acronyms for programs and organizations is representative of MPRI's domestic activities: the Logistics Civil Augmentation Program (LOGCAP), the US Army Recruiting Command (USAREC), and the Combined Arms and Services Staff School (CAS3) are just a small sample of the firm's operations based in the continental United States.²⁰ One branch of the firm, the Alexandria Group of MPRI, also conducts security and investigative services for both public and private sector clients.²¹ But perhaps the most prominent of MPRI's domestic operations is its support program, since 1997, of the US Army's Reserve Officer Training Corps (ROTC). This program involves the placement of retired and reserve Army officers and NCOs in ROTC units at colleges and universities in the United States.²²

While the American domestic marketplace can be somewhat profitable, MPRI's operations overseas are even more lucrative and allow the firm to achieve an economy of scale.²³ The first major foreign-initiated training contract for MPRI came from Croatia in March 1994 when Zagreb took steps to hire the firm to provide training in leadership, budgeting, and personnel management, and to advise on the development of civil-military relations for the *Hrvatska Vojska* (HV - Croatian Armed Forces).²⁴ The State Department, after six months of scrutiny, approved this contract in September 1994 for the Republic of Croatia Democracy Transition Assistance Program (DTAP) on the basis that it did not offer tactical training or violate the 1991 arms embargo initiated via United

Nations Security Council Resolution 713.²⁵ The prime objective of the training, starting in November 1994, was to ensure that the new Croatian Armed Forces met the requirements for membership in NATO's Partnership for Peace (PFP) program.²⁶ Some critics, however, contend that MPRI expertise was crucial in the execution of Operation *Ulja* (Storm), the August 1995 Croatian military operation in the Serb-held Krajina region, because it exhibited American military techniques. Though this operation arguably helped lead to the conclusion of the conflict, it also resulted in the ethnic cleansing of 120,000-200,000 Croatian-Serbs. But given the limited number of MPRI officials present in Croatia at the time (numbering only 14), the limited time they had been in the country, and the nature of their training, it seems unlikely that the firm contributed to this operation. Instead, the responsibility likely rests with covert American assistance that predates the arrival of MPRI.²⁷

Subsequent contracts, such as the Long Range Management Program (LRMP) initiated in January 1996 and extended in January 1998, have been directed at the planning, programing, and budgeting functions of the Croatian Ministry of Defence. Indeed, MPRI offers services related to the recasting of Warsaw Pact military structures.²⁸ In the words of the Head of the Croatian Army, "[w]e can create by ourselves a new and efficient army. But why lose time if there are in the world institutions [e.g. MPRI] which can be paid so that they can transfer very quickly their maximum know-how?"²⁹

In addition to the cases to be analyzed in-depth below, MPRI has also provided services on behalf of the US government the world over. MPRI conducted academic

seminars pertaining to the Gulf War in the early 1990s in Taiwan, Sweden, and Saudi Arabia. At present it contributes to the activities of the African Center for Strategic Studies (ACSS) through administrative support, planning, and curriculum development. In the late 1990s, MPRI performed assessments and restructuring activities for the Colombian military and similar efforts are ongoing in Nigeria at the time of writing, as the country continues its transition to democracy. MPRI also accepted an 18 month engagement dating from November 1994 and tendered by the departments of state and defence to supply 45 personnel to counter the smuggling of arms from Serbia to the Bosnian-Serbs. This deployment was part of the American contribution to the activities of the Geneva-based International Conference on the Former Yugoslavia. These departments turned to MPRI because of its availability, quick reaction time, and the nature of the operation. The wide range of MPRI's services, clients, and operational environments, accompanied by the trends of outsourcing and downsizing, leads company officials to boast that: "[t]he concept of the company is that there is a national treasure called retired and former military people, and if you bring them together to form a company and give them the necessary resources and support, they can accomplish just about anything".³⁰

6.3.2 Train and Equip Program in Bosnia

In November 1995, the conflict in the former Yugoslav republic of Bosnia Herzegovina came to a close with the signing of the General Framework Agreement on Peace for Bosnia and Herzegovina, an agreement otherwise known as the Dayton

Accords. In the wake of this development, members of the international community, particularly the United States, stepped forth to offer a Train and Equip program for the Federation Armed Forces (FAF), the military entity of the new Croat-Muslim Federation. This was permissible because though the Dayton Accords created a joint Serbian/Croatian/Muslim authority, it also delineated two political and territorial entities therein, the Republika of Srpska and the federation, which were responsible for, amongst other things, defence and the consequent maintenance of armed forces.³¹

The program was born out of objectives that were military, strategic, and political. On the military side, the program was to mitigate problems found in the military structures and capabilities evident in the operations of the Bosnian-Croats and Bosnian-Muslims during the break-up of Yugoslavia. Indeed, at the start of the conflict in the former Yugoslavia, the Bosnian-Croats were largely under the control of their Croatian brethren and there were no official Bosnian-Muslim forces. On the strategic side, the program was to create a balance in the larger Balkan context. The Florence Agreement on sub-regional arms control, signed on 14 June 1996, mandated limits on the sizes of armed forces and the types of weapons systems and designed the verification procedures. The agreement, meant to reduce the chance of renewed hostilities, set limits not only for the two entities that made up the new state, but also on the armed forces of Serbia and Croatia. However, to facilitate this balance, the FAF forces had to be better organized, equipped, and trained.³²

There were a number of points on the political side. First, the program was a crucial ingredient in winning Bosnian-Muslim acceptance of the Dayton Accords.

Because Bosnian-Muslim forces were making advances in 1995 when the Dayton Accords terminated open hostilities and the accords themselves established the previously non-existent Serb statelet, other incentives, such as security-sector training, were required. Second, the program came with the demands that the Bosnian-Muslims expel foreign mujahideen fighters from its territory, remove Hasan Cengic, a Muslim cleric with close ties to Iran, from his post as Bosnian deputy defence minister, and end their military and intelligence relationship with Iran.³³ One reason for this thinking is that the maintenance of such links and relationships would limit the probability that the FAF would adopt military professionalism and civil-military relations along Western lines. Other, and more political, reasons for this demand were to limit the risk posed to American servicemen contributing to the NATO-led Implementation Force (IFOR), to isolate the United States' long-time foe, Iran, and to prevent Muslim fundamentalism from developing further inroads in the Balkans.³⁴ Third, the program was to cement further the relationship developed during the conflict between the Bosnian-Muslims and the Bosnian-Croats. The program set the path for the integration of the two parallel Bosnian-Muslim and Bosnian-Croat commands and armies into a single, cohesive, multi-ethnic structure.³⁵ Fourth, and finally, American political leaders deemed the program as an essential measure to ensure the eventual termination of NATO's presence, and, hence, the end of an American military presence.³⁶ This point was emphasized by Senator Joseph Biden: "We will not be able to leave unless the Bosnian government is armed and prepared to defend itself. That is the ticket home for Americans".³⁷ With the defence of the new federation supposedly assured over time, NATO operations could be scaled

down, and American military personnel could be brought home or reassigned.

6.3.3 Implementation and Ingredients

Despite the various political and effectiveness goals that seemingly would be achieved via the Train and Equip program, the United States could not designate active service personnel to the task. Washington feared that active American personnel serving in the NATO operation might be targets. Moreover, the issue of capacity to complete the task loomed large. This is why the actual training presence in the Croatian-Muslim Federation was provided by MPRI. The firm won the 13 month renewable contract, signed on 16 July 1996, following a 17 week bidding process with fellow, American-based PSCs Science Applications International Corporation (SAIC) and BDM International. At the time of writing, the program was in its last stages and coming to a close.

Though the Train and Equip program was coordinated by the United States, Washington made efforts so that it had international components. On the one hand, James Pardew Jr., a Pentagon official, was named the head of the State Department's Office of the Special Representative for Military Stabilization in the Balkans. A further American contribution was the provision of US\$103 million worth of military equipment, most of it taken from excess stock.³⁸ MPRI employees, which have numbered as many as 225, were ex-American military personnel. On the other hand, many other states provided equipment and, moreover, they offered the bulk of the financial outlay for MPRI's services and for the initial development of the FAF. Material

assistance and funds for training, valued at US\$400 million, were forthcoming from Saudi Arabia, Kuwait, the United Arab Emirates (UAE), Brunei, Malaysia, Turkey, and Germany.³⁹ Ambassador Pardew's office operated a trust account, from which MPRI was paid, that served as the financial link between the program's donors and the government of the Croat-Muslim Federation.⁴⁰

MPRI's contract, renewed on several occasions and cumulatively valued at US\$50-60 million, initiated the development and training in a number of fields. This was facilitated by a train-the-trainer approach through which knowledge and skills were provided to a number of personnel who then disseminated them. In terms of control and organization, MPRI's training worked to establish and develop the Federation Defence Ministry and Joint Command. This involved budgetary and logistics issues and managing the interaction between the Bosnian-Croat and Bosnian-Muslim entities that make up the FAF.⁴¹ On the operational side, MPRI provided its expertise to the Federation Army brigades, the School for Professional Development of the Federation Army in Pazaric, the Simulation Center in Zunovnica, and the Combat Training Center in Livno.⁴² The latter three institutions were developed under the guidance of MPRI and opened in October 1996, November 1996, and June 1997 respectively. Key goals were to integrate the donated equipment into the FAF's training and operations, to mature the leadership, strategic, and tactical skills of FAF officers, and to develop the general soldiering skills of the lower ranks. Observation of how these three goals have become realities were made through field tactical exercises in Livno. The end result is that with the Train and Equip program now winding down, virtually all FAF formations have been

covered by MPRI's training.

6.3.4 Good Conduct

With respect to the good conduct aspect of organized force, information pertaining to human rights and humanitarian law was built into MPRI's training regimen. These actions provided credence to the wishes of FAF officials: "Of course we want to have an army which will respect all human rights in maybe some future war".⁴³ MPRI's class and field instruction pertaining to the laws of land warfare were directed both at appropriate conduct in operations and in interaction with civilian populations. In line with the standards set out by the Geneva conventions, MPRI's training dealt with the rights of the wounded and the decent treatment of prisoners of war. The PSC's instruction also dealt with the need to protect civilians and the necessity to prevent collateral damage, especially by not directly targeting civilians.⁴⁴ The inclusion of this training is important given the nature of armed conflict in the former-Yugoslavia that featured atrocities against the civilian populations of the three ethnic groups and against moderates within each group.

As for the exercise of proper conduct in the case of the Train and Equip program, the Bosnian and Croat soldiers who make up the ranks of the FAF have not been accused of being ineffective or insensitive to the human rights of the soldiers and civilians residing in the federation. Similar accusations have also not been made vis-à-vis civilians and military personnel from the Republika of Srpska or beyond. In fact, interaction has increased between the FAF and Bosnian-Serb forces through the holding

of non-combat joint exercises and the construction of roads by military engineers from the two entities that make up Bosnia Herzegovina. As well, though on a small scale, Bosnia Herzegovina contributed, without incident, an observer mission to Ethiopia consisting of soldiers from the Croat-Muslim Federation and the Republika of Srpska. All three ethnic groups were represented. On a much bigger scale are current plans, unthinkable when the Dayton Accords were signed, to integrate the FAF with the forces of the Republika of Srpska in order to facilitate the united security of Bosnia and to set the appropriate conditions for entrance into the PFP.⁴⁵

One reason for the FAF's good conduct is the framework in which the Train and Equip program, as directed by the Office of the Special Representative for Military Stabilization in the Balkans, operated. MPRI's training was injected into a context where increased interaction between Croat and Muslim military personnel to foster increased tolerance was key. The federation's defence law, created in 1996, set in motion the termination of the Croat and Bosnian parallel military commands and the creation of a single chain of command directed by one ministry of defence. In terms of the lower ranks, there was a timetable, with built-in flexibility, setting out the permanent integration of the FAF below the corp level. Bosnian-Croat and Bosnian-Muslim soldiers trained with each other in the various classes and institutions developed by MPRI. Units were chosen carefully, however, to avoid interaction between individuals who might have fought against each other in 1993-1994.⁴⁶ Integration of services not to be ethnically divided, such as the helicopter arm, also went ahead.

Second, MPRI's training was meant not only to establish the FAF, but to do so in a way that was consistent with NATO doctrine, standards, and expectations of appropriate conduct. The carrot for the FAF to incorporate these lessons, beyond developing an enhanced capacity for military operations, was greater interaction with and chance for participation in NATO activities. Complementing, and perhaps reflecting, such incentives were endeavours like the May 1997 Federation Military Strategy signed between the Bosnian-Muslim and Bosnian-Croat presidents that an attack on one of the Federation's two constituencies would be deemed an attack on the other.⁴⁷ In the main, not only did such integration and incentives augment military effectiveness of the FAF, they also constructively reintroduced at least a working and respectful relationship between individuals of the two ethnic/military groups.

Finally, the actual presence of NATO in the federation, first via the NATO-led Implementation Force (IFOR) (1995-1996) and later via the Stability Force (SFOR) (1996+), served to monitor FAF conduct and training and to act as a deterrent to any inappropriate activity. NATO is responsible for the implementation of the military aspects of the Dayton Peace Accords, thus making sure that the expertise provided by MPRI and disseminated into the ranks of the FAF was effective and appropriate. NATO, for instance, delayed the 1997 construction of the Combat Training Center so that it could review the details and plans. NATO's presence on the ground, therefore, offered a degree of insurance that such provisions and guidelines of the program were followed.

6.3.5 Good Governance

The diligent application of carrots and sticks helped to ensure that the enhanced capacity of the FAF provided by MPRI was guided by and used for appropriate political objectives. Thus, the NATO presence, for one, provided a deterrent of the last order to those within the political and military structures who might have wished to deploy the capabilities of the FAF, or, more likely, the capabilities of one of the ethnic entities within the FAF, for problematic goals in terms of good governance. Indeed, the NATO force is in charge of monitoring all military movements that occur on the soil of the Croat-Muslim Federation.⁴⁸ In this way, the NATO presence serves to restrain “spoilers”, those parties who would seek to undermine negotiated agreements.⁴⁹ The Train and Equip program has also served to deter, or at least counter, negative activities by allowing American leverage over the Bosnian-Muslims and Bosnian-Croats. Not only was a great deal of material, money, and expertise at stake, but also balance. One party would not have wanted itself to be disadvantaged for long through a suspension of Train and Equip activities while the other party continued to receive assistance.

Indeed, oversight and the application of leverage proved to be necessary. Annual delays occurred since 1998, as either SFOR, the United States Embassy in Sarajevo, or the office of Ambassador Pardew suspended the activities of one of the two ethnic groups concerning the FAF.⁵⁰ The program was then restarted once the offending group complied. More often than not, the main target was the actions of the Bosnian-Croats and the subject was usually their resistance to the integration of the FAF's components or nationalistic speeches by Bosnian-Croat military officials. Other, more serious actions,

also triggered suspension. In March-May 2001, approximately 8,000 Bosnian-Croat soldiers staged a two-month long protest in response to a call for Bosnian-Croat self-rule made by the Croatian Democratic Union (HDZ).⁵¹ At the time of its call, the nationalist HDZ was not a member in the Muslim-Croat government in the federation. Though this disruption was non-violent, SFOR nevertheless became involved. SFOR personnel, along with Bosnian-Croat soldiers who did not follow the HDZ's call, secured a number of barracks and took control of several weapons storage sites from Bosnian-Croat guards deemed to be sympathetic to the HDZ.⁵² MPRI's training of the Bosnian-Croat contingent restarted in June 2001 once the rebellious soldiers abandoned their protest and hardline nationalist officers were sidelined. Certainly, this was a sensitive situation; without the Bosnian-Croatian component, the FAF and potentially even the federation itself was at risk of being undermined.⁵³

One notes, therefore, that oversight and the use of leverage did help ensure that MPRI-supplied expertise was not used for activities contrary to the promotion of good governance. MPRI's training and its assistance in the integration of military institutions were part of what was designed to be a much larger project, the development of a peaceful, multi-ethnic Bosnia.⁵⁴ Expertise and training provided by MPRI both affected and was affected by this goal. Here one sees the training linked to developments in the other portion of the security sector: the political elites that direct the security-sector apparatus. What is more, there was a consideration of larger contextual factors and actors that interacted with this side of the security sector -- out of office, though still influential, political parties. This was important as the ways in which organized force are

employed are partially influenced by the tensions that do or do not exist in the civilian sphere. Though their influence continues to lessen at the time of writing, since 1995 ethnic nationalists in the federation have sometimes blocked initiatives or failed to cooperate on issues pertaining to the reconstruction of infrastructure, the rebuilding of the economy, the implementation of political decisions by the Croat-Muslim government, and the operation of joint institutions.⁵⁵ For Ante Jelovic, the Croat-Muslim Federation Defence Minister, “[c]ivil-military relations remain difficult because the civilian implementation of Dayton has gone so slowly”.⁵⁶ The development of security-sector capacity, unless certain safeguards are in place, may exacerbate existing contentious issues.⁵⁷ The overseeing actors involved in the Train and Equip program provided the necessary safeguards and the oversight with respect to good governance.

In terms of improvement on current strategies, one should identify the need for a more explicit, long-term commitment regarding overseeing actors so that players will not be able to use the presence of a PSC to its advantage to the detriment of good governance factors. Unrealistic short-term mandates of the NATO force, unfortunately driven by domestic American political requirements, were to be blamed to a certain degree for the limited political progress in the civilian sphere in the federation.⁵⁸ Security-sector reform, to be completely successful, is viewed as a long-term process and one that is conditioned and shaped by the nature and speed of political and social changes; the time frame for effective reform should be seen in terms of a decade, if not a generation.⁵⁹ But the short time span of NATO mandates, mostly the result of political demands made in the United States Congress, did not lead to confidence that the international community

was prepared to invest the resources for at least the minimum term.⁶⁰ Indeed, the initial time line for IFOR designated by the Dayton Accords called for the withdrawal of the force after 12 months. For political reasons, the name was changed to SFOR and its mandate set for 18 months; subsequent renewals have been made. The effect of short mandates was that political actors directed their efforts towards preparing for life after the departure of the NATO force. Jane Sharp, for one, stressed the need for an appreciation of the long-term approach by reversing the policy of exit strategies that were short-term and counterproductive: "Success requires an appropriate commitment of political, economic, and military resources".⁶¹ The sense that the international community planned to "cut and run" contributed to the foot-dragging, the lack of cooperation, and the continued sway of nationalist alternatives, all factors which had an impact in terms of good governance.⁶²

6.4 Private Security Company Training Presence and Papua New Guinea

6.4.1 Background for DSL

DSL, formed in London in 1981, has its roots in counter-terrorism activities and special forces. In its literature, DSL indicates its expertise in "devising and implementing solutions to complex problems through the provision of highly-qualified specialists with extensive international experience in practical security".⁶³ As most of DSL's British employees are former members of the United Kingdom's Special Forces, the firm ensures that "an internationally-recognised company...[is] waiting to hire former military personnel into legitimate contracts as security consultants, military trainers, or

support commercial enterprises with assets in regions of conflicts”.⁶⁴

The list of DSL’s contracts in the 1990s reveals activities in 20-30 countries that employed between 4,000 and 5,000 individuals in total and were facilitated by ten permanent offices located worldwide. DSL provides its corporate clients with advice and manpower for the protection of company personnel, property, and infrastructure.⁶⁵ For instance, DSL’s subsidiary in Colombia, Defence Systems Colombia (DSC), in its work for its client British Petroleum (BP), coordinated with the Colombian army and police security matters pertaining to BP’s oil rigs and staff.⁶⁶ Similarly, DSL’s client list includes governments of developed states, especially in the realm of embassy protection. In light of continued security risks in many countries, DSL has developed special techniques for protection and early warning through a presence beyond the walls of embassy compounds.⁶⁷

Though DSL may pass on lethal expertise via its training and interaction with people in the country of operation, the firm indicates that only 100 of its personnel have ready access to firearms.⁶⁸ Moreover, unlike PSCs such as EO, it does not first secure its areas of operations; this is the responsibility of other actors, usually state-security sectors.⁶⁹ Instead, the work of DSL could be best described as shoring up the position of their clients. As stressed by DSL’s Stephen Carr-Smith, “[o]ur clients include petrochemical companies, mining or mineral extraction companies, multinationals, banks, embassies and so on. Very often the sort of ‘first-in’ type companies that are trying to get things going. We provide them with a service which allows them to operate wherever they are”.⁷⁰

In 1997, following its purchase for US\$7.6 million in cash and US\$10.9 million in stock, DSL became the primary entity in ArmorGroup Services Limited. Like MPRI and L-3 Communications, DSL's new owner and parent company, the American firm ArmorHoldings based in Jacksonville Florida, has integrated the wide range of services offered by DSL into the pool of services offered by an even a larger service provider with expertise in security matters. ArmorHoldings, a publicly traded company since 1996, has been labeled a growth through acquisition oriented company.⁷¹ In fact, ArmorHoldings was included in the number 22 spot on *Fortune* magazine's 1999 list of "America's 100 Fastest Growing Companies". Since the mid-1990s, ArmorHoldings has gobbled up a number of private security providers offering such diverse services as investigation, intelligence, landmine removal, electronic security systems, training and advice, and guarding. The result is that ArmorGroup Services Limited now has the ability to deploy personnel in a wide array of security, logistics, and administrative functions.

6.4.2 Background for Sandline International

Although the name "Sandline International" has only been in existence since December 1996, this PSC came into being as Castle Engineering Incorporated in July 1993. Sandline International has connections with the EO family of firms: in late 1997 Sandline International acquired Lifeguard from EO, the firm has similar links to resource extraction companies, and approximately half of the personnel employed in the PNG operation to be analyzed below were subcontracted through EO. But Sandline International also has its own very distinct features and corporate character. Sandline

International is incorporated in the Bahamas and operates offices in London and Washington DC. The attributes and experiences of its initial Chief Executive Officer, Lieutenant Colonel Timothy Spicer, reflect the PSC's non-South African features.⁷² Other personnel come from a variety of countries, but particularly the United Kingdom and the United States, and many possess expertise garnered through either earlier membership in special forces or as former trainers in developed world armed forces.⁷³

Sandline International's advertised operational capabilities cover a wide range: advisory services (e.g. strategic, operational, and tactical planning, armed forces restructuring, threat analysis); training (e.g. police and special forces training); operational support (e.g. command, control, and communications, counter-terrorism and counter-narcotics units, pilots and engineers); intelligence support (e.g. training of local personnel, and electronic, human, and photographic intelligence gathering); humanitarian operations (e.g. guarding of personnel and compounds, convoy escort, demining, medical support); and strategic communications (e.g. public relations, international lobbying, political analysis).⁷⁴ Through the provision of these services, Sandline International, like EO, attempts to separate itself from its competitors by stressing its hands-on approach which covers activities up to and including the actual application of force. According to Sandline's promotions, "[w]e have rivals but they cannot or do not wish to deploy the full range of capabilities that we offer our clients".⁷⁵

In addition to the case to follow, Sandline International's other high profile operation was in Sierra Leone in 1997-98. In late 1997, as revealed in two subsequent British government inquiries, government officials gave the go-ahead for a contract for

Sandline International to work in Sierra Leone, despite the fact that senior government officials, including Foreign Minister Robin Cook, were seemingly unaware of this tacit authorization. Furthermore, Sandline International's activities potentially violated United Nations Security Council Resolution 1132 that placed an embargo on Sierra Leone.⁷⁶ The goal of Sandline International's operation was to help restore the government of President Tejan Kabbah, then in exile in Guinea following the May 1997 AFRC coup. This contract was unique in the PSC industry because it was the first to involve an internationally recognized government that was not sitting in the capital.⁷⁷ As part of the US\$10 million contract, Sandline International was to offer air support, logistical assistance, intelligence, and medical supplies. Additionally, Sandline International was to provide 35 tonnes of arms and ammunition from Bulgaria to be distributed to the Kamajors and ECOMOG, both entities fighting for the return of Kabbah's government. In the end, the operation was stillborn. Media exposure and publicity surrounding the firm's activities and the government's approval limited the types of services Sandline International actually extended and the arms were impounded at the Lungi airport, never having reached the intended forces.

But despite the controversy, one can argue that this episode ironically granted the PSC industry generally greater legitimacy. As well, it made plain the need for a clearer understanding of the relationship between PSCs and states and the need for regulation. Indeed, the British government belatedly recognized the importance of the PSC's efforts in terms of returning Kabbah to power in 1998 and Prime Minister Tony Blair indicated the controversy surrounding Sandline International was "over-blown hoohah".⁷⁸ Outside

of government circles, *The Times* asserted that the use of PSCs such as Sandline International was an excellent example of how the Labour government's touted "ethical foreign policy" should be practiced in future.⁷⁹ In terms of the United Nations, Resolution 1132 was reinterpreted to apply only to the internationally unrecognized AFRC government, thus putting the joint activities of the United Kingdom and Sandline International in a more favorable light. Given that the initial goal of the sanctions was to remove the junta from power and restore Kabbah's democratically elected government, the argument was that material assistance and commercial transactions involving the government in exile should not be denied. Moreover, in light of the reinterpretation, it is important to note that the sensitive issue at stake was primarily the delivery of weaponry by the PSC that seemingly contravened the United Kingdom's enforcement of the United Nations sanctions, *not* the presence of "mercenaries" nor their provision of expertise.⁸⁰ As well, the repercussions of the "Arms to Africa Affair", as it came to be known, made clear the need for governments to have explicit policies that formalize and regulate interaction with PSCs, thus giving the industry further governmental sanction. To this end, the Blair government indicated that it would issue a Green Paper on regulation, a matter to be analyzed later in this study when it considers the nature, apparent goals, and implications of regulation.⁸¹

6.4.3 Nature of the Security Sector in Papua New Guinea

Though originally designed for traditional protection from external threats, the Papua New Guinea Defence Force (PNGDF) since the mid-1980s has increasingly

accepted an internal role given the nature and scale of problems and the incapacity of the Royal Papua New Guinean Constabulary (RPNGC) to solve them.

This is reflected in the 1988 Defence White Paper's official recognition of the internal operational trend for the PNGDF: "The most likely use of the Defence Force within the next decade will be to deal with internal threats---public disorder, secession, insurgency, subversion and terrorism".⁸² Past operations, then, have involved anti-crime and law-and-order operations and the enforcement of states of emergency.

Starting in 1989, the PNGDF's internal presence became even more substantial as the force initiated military operations against the Bougainville Revolutionary Army (BRA), a secessionist movement on the island of Bougainville. The island is home to PNG's richest mining resources, including the world's largest copper mine, Panguna, operated by Rio Tinto. During the 1990s, the divide between the police and the PNGDF on the island became largely meaningless; police units were integrated into PNGDF formations on Bougainville.

The military's growing internal role stems from both the incapacity of the government and political timetabling such that emergency measures have become the norm.⁸³ In addition to a general lack of state penetration complicated by ethnic divides common to many post-colonial states as a motivating factor, reliance on organized force is sparked by the state-deteriorating effects of the country's political system. To illuminate, regardless of its standing as a Westminster-style democracy, the intense competition of the unique PNG context and ethnic demands prevent responsible national governance for the entire population of 4.3 million. In 1997, for instance, only 53

percent of sitting members were returned to parliament and pluralities of as little as five percent can won a parliamentary seat. Not only does a low percentage of parliamentary members return after an election, but PNG also works in the extreme on a raw spoils system whereby politicians attempt to come to power by means of minimal mandates in order to glean as many state resources as possible and as quickly as possible.⁸⁴ In light of the often dire conditions in the country, the consequences of this political system can be deadly. Not only does the state rely readily upon the use of force, the stakes are so high that the security sector must also commonly respond to both pre-election and post-election violence. This too is a frequent occurrence given the general instability of national governments. Even with a 1991 constitutional amendment to shift the grace period for votes of confidence from 6 months to 18 months after elections, no PNG prime minister, for a variety of reasons, has fulfilled a complete term in office.

While critical for maintaining stability and serving as a symbol of governmental presence, the PNGDF, ironically, has been poorly supplied and financed. Even though the PNGDF was once described as well funded, trained, and possessing a degree of cohesion, this no longer the case.⁸⁵ Government reports dating back to the early 1980s comment on the deleterious effects the lack of attention was having on morale, discipline, and capability. This is seen in numerous examples when PNGDF personnel have rioted for better conditions, fought within their ranks, battled with police in the streets, and beat civilians, raped women, and burned villages in their operations.⁸⁶

These types of problems were also evident in Bougainville, to the further detriment of the PNGDF's stature. The PNGDF, as documented by Amnesty

International and the United Nations High Commission for Human Rights (UNHCHR), has been guilty of retaliatory measures taken against civilians, the summary execution of suspected BRA sympathizers, and the assassination of moderate provincial leaders. Compounding these black marks against the PNGDF were poor intelligence abilities, logistical capacity, and strategy that hampered its Bougainville operations. The result was the substantial loss of life; approximately five percent of the island's 160,000 strong population died from violence or preventable disease during the course of the conflict, as did 250 personnel from the PNGDF/RPNGC. The end result was that the PNGDF's operations only served to discredit the force more and exacerbate the situation further.⁸⁷

What is more, the fear that the PNGDF, or factions thereof, might mount a coup is prevalent as the PNGDF increasingly acts independently of government directives in internal operations. While PNG has not experienced a military coup to date, commentators feel that this is in spite of PNG's democratic civil-military traditions, not because of them; other states with similar characteristics have not been so fortunate.⁸⁸ The PNGDF's independence was perhaps best seen when, in the midst of sensitive government negotiations with the BRA in April 1991, the force launched an unauthorized attack against the BRA. Yet the government did not mete out serious punishment for this act. Also, it did not implement recommendations made after some of these incidents. Taken in their totality, as reported in a PNG newspaper, *The National*, "[t]here are very few places on earth where treasonable offences, sedition, and even mutinous actions are not treated very seriously. Papua New Guinea is one such place".⁸⁹ In the main, subordination of the PNGDF to civilian political authority is precarious.⁹⁰

6.4.4 Papua New Guinea and Australia

PNG's major security-sector supplier and trainer is its former colonial master, Australia. Approximately one fifth of the annual Australian aid budget, some US\$250-300 million, goes to PNG.⁹¹ Included in this sum is Canberra's annual A\$12 million contribution to the PNG-oriented Defence Cooperation Program (DCP). To equip PNG military personnel, Port Moresby has a Supply Support Agreement with Canberra that provides PNG with procurement via the Australian Defence Department. Equipment, such as boats and aircraft, is also supplied to the PNGDF via the DCP. In addition, since independence in 1975, 3,000 PNGDF personnel have received training from Australia through the DCP.⁹² In particular, 90 percent of the PNGDF officer corps have trained or studied in Australia. The motivation for Australia is that PNG remain a friendly neighbour, one that can be loyal, and that can also serve as a forward outpost for larger Australian military strategy. This harkens back to colonial times when the Australian army referred to PNG soldiers as making up "Australia's Gurkha Unit".⁹³

This relationship, however, has never been a comfortable one for Port Moresby, especially since the end of the Cold War. In real terms, notwithstanding the fact that the central objective of the aid is to maintain Australian dominance in the South Pacific and to ensure the strategic denial of third party access to PNG, the DCP has failed to keep up with inflation.⁹⁴ Also, with the reduced threat posed by Indonesia and a greater concern for human rights, Australia has made unilateral adjustments in its relationship with PNG. While much of the previous Australian assistance to PNG came in the form of direct cash support that Port Moresby could use as it saw fit, all Australian aid, upon the

recommendation of the Auditor General of Australia, is now tied to specific projects and programs.⁹⁵ Australia has also placed restrictions on the types and uses of military equipment offered to the PNGDF and has dissuaded other states from providing assistance.⁹⁶ In addition, Australia has increasingly not provided training that could be used internally.⁹⁷ Instead, training largely focuses on civil-military relations in the democratic setting, human rights, and passive operations. Specifically with respect to Bougainville, Canberra did not want to get involved in a conflict partially made intractable by the PNGDF's lack of discipline and poor observance of human rights.⁹⁸

Unquestionably then, PNG chafes under Australian demands in light of its significant dependence, its desire to be treated as a sovereign state, and its wish for military skills and equipment to be used internally. Moreover, it fits into a long running pattern of Australian behaviour described by PNG officials in a number of similar ways: neo-colonial, intolerant, and manipulative. As published in *The National*, "PNG defence advisers have always felt that under the Defence Cooperation deal, Australia was keeping PNG at a certain level of disability."⁹⁹ To echo this, Major General Jerry Singirok, once the Defence Force Commander, commented on the unwillingness of Australia to provide what PNG needed: "We know the Australian attitude. You can put a big cross on them because they're not going to give it to us."¹⁰⁰

6.4.5 Port Moresby and the PSC option

Since the late 1980s, four different governments in Port Moresby have turned to the PSC industry in order to achieve particular goals and to overcome the limitations

posed by traditional state-to-state security-sector training. While not all the contract negotiations have come to fruition, the motives behind them are clear: to develop an armed capacity along the lines that military and political elites saw fit, free from Australian intrusion. In particular, emphasis has always been placed on the creation and development of additional capabilities or special forces, an objective first identified in the 1988 White Paper and which is still held at the time of writing, seven governments later.¹⁰¹

PNG first ventured into the PSC marketplace in 1989 for security-sector training when Port Moresby formulated the idea of developing a National Guard. The stated objectives of the National Guard, introduced by Prime Minister Rabbie Namaliu, were to reduce unemployment amongst the youth in PNG and to instill in them both practical skills and a sense of discipline.¹⁰² To develop and train this paramilitary force, Port Moresby contemplated obtaining ex-Gurkha soldiers. Criticism at the time, coming from both the PNGDF and within parliament, was that the National Guard would be a kind of parallel force or praetorian guard to the detriment of political and military endeavours in PNG.¹⁰³ In the end, the idea of a National Guard was dropped with a change of government, but not before the objectives of such a national entity were also altered. In the face of these concerns, the initiative was changed to a national service corps and the more militaristic components were dropped. The training, had it gone ahead in 1992 as planned, would have been performed by former school teachers and retired security-sector personnel.

Nevertheless, the concept of a PSC-trained formation was not lost. In 1991, the Namaliu government again approached the concept through its proposal for a paramilitary police force named the Rapid Deployment Unit (RDU). Particular political and economic motives drove the decision to create such a force. With respect to politics, it was to be based in the constituency of Police Minister Ijape. With respect to economics, the force was to provide, in particular, additional protection to the country's major oil, gas, and mining projects given the deficiencies of the PNGDF and the police and the level of strife in PNG.

To attempt a quick fix to these problems, Port Moresby chose DSL to provide the guidance and training in order to create the unit. DSL was selected in light of the firm's reputation garnered through its activities in Africa and the fact that it offered a model tested in British experience in Northern Ireland. DSL opened an office in the capital to facilitate its negotiations and operations. In its efforts to gain the contract and to highlight the noted deficiencies of the PNG-Australia relationship, DSL indicated that it would provide what PNG requested of it: "[DSL] is responsive to the political requirements of PNG and does not try to impose external political influence...DSL has an excellent track record of confidentiality and integrity which will be vital in this instance because of the sensitive nature of the task...DSL has no external motivation to produce a compromised solution".¹⁰⁴ Certainly, it was against DSL's presence and its proposed operations that Minister Ijape demanded an increase in funding from A\$30 million to A\$100 million for Australia's PNG Police Development Project, an increase not to be accompanied by further "entangling advisors".¹⁰⁵

The minister, however, was not able to employ this leverage fully against Australia as the Namaliu government was defeated in the July 1992 elections. But even though the new government, led by Prime Minister Paias Wingti, canceled the RDU proposal, DSL kept its office open. Indeed, the Wingtu government developed its own US\$10 million initiative to be facilitated by DSL for the creation of another special paramilitary force, this one a 250 member Police Tactical Force (PTF). The PTF concept differed from that of the RDU in that it emphasized a wider range of attributes: hostage-taking resolution, conduct of armed raids, intelligence, and surveillance, and VIP security/bodyguarding. The PTF was also linked to legislation; it was to help enforce the government's new Internal Security Act. To comply with these specifications, DSL proposed that training be divided into four segments of approximately six months each in duration. And to further woo the Wingti government, DSL hosted a PNG delegation to Malaysia and Singapore in order for it to inspect the tactical units of those countries.¹⁰⁶

In the end, however, the PTF concept too did not come to fruition. The government of Julius Chan, elected in 1994, scrapped the idea, largely for economic reasons. Also, Australian aid officials warned of repercussions if any Australian monetary assistance went towards the PTF concept. Canberra feared both the negative normative consequences of such an entity and the possibility that this training would detract from its PNG Police Development Project with its emphasis on a general and effective policing presence, something in short supply in PNG. Therefore, even with DSL's presence, a "compromised solution", from the standpoint of Port Moresby was the result; DSL closed its office in 1994.

In 1996, PNG changed its strategy; a Special Forces Unit (SFU) was first formed and then training was sought afterwards. The force, designed like the PTF for a strength of 200-250 personnel, was to reveal the PNGDF's rejuvenation under Major General Singirok's leadership. As for political demands placed on the force, Prime Minister Chan also placed great hopes in the PNGDF. One of the prime minister's 1994 election promises was to bring the crisis on Bougainville to an end. Mitigating problems in the country's security sector and resolving the crisis was key.¹⁰⁷

However, in spite of military plans and political demands, the training required for the SFU to come to fruition was not forthcoming and a private alternative was again sought. Due to fears that enhanced capabilities might exacerbate the conflict on Bougainville, Canberra cancelled a special forces training session entitled Night Falcon 96. Similarly, it pressured Washington not to provide training for the SFU. As a result, both Major General Singirok and Prime Minister Chan, upon the recommendation of DSL, engaged in negotiations to hire Sandline International; as a more robust PSC presence was desired, one more in line with EO in Africa, DSL suggested its fellow PSC. The eventual US\$36 million deal signed in January 1997 detailed a three-month operation involving both the training of the SFU and Sandline International personnel working alongside SFU members. Though Canberra was critical of this arrangement, it could not on this occasion persuade Port Moresby to drop its plans. Like DSL, Sandline International officials emphasized that their firm's services featured "national control over these assets with 'no strings attached'".¹⁰⁸ Funding was forthcoming from within the PNG, largely through the illegal transfer of funds from various government

ministries.¹⁰⁹ Canberra, for its part, attempted to provide incentives for the Chan government to drop the contract; the DCP was to be expanded and extra non-military assistance was offered to lead to the peaceful resolution of the conflict in Bougainville. Other military assistance or an offer to buy out Sandline International's contract, however, were not extended. A full-fledged PSC presence on PNG finally became a reality.

As laid out in the contract, Sandline International personnel were to assist in logistics and intelligence gathering, operations were to be conducted against the BRA, and the Panguna mine, closed since May 1989 due to the upheaval, was to be reopened.¹¹⁰ Sandline International personnel were to operate in a manner similar to the force multiplier strategy used by EO. In fact, of the 70 Sandline International personnel designated for the PNG contract, initiated at the end of January 1997, 40 were subcontracted from EO. By early February 1997, PSC personnel had been specified as "special constables" for the PNGDF and had initiated their training of the SFU at the PNGDF's Urimo Base located in East Sepik province.

In the end, only training was ever provided to the SFU; the force multiplier strategy was never applied. On 17 March 1997, Major General Singirok launched Operation *Rausim Kwik*, a Pidgin term for "kick them out quickly". As part of this operation the SFU and some PNGDF troops confined the Sandline International personnel to barracks at the Urimo Base; the bulk of the PSC personnel were airlifted out of the country on 21 March 1997.¹¹¹ Though he had initially agreed to the purchase of Sandline International's services, Major General Singirok had increasingly developed

misgivings about the PSC's training. These doubts culminated when, after the contact was signed, plans were made to transfer the SFU from the responsibility of the PNGDF to the direct administrative control of the prime minister and the powerful National Executive Council.¹¹²

The wider repercussions of Operation *Rausim Kwik* included a larger PNGDF mutiny and clear divisions within the PNGDF and between the PNGDF and the police, student demonstrations, looting and rioting throughout the country, and a constitutional crisis leading to the removal from power of both Major General Singirok and Prime Minister Chan. In short, many people, and for a variety of reasons, used the crisis surrounding the PSC's presence to vent their own substantial frustrations regarding the governance of the country and its institutions.

6.4.6 Good Conduct

A full assessment of how PSC-trained special units actually operated is not possible given that none of the concepts came to complete fruition. One can nevertheless make some observations. On the positive side, one can only point to the fact that no evidence exists indicating that the personnel of DSL and Sandline International themselves did not exhibit good behaviour. Additionally, the training objectives they put forth did not specifically or directly call for the need of their trainees to violate human rights or humanitarian obligations. On the negative side, one can also point to the fact that PSC expertise, with no inhibiting limitations, would have been or was injected, albeit briefly, into an environment where there was minimal structures to ensure the

promotion of human security once the expertise was passed on. Fears were expressed by churches and human rights groups, including Amnesty International, that given past practices and new legislation like the Internal Security Act, the impact would likely be dire.¹¹³

Also, one can assess the issue in terms of priorities and addressing problems in PNG's security sector. In other words, one can consider how the availability of PSC training in this instance would likely have impacted in the larger setting. Though officials from PNG had called for the development of a paramilitary force or special forces capability since 1988, this emphasis came at the expense, in both money and attention, of developing a generally effective and proficient security sector. On Bougainville, though they were expected to operate appropriately, the PNGDF and the integrated police units were often poorly trained, equipped, and disciplined. What is more, they were often left unpaid and unfed for periods at a time, two aspects that contributed to poor conduct. Back in 1984-85, a Defence Report asserted that PNGDF standards were below those required. In 1989, another document, the Report of the General Defence Board of Inquiry, revealed a security sector plagued by training, discipline, and morale problems and, relatedly, subject to an often indifferent governmental administration. The report's call for better funding to be directed at improved transportation, housing, welfare, recreational facilities, leave, pay, equipment, and training went unheeded. Though the PNG cabinet in 1991 eventually approved a Ten-Year Development Plan for the armed forces in order to increase its size and provide better resources, minimal efforts were made and by 1993, a scale down of PNGDF was

ordered.

Turning to the PSC industry might have been an avenue for PNG to overcome the woes in its security sector. One could argue that in terms of state-to-state relations, nationalist sensitivities in PNG often inhibited plans to reinject professionalism and discipline because it would have entailed a greater Australian presence in the country.¹¹⁴ Therefore, reliance on a PSC might have served as a way to address concerns pertaining to Australia and security-sector proficiency. Instead, the availability of PSC training provided PNG governments with the opportunity to bypass security-sector deficiencies by creating and supporting new coercive instruments. Indeed, this development did not entail the general upgrade of PNG's security sector. In fact, in the specific case of the Sandline International contract, money was taken out of the PNGDF and RPNGC budgets to fund the SFU training. Decisions such as this spark resentment. For example, the special unit concept created problems in the PNGDF, not least of which was the fact that personnel had to go about their operations with less as funds were diverted to a new formation.¹¹⁵ This also related to effectiveness as the security sector, already faced with shrinking personnel numbers, equipment stocks, and resources, would have less of a visible presence and reduced capacity and competency. This is a point stressed by the PNG Police Commissioner: "No elite crack or SAS type force can disguise the need for an effective substitute for solid basic round-the-clock protective policing. It is when routine and basic policing break down or are allowed to become weakened especially through the lack of resources, that the tendency grows to fill the void or gap with tactical mobile type 'crush' response".¹¹⁶ In short, the quick fix approach left other more

fundamental issues untouched.

6.4.7 Good Governance

The types of services offered and the types of entities to be trained signified problems in terms of good governance given the volatile nature of PNG's political and security-sector affairs. For one, the RDU concept had an exclusionary mandate. It would likely have led to "enclave security" through which the select government force, with the assistance of PSC expertise, would have carved out areas of calm in which operations would continue relatively unmolested. Given the general neglect of the security sector, this development would likely have meant a reduction of attention directed at ensuring the safety and security of all the citizenry. In this vein, the RPNGC Commissioner at the time felt that political interference in promoting this objective was taking away his right to decide on matters such as training and the use of personnel in the security sector.¹¹⁷ Moreover, the fact that the mining industry provided the government in the early 1990s with K1 million to keep the RDU concept from faltering due to funding problems further reinforced the sense that the RDU, if formed, would be a "company police".¹¹⁸ Instead, one cannot ignore that there were substantial costs attached to the general insecurity in PNG. In the early 1990s it was estimated that the direct annual costs of upheaval in the country equated to 5 percent of PNG's Gross Domestic Product (GDP).¹¹⁹ A more proficient and better trained security sector might have been able to alleviate better the problems and lessen the economic ramifications.

On another matter, the PSC training was injected into a context where management and ownership of a proficient and elite unit, even for less specific duties, was overly politicized to the point of having an impact in terms of good governance. This became all the more real when, once such a unit, the SFU, was actually created, it very much became a parallel formation with contested ownership rather than a special unit to be fully integrated into one of the bodies making up the PNG security sector. This is not surprising given the long-standing tensions in PNG's civil-military relations. On the one hand, Major General Singirok launched Operation *Rausim Kwik* partially in response to the removal of the SFU from his responsibilities. The fear, enunciated at the time by both him and others, was that the SFU, taken out of the hands of the PNGDF and enhanced by PSC training, would become a unit under the strict service of the prime minister, a palace guard likely to pervert the constitutional operation of PNG.¹²⁰

On the other hand, as described by regional analysts Mary-Louise O'Callaghan and Sean Dorney, the SFU was Major General Singirok's "baby" and "pride and joy".¹²¹ Upon its creation in 1996, the SFU had exhibited characteristics of a praetorian guard or personal bodyguard unit for Singirok; it seemed to have an independent mandate as members of the SFU often travelled with him and he handpicked the officers to lead it.¹²² This particular loyalty was exhibited when, after Singirok was removed from his post as head of the PNGDF, Captain Bola Renagi, the SFU's deputy commander, and other members of the unit both raided the jail in which the Chan Government had placed many of the key perpetrators of Operation *Rausim Kwik* and placed the new PNGDF head under house arrest. Given this power held by Singirok and his loyal SFU, Prime Minister

Skate reinstalled Singirok as head of the PNGDF in order to link himself to Singirok and the SFU. This action was to shield himself and his government from unrest generated either by the populace or by the SFU.¹²³ The end result, however, was the corrosion of the capacity and cohesiveness of PNG's security sector to the detriment of good governance.

6.5 African Crisis Response Initiative

6.5.1 Background

In 1997, two factors spurred the United States to propose ACRI. One factor was that in the wake of the Rwandan genocide in 1994 and the potential for other horrific problems in Africa, the Clinton Administration was criticized for its inaction. Training for peace operations, therefore, was meant to balance the wishes of the isolationists and anti-multilateralists in the United States Congress while at the same time address the concerns that the United States was not doing enough to ameliorate conditions in Africa. The second factor was that African capabilities for peace operations were in dire need of improvement. According to a report commissioned by the US Defence Department, only 7 of 46 sub-Saharan militaries are "capable of deploying without significant augmentation an equipped, professional battalion for multinational peace or humanitarian operations".¹²⁴ When the OAU did attempt to mount an operation in Chad in 1982, it was rife with organizational, financial, command, and logistical problems. Another large African endeavour, ECOMOG, faced similar problems in terms of coordination and resources to the point that the force's results were counterproductive.

In fact, for some analysts, ECOMOG may have actually worsened the anarchy in places like Liberia.¹²⁵ In sum, as expressed by Paul F. Diehl, “[t]he experience of regional peacekeeping operations does not inspire great confidence”.¹²⁶

To help inspire greater confidence then, the goal of ACRI, according to Ambassador Marshall McCallie, the American official initially assigned to lead and monitor the initiative through an interagency working group (IWG), “is to assist in developing rapidly deployable, interoperable battalions and companies from stable democratic countries that can work together in order to maintain peace”.¹²⁷ ACRI’s primary objective, as laid out in 1997, is the multi-year training of 5,000-10,000 African soldiers, thus producing eight to ten battalions. To take into account African sensitivities, training and doctrine are emphasized over coordination and regional leadership to prevent the semblance that ACRI is a standing regional force.¹²⁸ As for the training, it relates to passive Chapter Six-type operations as outlined by the United Nations Charter. As for the doctrine, the initiative operates under one developed from American, United Nations, NATO, and Nordic soldiering and peacekeeping procedures. In describing ACRI, Ambassador McCallie contends that “what we are doing...would be training units that would be able to respond to a crisis”.¹²⁹ Capacity development, rather than standing force creation, is an objective for ACRI, one that is meant to help promote certain African states to appreciate and engage in their responsibility to protect.

Though ACRI is meant to increase African capabilities so that there will be less pressure on the United States to intervene in African humanitarian crises, it is also supposedly a targeted endeavour to ensure that certain states stay on the path of

democratization. In this way, ACRI is a proactive measure for African militaries and governments to exhibit human security-type characteristics: positive civil-military relations and a respect for human rights. The states chosen for the first round of ACRI, (Uganda, Senegal, Malawi, Mali, Ghana, Benin, and Côte d'Ivoire), were deemed to have the necessary democratic attributes. ACRI is hoped to have a solidifying and positive influence on civil-military relations within these states because much of ACRI is directed towards human rights and how military personnel interact with civilians.¹³⁰ In fact, American enhancement of these African states' security sectors serves as a form of conflict prevention. Reducing coups and developing responsible and effective security sectors are, therefore, part of ACRI's *raison d'être*. In short, ACRI is meant to influence, both within and beyond state borders, how organized force is used and for what purposes.

6.5.2 ACRI Ingredients and Actors

The bulk of the approximately US\$20 million annual expenditure for ACRI goes towards equipment and training.¹³¹ With respect to equipment, the participating units from each ACRI state receives US\$1.2 million worth of non-lethal supplies. This includes mine detecting equipment, communications gear, water purification systems, electric generators, and night-vision devices. Most of these supplies are standardized to allow for interoperability. With the exception of small arms ammunition for marksmanship drills, ACRI supplies going directly to individual soldiers are also non-lethal in nature: a complete uniform, boots, combat webbing, personal gear, and even eyeglasses if needed.¹³²

As for training, ACRI is divided into two stages; initial training and follow-on training that, through a building block approach, together focus upon creating a professional and rapidly deployable, interoperable humanitarian and peacekeeping capacity. Each battalion receives US\$1.9 million in initial training exercises and US\$400,000 is allotted to each follow-on session. The initial training component lasts approximately 60-70 days and the follow-on training is delivered in five modules of 30 days in length that start at least six months after the initial training and are paced so that two modules should be conducted every year. Training is first directed towards a battalion, then expands to a brigade level of two to three battalions.¹³³ This expansion is facilitated by a train-the-trainer approach. The final follow-on module is an extensive regional exercise. The elements stressed in both of ACRI's stages include basic soldiering, leadership, command and control, logistics, human rights, processing refugees, interaction with civilian governments and humanitarian organizations, convoy security, vehicle searching, perimeter security, and manning roadblocks and checkpoints. The provision of these skills covering the micro and macro elements of running a full peacekeeping or humanitarian relief operation.

US Army Special Forces are the lead security-sector units in ACRI. They are under the direction of the US European Command (EUCOM), the American military entity dealing with most of Africa and tasked, under US State Department direction and funding, with managing ACRI. Approximately sixty trainers from the 3rd and 5th US Special Forces Groups based at Fort Bragg, North Carolina, perform the initial training component and assist in some of the follow-on modules. Military engineers and other

individuals with particular expertise, such as medical personnel, are rotated through the program in order to provide the necessary support when and where required.

But for availability and flexibility, let alone accrued expertise, the State Department turned to MPRI to assist in the follow-on components.¹³⁴ As some of the follow-on instruction deals with officer and staff levels, Special Forces personnel do not have the organizational capability nor the numbers of senior staff available to conduct ACRI as currently envisioned.¹³⁵ Similarly, if an alternative was not found, rotational requirements for Special Forces staff would have disrupted ACRI's timetable and instruction.¹³⁶ MPRI responded to this need for increased flexibility and developed a Program of Instruction (POI) that met with the approval of the US State Department. At any given time, approximately 40 MPRI personnel are present in Africa in support of ACRI's follow-on modules. Many of the MPRI trainers have French language abilities for the francophone ACRI states and/or past experience in uniform of working in African states (embassies, earlier training, military operations). MPRI's role in ACRI thus ranges from specialized officer training to computer simulations to monitoring, assessing, and advising on large scale training exercises.

6.5.3 Good Conduct

Training provided by the US military and MPRI is meant to promote good conduct in the activities of those who participate, thus contributing to enhanced performance at home and in peacekeeping and humanitarian operations abroad.¹³⁷ In this regard, ACRI is designed to develop skills and capacity in line with a proven and tested

doctrine. This is important given the functional and organizational limitations often present in the security sectors of African states.¹³⁸ Also, while the accompanying supplies may be generally non-lethal, ACRI is designed to transfer expertise pertaining to the application of force. As emphasized by EUCOM, key objectives of ACRI are “to improve basic soldier skills, strengthen combat support and combat service support units”.¹³⁹ This training too is informed by a need to appreciate normative and legal matters pertaining to the application of force. On one level, ACRI training is subject to the Leahy Law of the United States which forbids the American military from training foreign soldiers accused of human rights violations. While it does have some limitations in its application to African states, the Leahy Law does require the United States to “make every reasonable effort” to confirm that training is not provided to suspected individuals.¹⁴⁰ On another level, for those who can legally be trained, several hours of human rights instruction are incorporated into ACRI’s lesson plan. In addition, the US Special Forces and MPRI together incorporate aspects of civilian-military interaction and appropriate human rights conduct into their other training and field exercises. In particular, as noted by Scott Brower and Anna Simons, “[t]he ACRI training plan has devoted considerable attention to the need for peacekeepers to work with external agencies such as humanitarian relief organizations”.¹⁴¹ Therefore, the design of ACRI is such that good conduct matters are at the fore.

However, it is difficult to assess if the training has had a positive effect in terms of good conduct in actual peace operations. For one reason, ACRI-trained troops have yet to interact overseas in the interoperable manner perceived by EUCOM and the US

State Department. For another reason, while ACRI-trained troops have been employed in peacekeeping operations in places like Guinea-Bissau, Sierra Leone, and the Central African Republic, there is little available information as to how ACRI-trained military personnel have performed. This is because ACRI-trained members, despite the wishes of the United States, were taken out of their units and scattered amongst those participating in the operations.¹⁴² ACRI has not yet come together, either in whole or in part, to support the desired American objectives.

But it is also clear that during this short time the increased capacity developed via ACRI's has been used, though not by all ACRI states, in ways that have been negative in terms of good conduct. Putting issues of good governance aside for now, ACRI-trained troops, being used in operations other than those of a humanitarian or peacekeeping nature, have exhibited conduct not appropriate in terms of good conduct. ACRI-trained troops in cross-border activities, specifically Uganda in the Democratic Republic of the Congo (DRC) and Senegal in Guinea-Bissau, have been accused of human rights violations by organizations such as Human Rights Watch and Amnesty International.¹⁴³ In the DRC, for instance, evidence exists of Ugandan soldiers in the field, some with ACRI experience, looting and terrorizing civilians. In fact, Colonel Sula Semakula, one officer who implemented the ACRI regimen in Uganda, was more recently the Ugandan Peoples Defence Force's (UPDF) sector commander in Buta located in the eastern DRC.¹⁴⁴ The suggestion also exists that the UPDF transferred ACRI-equipment to pro-Ugandan rebels operating in the DRC.¹⁴⁵ As for activities within ACRI-states, ACRI-trained troops have also been subject to criticism. Again with the case of Uganda,

Amnesty International has linked ACRI-trained UPDF formations with rapes, murders, and beatings committed in areas of the country where the rebel Allied Democratic Forces (ADF) are active.¹⁴⁶ Similar types of accusations have been leveled at the internal conduct of Mali's security sector since the start of ACRI assistance.¹⁴⁷ Contrary, then, to American hopes, ACRI-trained forces can be singled out for their negative activities concerning good conduct either at home or abroad.

6.5.4 Good Governance

Because ACRI is implemented as a capacity-building exercise, the decision of how to employ the equipment provided and the skills taught by MPRI and its American military colleagues is left solely in the hands of the ACRI-security sectors as no outside command structure or organization exists. On the one hand, to help ensure that ACRI capacity is used for purposes appropriate to good governance type objectives, ACRI states commit themselves to non-transfer and end-use arrangements. Suspension should occur if ACRI states act in opposition to these commitments. On the other hand, as suggested by Jeffrey Herbst, one should not expect African states to leave ACRI assets "on the shelf" for only peace operations. In fact, the enhanced proficiency would lead one to think that they would be the first called to duty.¹⁴⁸ The ominous conclusion is that for many ACRI states, a prime consideration for participation in ACRI is the delivery of resources and expertise that could be applied, with few strings attached, to help promote the security and interests of the governing regime.¹⁴⁹ This has obvious implications for how PSC supplied expertise has an impact in terms of good governance.¹⁵⁰

Hence, in the case of Uganda, for example, one could contend that Kampala applied ACRI assets in Africa's "First World War" in the Great Lakes region in order to combat the rebel forces of the ADF and the much despised Lord's Resistance Army.¹⁵¹ But, as asserted in the section on good conduct, the activities of ACRI-trained UPDF personnel in the DRC were not promising. Moreover, Uganda's ACRI assets were directed towards objectives beyond "national security". Kampala's political and military elite also used them for the sake of military commercialism through which selective and predatory entrepreneurial considerations for deployment are important.¹⁵² By means of this approach, according to Chris Dietrich, "military mandates have been altered to suit the financial criteria of generals and their politician business partners" to the detriment of conflict resolution, civil-military relations, and the promotion of stable state structures.¹⁵³ In the DRC, the Ugandan elite, via its links to Congolese rebels, has been involved in both the extraction of the country's mineral resources and protection rackets surrounding this activity. These links fuel clientalism at the highest level. President Museveni's brother, Major General Salim Saleh, was a UPDF commander in the DRC and, as noted in *Uganda's Monitor*, "in Kampala, anything which touches the army is a preserve of the President, High Command, Army Council and a few cabinet ministers".¹⁵⁴ Additionally, recent assessments were made by the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC. This panel concluded that because of these links it is difficult to bring about the withdrawal of Ugandan forces from the DRC as per United Nations Security Council resolutions.¹⁵⁵ In the final analysis, good governance matters are negative because

political and military leaders are not only draining national coffers, they are doing so by “deploying the instruments of sovereignty for personal and private ends rather than in support of national objectives”.¹⁵⁶

In addition, note that despite ACRI’s desire to support and/or perpetuate more stable and responsible civil-military relations through MPRI’s training, there have been three coup attempts in Côte d’Ivoire, one successful and the other two not, since the initiation of ACRI training. The successful coup in January 2000 saw the former army chief General Robert Guei, with the support of the armed forces, oust elected President Hemri Konan Bedie. This was the first military takeover of the country since it gained independence from France in 1960. Even though American legislation requires that military assistance be suspended in the case of coups against newly democratizing states, Côte d’Ivoire continues to be a recipient of training.

Therefore, given this development, one should question the degree to which the training provided by MPRI and American forces can achieve objectives consistent with good governance concerns. Moreover, one should question the limitations of the American structure that guides and directs these objectives. In the case of Côte d’Ivoire, training was not suspended. In the case of Uganda, the US State Department did suspend Uganda’s participation in ACRI in September 2000 due to the UPDF’s involvement in the DRC. But the UPDF has yet to quit its DRC operations despite the fact that this is the quid pro quo for continued ACRI training. The goals and rewards of sustained involvement in the DRC are seemingly too great. Indeed, ACRI provides participating states with only US\$5.1 million worth of training and non-lethal equipment delivered

over a number of years, a minimal value given what would have to be given up. While the suspended assistance would be missed, ACRI-security sectors are not threadbare to the degree that denial of ACRI assistance is pivotal, especially when other objectives are at stake. In the main, the suspension of ACRI assistance is not enough to reverse negative developments nor is it evenly applied. Despite the positive good governance type aspects ACRI purports to advance, the initiative is structured in such a way that it only provides a largely directionless capacity that *may* potentially be used to promote human security. Here the problem rests with the overseer and client, the United States, rather than with the PSC.

6.6 Conclusion

Several conclusions can be drawn from the Bosnian, PNG, and ACRI cases. First, as PSCs can operate independently of traditional state-to-state security-sector training, this potentially poses difficult problems for the promotion of good conduct and good governance. As was evident in the PNG case, a recipient state may turn to the private security marketplace in order either to acquire services state providers may not be willing to offer or to seek room to manoeuvre away from any foreign conditionalities or demands. Whereas Port Moresby desired special forces training, Canberra did not want to provide it due to the potential human rights implications and its desire to promote security-sector reform in PNG. True, a special forces unit can be an asset in a state's security sector under some circumstances.¹⁵⁷ But in the weak state context where civil-military relations are unstable and good conduct and good governance matters are

already problematic, the introduction of such a force is likely to exacerbate the situation.¹⁵⁸ Since securing outside resources to sustain internal control remains a central activity for the governments of many developing/weak states, the PNG case shows that these states too can dip into the private international sector in search of adaptive solutions. Put differently, if the demands of the provider from the perspective of the recipient state are too onerous or if the assistance provided is not appropriate, either qualitatively or quantitatively, entering into the private security marketplace is an option for those with the necessary means.

A second conclusion is that when coupled with a structure that permits on-going oversight, PSC training can be a positive ingredient in terms of good conduct and good governance. In the case of MPRI in Bosnia, one notices the importance of the active, substantial, and on-going oversight of the proposed means, the objectives, and the evolving context in which the PSC training was provided. One also notices in this vein that the military presence of NATO, while valuable, was not the determining factor. On the one hand, the military presence ensured that general stability was maintained and that problems did not spiral out of control. On the other hand, note that even with NATO's clout, it was not a deterrent factor as problems did arise. Moreover, some of these problems, though having potential military implications, were largely political/civilian in character. Thus, the problematic issue of NATO's short mandates, for instance, affected political calculations of indigenous parties, not the character of the training program itself. Instead, NATO's presence was important because it helped to form part of the responsive organizational presence that oversaw the training program. The implication

here is that there need not be a military occupying force for successful oversight to occur.

In this vein, insufficient oversight, as shown in PSC training in ACRI, may not lead to positive outcomes. The US State Department views PSC supplied training as a way to promote capacity for peace operations and as a reward for and reinforcement of states that are seemingly working towards “democratic goals” writ-large.¹⁵⁹ Yet as ACRI is a capacity-building exercise, there is no guarantee that the training will be applied in the manner intended. This makes diligence in oversight doubly important. Additionally, as security sector-reform is a task that takes time and considerable dedication and attention, appropriate structure is necessary to ensure that there is no back-slipping, or if there is, that the negative effects are limited. Yet with ACRI, when problematic effects rose in terms of good conduct or good governance, the oversight mechanisms did not always kick in.

A third conclusion is that initial assessments and on-going oversight of PSC training need to estimate the potential worth of the expertise for the recipient state. This determines the degree to which leverage can be applied as it pertains to the perceived value of the training. In the case of Bosnia, incentives existed to better ensure compliance and to limit misuse: the need to counter the potential threat posed by the larger, collective Serb forces, the wish for eventual NATO membership, and the desire to ensure that the Muslim and Croat components were trained at the same pace. In the case of ACRI, the resources were certainly valuable for the African security-sectors given their generally low level of resources and expertise. But in the case of Uganda in the DRC, the value of the training and assistance was such that it paled in comparison to

alternative goals that might be sought, regardless of their effects upon human security at home or abroad. This is not to suggest that only large scale or highly valued PSC contracts should be contemplated. It is instead a realization that, up-front and throughout a PSC's entire training presence, the potential limitations of leverage should be made clear given the design and the objectives of the training and the context in which it is injected. It is also a realization, to reinforce the previous conclusion, that actors in charge of oversight mechanisms that can order the suspension or termination of a PSC presence may need to be diligent.

The fourth conclusion, given the need for oversight, supports the point made in the previous chapter: the PSC industry does not have a code of conduct that acknowledges, at both the initial stages and throughout the contract, the potential impact on human security its services might have in the contracting state's security sector. While a firm's conduct itself may be appropriate in terms of good conduct and good governance such that, for example, a PSC does not directly promote or train their students to violate human rights, the potential indirect effects are problematic. In particular, the PSCs examined promoted the fact that in their services sold outside of traditional state-to-state security-sector training, so long as what they offered did not directly counter human rights or humanitarian law obligations, they were willing to sell it.¹⁶⁰ While one could not guarantee that outcomes would have been negative in terms of human security, one could certainly have predicted that they might have been and felt that caution was warranted. Therefore, it is up to other actors, rather than a PSC's reliance upon self-regulation, to promote the positive effects of a PSC presence and to

counter negative ones.

When all three cases are taken together, it is clear that PSC training does not automatically bode misfortune in human security terms. Instead, one has to consider the training services offered, the importance of those services, the context in which they are offered, and the direction under which they are offered. These points suggest that one should examine in-depth the current nature of regulation, both at the level of the state and internationally, and how regulation promotes or detracts from the good conduct and good governance aspects of organized force. It would be these rules that mandate assessments of environment, the type of PSC service, and for what goals that service is likely to be used. But in order to provide a broader assessment of regulatory endeavours, the study will shift from an analysis of states to an analysis, in terms of human security criteria, of how other PSCs interact with actors assumably pursuing human security objectives - humanitarian organizations.

ENDNOTES FOR CHAPTER SIX

1. Damian Lilly, *The Privatization of Security and Peacebuilding: A Framework for Action*, London: International Alert, 2000, p. 25.
2. The extreme view saw the Cold War as nothing less than a competition between two secular religions. Hans Morgenthau, "To intervene or not to intervene," *Foreign Affairs* 45 (April 1967), p. 429.
3. The United States, since the end of World War Two, has provided this assistance through a variety of programs: the International Military Education and Training Program (IMET), the Foreign Military Sales Financing Program (FMS), the Military Assistance Program (MAP), and the Joint Combined Exchange Training (JCET). A comparable program directed by the United Kingdom is the British Military Advisory and Training Team (BMATT) approach. Similar efforts during Cold War times were conducted by France, Belgium, the Soviet Union, East Germany, Czechoslovakia, and China. See Michael T. Klare and Cynthia Arnson, *Supplying Repression: U.S. Support for Authoritarian Regimes Abroad*. Washington D.C.: Institute for Policy Studies, 1983.
4. In some cases, states supplying the training and expertise wished to improve legitimacy relations within a client state rather than provide the tools and expertise to sustain the status quo. Note that during detente, American policy applied to normative issues in some client states not deemed absolutely crucial for American security. To punish some of these states, military assistance was cut, or alternatively, assistance came tied to normative programming or demands for normative change. The Carter Administration placed limitations on military training, thus using it as a lever, to counter human rights violations in Argentina, Bolivia, El Salvador, Guatemala, Haiti, Nicaragua, Paraguay, and Uruguay. As a result, the level of internal repression was reduced in some client states.
5. Lora Lumpe, *U.S. Foreign Military Training: Global Reach, Global Power, and Oversight Issues*. Foreign Policy In Focus Special Report, May 2002, p. 3.
6. Constantine P. Danopoulos, "Conclusions on Post-Totalitarian Civil-Military Relations," in Constantine P. Danopoulos and Daniel Zirker, eds., *Civil-Military Relations in the Soviet and Yugoslav Successor States*. Boulder: Westview Press, Inc., 1996, p. 261.
7. According to Marybeth Peterson Ulrich, this support for security-sector reformation and formation indicates a realization that "while military institutions in evolving democracies cannot by themselves ensure an overall democratic outcome, a dysfunctional, non-democratically motivated military institution can become a

formidable obstacle to the achievement of democratic consolidation in the postcommunist states". Marybeth Peterson Ulrich, *Democratizing Communist Militaries: The Cases of the Czech and Russian Armed Forces*. Ann Arbor: University of Michigan Press, 1999, p. 49.

8. A United Nations survey report found that the post-Cold War foreign training doctrines of other states increasingly emphasize these factors. See Eric G. Berman and Katie E Sams, *Peacekeeping in Africa: Capabilities and Culpabilities*. Geneva: United Nations Institute for Disarmament Research (UNIDIR), 2000. As for the specific issue of anti-terrorism activities, it will be dealt with at the end of this study.

9. United States, Department of State, Office for Defense Trade Controls, Arms Export Control Act, International Traffic in Arms Regulation (ITAR), Title 22, United States Code. ITAR documentation can be found at www.pmdtc.org.

10. Cited in Bruce D. Grant, "U.S. Military Expertise for Sale: Private Military Consultants as a Tool of Foreign Policy," Chairman of the Joint Chiefs of Staff, 1998 Strategy Essay Competition, (www.ndu.edu/inss/books/essaysch4.html).

11. Cited in Ken Silverstein, *Private Warriors*. New York: Verso, 2000, p. 175.

12. Noted in *Ibid.*, p. 167.

13. Deborah D. Avant, "Privatizing Military Training," *Foreign Policy In Focus* 5 (May 2000), (www.foreignpolicy-infocus.org/briefs/vol5/v5n17mil.html).

14. For an example see Herbert Howe, *Ambiguous Order: Military Forces in African States*. Boulder: Lynne Rienner Publishers, Inc, 2001, p. 13.

15. In July 2000, for example, 650 personnel were under contract to MPRI. "L-3 Communications Announces Acquisition of MPRI," *Business Wire* (18 July 2000), (www.businesswire.com).

16. Jakkie Cilliers and Ian Douglas, "The military as business - Military Professional Resources, Incorporated," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-torn African Societies*. Pretoria: Institute for Security Studies, 1999, p. 113.

17. See www.mpri.com. The list of notable employees includes MPRI's president and the United States Army Chief of Staff during the invasion of Panama and the Gulf War, General Carl Vuono, the firm's chairman and the former commander of the United States Army in Europe, General Frederick Kroesen, its Vice President of International Operations and former Director General of the Defence Intelligence Agency, Lieutenant

General Edward Soyster, and board members such as General John Piotrowski and Admiral Wesley McDonald, the former Commander-in-Chief of the North American Aerospace Command (NORAD) and the former Supreme Allied Commander - Atlantic, respectively.

18. "L-3 Communications Announces Acquisition of MPRI".

19. Cited in "L-3 Communications Announces Strong Second Quarter Results," *Business Wire* (25 July 2000), (www.businesswire.com).

20. See MPRI's Internet site for a complete list of activities (www.mpri.com).

21. At the time of writing, the Alexandria Group was being considered to be the independent monitor overseeing major reforms in the police department of Cincinnati, Ohio. Kevin Osborne, "11 apply to oversee police reforms," *Cincinnati Post* (13 June 2002), (www.cincypost.com/2002/jun/13/reform061302.html).

22. Positions are Assistant Professor of Military Science (APMS), Enlisted Instructor, Logistics Specialist, and Administrative Specialist. MPRI manages ROTC activities in 217 American universities and colleges, a requirement involving over 360 personnel. Steve Alvarez, "MPRI: A Private Military," *Stars and Stripes* (30 October 2000), (www.stripes.com).

23. Cilliers and Douglas, "The military as business," pp. 112-113.

24. This certainly was a challenging task as except for a period between 1868-1918, the Croats have not had their own tradition of civil-military relations nor one that operated in the context of a democratic framework. See Ozren Zunec, "Democracy in the "Fog of War": Civil-Military Relations in Croatia," in Constantine P. Danopoulos and Daniel Zirker. *Civil-Military Relations in the Soviet and Yugoslav Successor States*. Boulder: Westview Press, Inc., 1996, p. 261.

25. David Isenberg, *Soldiers of Fortune Ltd.: A Profile of Today's Private Sector Corporate Mercenary Firms*, Center for Defense Information Monograph, Washington D.C.: Center for Defense Information, November 1997, p. 16.

26. Yves Goulet, "MPRI: Washington's Freelance Advisors," *Jane's Intelligence Review* 10 (July 1998), (jir.janes.com).

27. Cilliers and Douglas, "The military as business," p. 116.

28. The two types of MPRI's training come together in such instances as when foreign client states desire membership in the North Atlantic Treaty Organization (NATO), an

obligation that requires certain force structures, civil-military relations, levels on military spending, equipment, and capabilities. David Shearer, *Private Armies and Military Intervention*, Adelphi Paper 316, London: International Institute for Strategic Studies, 1998, p. 57.

29. Zvonimir Cervenko cited in Simon Sheppard, "Foot Soldiers of the New World Order: The Rise of the Corporate Military," *New Left Review* (March/April 1998), (www.newleftreview.net).

30. Ed Soyster cited in Alvarez, "MPRI".

31. The Republika of Srpska covers 49 percent of the territory and the Croat-Muslim Federation covering the remaining 51 percent. The new central government has responsibility over foreign policy, trade, monetary policy, citizenship, and immigration and is headed by a three person rotating presidency composed of one Bosnian-Muslim, one Bosnian-Croat, and one Bosnian-Serb. See Lenard J. Cohen, "Bosnia and Herzegovina: Fragile Peace in a Segmented State," *Current History* 95 (March 1996), pp. 103-112.

32. Under the Florence Agreement, the Bosnian-Serb equipment holdings are limited to half that of the Federation Armed Forces (FAF) while the combined holdings of Serbia and the Republika of Srpska produces a six-to-one advantage over those of the federation. "Arm-and-Train: A Status Report," *Military Watch* 2 (29 May 1997), (www.bosnet.org).

33. Mujahideen from Algeria, Tunisia, Sudan, Afghanistan, Pakistan, Iran, and Iraq were known to have fought in Bosnia. According to estimates produced by American intelligence bodies, some 20,000 foreign fighters were active in the region. Herbert Howe, "Global Order and Security Privatization," *Global Order and Security* (No. 140, May 1998), (www.ndu.edu/inss/strforum/forum140.html).

34. With respect to Iran, the unwillingness of the United States to become more involved in the region earlier in the conflict in fact led it to turn a blind eye to the importation of Iranian arms via Croatia to the Bosnian-Muslims, an act that contravened the 1991 United Nations sanctions. Maynard Glitman, "US Policy in Bosnia: Rethinking a Flawed Approach," *Survival* 38 (Winter 1996/1997), p. 74. As for the spread of Islamic fundamentalism, the roots had been laid earlier in the 1980s following the Iranian Revolution. Dimitrios Kyriakou, "Civil Society and Civil War in Bosnia," in Constantine P. Danopoulos and Daniel Zirker, eds., *Civil-Military Relations in the Soviet and Yugoslav Successor States*. Boulder: Westview Press, Inc., 1996, p. 247.

35. The two parallel commands and armies are the Croatian Defence Council and the *Armija*, or Bosnian government army.

36. The Train and Equip program was also the quid pro quo for the Clinton Administration receiving the approval of the senior Republican leadership for the Dayton Accords. Senators John McCain and Robert Dole demanded a presidential commitment for the program in exchange for their political support to commit American troops to implement the accords. In fact, contained within the Dole-McCain Joint Resolution, passed by the United Senate on 13 December 1995, was a specific linkage between the Senate's support and the Train and Equip program.

37. Cited in Sheppard, "Foot Soldiers".

38. The equipment included rifles, machine guns, radios and communications machinery, tanks, heavy artillery, armoured personnel carriers, light anti-tank weapons, and transport helicopters.

39. The delivery of this support and material assistance was permissible under the Dayton Accords once the 90 day embargo and the 180 day embargo, on the importation of all weaponry and then only heavy weaponry, respectively, came to an end. Assistance, however, did not start right away due to the difficulties in removing both the Islamic fighters and the Iranian presence. In fact, one joke at the time was that MPRI actually stood for Military Professionals Replacing Iran.

40. Shearer, *Private Armies and Military Intervention*, p. 61.

41. Goulet, "MPRI".

42. The Federation Army School, located near Sarajevo, teaches leadership and tactics and also is the home for the NCO school.

43. Major Sead Rekic cited in Alvarez, "MPRI".

44. See Ibid.

45. MPRI may very well be selected to direct this task. "Bosnian officials, US military company discuss single defence programme," *BBC European Monitoring* (17 May 2002), (www.bbc.co.uk).

46. Tracy Wilkinson, "Bosnia's Army of Strange Bedfellows," *Los Angeles Times* (4 June 1997), (www.latimes.com).

47. The two presidents were Bosnian President Alija Izetbegovic and Kresimir Zubak, the Bosnian-Croat member of the country's collective presidency.

48. Wilkinson, "Bosnia's Army".
49. For background on the spoiler phenomenon, see Stephen John Stedman, "Spoiler Problems in the Peace Process," *International Security* 22 (Fall 1997), pp. 5-53.
50. See, for instance, "US confirms suspension of Bosnian Croat Military Aid," *Reuters* (15 May 2000), (www.reuters.com).
51. "Bosnian Croat Nationalists Deny Self-Rule Is Dead," *Reuters* (17 May 2001), (www.reuters.com).
52. Ibid.
53. "Getting It Together," *Jane's Defence Weekly* (18 July 2001), (jdw.janes.com).
54. Colin Woodard, "Bosnia: Your tax dollars at work," *Christian Science Monitor* (March/April 1998), (www.csmonitor.com).
55. See Ivo H. Daalder, "Bosnia After SFOR: Options for Continued US Engagement," *Survival* 39 (Winter 1997/1998), pp. 5-18; Jane M.O. Sharp, "Dayton Report Card," *International Security* 22 (Winter 1997/1998), (EBSCO).
56. Cited in Woodard, "Bosnia".
57. This line of thinking asserts that arms and other security expertise are most easily integrated internally into states that exhibit the characteristics of a Deustchian security community. Neil Cooper, "The Arms Trade and Militarized Actors in Internal Conflict," in Paul B. Rich, ed., *Warlords in International Relations*. New York: St. Martin's Press, Inc., 1999, p. 17.
58. Sharp, "Dayton Report Card".
59. United Kingdom, Department for International Development, "Supporting Security Sector Reform: Review of the Role of External Actors," Discussion Paper No. 2, Security Sector Reform and Military Expenditure Symposium, London, 15-17 February 2000, p. 13.
60. Susan L. Woodward, "Bosnia After Dayton: Transforming a Compromise into a State," in Robert L. Rothstein, ed., *After the Peace: Resistance and Reconciliation*. Boulder: Lynne Rienner Publishers, Inc., 1999, p. 149.
61. Sharp, "Dayton Report Card". Calls made by the Bush Administration in 2001 to end the American presence in Bosnia, calls that coincided with the Bosnian-Croat rebellion,

can be seen as a continuation of this trend. Richard Holbrooke, the chief American negotiator of the Dayton Peace Accords, suggests that Bosnian-Croat actions are, in part, a reaction to the Bush Administration's seemingly passive stance towards the Balkans. Richard Holbrooke, "Risking a New War in the Balkans," *New York Times* (8 April 2001), (www.nytimes.com).

62. Wilkinson, "Bosnia's Army".

63. Cited in Sheppard, "Foot Soldiers".

64. Kevin A. O'Brien, "PMCs, Myths, and Mercenaries: the debate on private military companies," *Royal United Service Institute Journal* (February 2000), (www.icsa.ac.uk). One of its founders and the firm's current chairman, Alastair Morrison, led the contingent of the SAS in the 1977 storming of a hijacked passenger aircraft in Mogadishu, Somalia. The list of other prominent DSL officials with similar biographical experiences includes Major General Stephen Carr-Smith (retired) and General Sir David Ramsbotham (retired).

65. The list of past and current corporate clients is extensive: De Beers, Texaco, Chevron, British Gas, Amoco, Exxon, Mobil, Ranger Oil, British Gas, British Petroleum (BP), Bechtel, American Airlines, and Shell.

66. Alex Vines, "Mercenaries, Human Rights and Legality," in Abdel-Fatau Musah and J. 'Kayode Fayemi, eds., *Mercenaries: An African Security Dilemma*. London: Pluto Press, 2000, p. 186.

67. For instance, the American and Canadian embassies and the offices of the Canadian International Development Agency (CIDA) are DSL clients in the Democratic Republic of the Congo. Another DSL client is the British High Commission in Uganda.

68. Kevin A. O'Brien, "Freelance forces: exploiters of old or new-age peacebrokers?" *Jane's Intelligence Review* 10 (1 August 1998), (jir.janes.com).

69. According to Richard Bethell, DSL's Chief Executive Officer, "[w]e work closely with the security forces of the countries where we are active. They provide whatever protection we need, military or otherwise. They secure the areas where we are active, beforehand". Cited in Guy Arnold, *Mercenaries: The Scourge of the Third World*. New York: St. Martin's Press, Inc., 1999, p. 172.

70. Cited in Mark Duffield, "Post-modern Conflict: Warlords, Post-adjustment States and Private Protection," *Civil Wars* 1 (Spring 1998), p. 93.

71. *The Wall Street Transcript*, (17 April 2000), (www.twst.com/).

72. Spicer served as a captain in the Scots Guards during the United Kingdom's conflict with Argentina over the Falkland Islands, as assistant to General Sir Peter de la Billiere, the British Commander during the Persian Gulf War, and as spokesman for General Sir Michael Rose, the chief of the United Nations Protection Force in the Former Yugoslavia (UNPROFOR). See Tim Spicer, *An Unorthodox Soldier: Peace and War and the Sandline Affair*. Edinburgh: Mainstream Publishing Company Ltd., 1999. As noted earlier in the study, Spicer is the current head of the PSC Strategic Consulting International.

73. See Sandline International's Internet site (www.sandline.com).

74. For the complete list of services offered, see *Ibid*.

75. Cited from *Ibid*.

76. The two inquiries were conducted by Sir Thomas Legg, the former permanent secretary of the Lord Chancellor's Department, and the House of Commons Foreign Affairs Committee.

77. Alex Vines, "Mercenaries and the Privatisation of Security in Africa in the 1990s," in Greg Mills and John Stremlau, eds., *The Privatisation of Security in Africa*. Johannesburg: The South African Institute of International Affairs, 1999, p. 65.

78. Cited in "Sandline Affair, the true story," *New African Magazine* (3 July 2001), (www.cmetfreetown.org/Media/Print/Articles/CSS_Articles/Exclusive/EX-010703-03.stm).

79. Sam Kiley, "Send in the mercenaries, Mr. Cook," *The Times* (22 January 1999), (www.the-times.co.uk).

80. R.C.D. Dangerfield, B.D.A. Kite, D.J. Robinson, and A.J.I Wilson, *Private Military Companies: Options for Regulation - A Response to the UK Government Green Paper*, No. 6. DTC (MA) Project Study Report 2002, Royal Military College of Science, Cranfield University, 1 July 2002, p. 65.

81. Despite the seeming scandal at the time which triggered the call for guidelines, one gets the sense from the Green Paper that the British government looks favourably upon the possibilities offered by the PSC industry. See Chapter Eight of this study.

82. Cited in Yaw Saffu, "Military Roles and Relations in Papua New Guinea," in Viberto Selochan, ed., *The Military, the State, and Development in Asia and the Pacific*.

Boulder: Westview Press Inc., 1991, p. 227.

83. Sinclair Dinnen, "Militaristic Solutions in a Weak State: Internal Security, Private Contractors, and Political Leadership in Papua New Guinea," *The Contemporary Pacific* 11 (Fall 1999), p. 287.

84. These resources are given back to the parliamentarians' primary point of reference, the constituency members of their ethnic group or *wantok*. See Katherine S. Kerr, "Papua New Guinea in 1999: Stepping Back from the Brink," *Asian Survey* 40 (January/February 2000), pp. 61-66; Hank Nelson, "National Elections: local decisions," in Sinclair Dinnen, Ron May, and Anthony J. Regan, eds., *Challenging the State: the Sandline Affair in Papua New Guinea*. Canberra: National Centre for Development Studies, Research School of Pacific and Asian Studies, Australian National University, 1997, pp. 136-143; Anthony J. Regan, "The Papua New Guinea policy-making environment as a window on the Sandline controversy," in Sinclair Dinnen, Ron May, and Anthony J. Regan, eds., *Challenging the State: the Sandline Affair in Papua New Guinea*. Canberra: National Centre for Development Studies, Research School of Pacific and Asian Studies, Australian National University, 1997, pp. 82-93.

85. Ron May, *The Changing Role of the Military in Papua New Guinea*, Canberra Papers on Strategy and Defence 101, Canberra: Australian National University, Strategic and Defence Studies Centre, 1993, p. 72.

86. Ibid., p. 54.

87. Dinnen, "Militaristic Solutions," p. 280.

88. Robin Luckham, "Introduction: The Military, the Developmental State and Social Forces in Asia and the Pacific: Issues for Comparative Analysis," in Viberto Selochan, ed., *The Military, the State, and Development in Asia and the Pacific*. Boulder: Westview Press, 1991, p. 8, p. 16.

89. Cited in Sean Dorney, *The Sandline Affair: Politics and mercenaries and the Bougainville crisis*. Sydney: ABC Books, 1998, p. 75.

90. Luckham, "Introduction," p. 8.

91. Katherine S. Kerr, "Papua New Guinea in 1997 and 1998: Troubles in Paradise," *Asian Survey* 39 (January/February 1999), p. 62.

92. May, *The Changing Role*, p. 16.

93. Ibid., p. 2.

94. Dorney, *The Sandline Affair*, 64; Mary-Louise O'Callaghan, *Enemies Within: Papua New Guinea, Australia, and the Sandline Crisis: The Inside Story*. Sydney: Doubleday Books, 1999, p. 238; Edward Wolfers, "The Regional Security Environment: South Pacific," in Greg Fry, ed., *Australia's Regional Security*. North Sydney: Allen & Unwin, 1991, p. 73.

95. Dorney, *The Sandline Affair*, p. 340.

96. In 1989, for instance, Australia provided second-hand Iroquois helicopters to PNG on the condition that they would be used only for logistics, transport, and medical evacuation. To ensure that Canberra had its way, it dissuaded Washington from providing similar helicopters to PNG when Port Moresby threatened to look elsewhere. Eventually, the PNGDF went against Australia's demands. In 1991, the helicopters were converted for gunship operations and were used to dump at sea the bodies of assassinated political dissidents in an event that became known as the St. Valentine's Day Massacre.

97. As an example, Canberra, worried about the potential effects within PNG, turned down Port Moresby's requests for training in operational logistics and electronic warfare.

98. Shearer, *Private Armies and Military Intervention*, p. 12.

99. Cited in Dorney, *The Sandline Affair*, p. 229.

100. Cited in Ibid., p. 133.

101. John Apami "No need for elite unit, says CEPG," *The National* (9 March 2001), (www.thenational.com.pg).

102. Dinnen, "Militaristic Solutions," p. 288.

103. Some citizens of PNG thought the National Guard a dangerous venture as it might become an elite army like Iraq's Republican Guard, an entity loyal only to the prime minister and harsh in its treatment of civilians. May, *The Changing Role*, p. 34.

104. Cited in Dorney, *The Sandline Affair*, p. 97.

105. Ibid., pp. 91-92.

106. Ibid., p. 96.

107. Earlier attempts made by the PNGDF during Chan's tenure as prime minister, particularly Operation High Speed Two in June/July 1996, resulted in failures both bloody and expensive. For Prime Minister Chan, ending BRA hostilities was the cornerstone in an election strategy leading hopefully to his re-election with over 50 percent of the parliamentary seats. This would provide his government with somewhat more stability as it would not require support from other groups or parties. See Anthony J. Regan, "Preparation for war and progress towards peace - Bougainville dimensions of the Sandline Affair," in Sinclair Dinnen, Ron May, and Anthony J. Regan, eds., *Challenging the State: the Sandline Affair in Papua New Guinea*. Canberra: National Centre for Development Studies, Research School of Pacific and Asian Studies, Australian National University, 1997, pp. 49-72.

108. Noted in Dorney, *The Sandline Affair*, p. 122.

109. The PNG's finance minister can waive a tendering process if not expedient or if the situation is an emergency on contracts up to K5 million. Any contract in excess of that amount requires the signature of the Governor General. To avoid this oversight, the finance minister cut the initial payment for Sandline International's services into 100 separate pieces. In addition, the division of funds from other departments also went against funding agreements the PNG government had with the IMF.

110. The contract can be found on the Internet at coombs.anu.edu.au/SpecialProj/PNG/htmls/Sandline.html. It is titled "Agreement for the Provision of Military Assistance dated this 31 Day of January 1997 Between the Independent State of Papua New Guinea and Sandline International".

111. One should note that there were no hostilities between SFU and Sandline International personnel. In fact, Sandline International personnel received gifts from the SFU shortly before their departure.

112. Ron May, "The military factor in the events of March 1997," in Sinclair Dinnen, Ron May, and Anthony J. Regan, eds., *Challenging the State: the Sandline Affair in Papua New Guinea*. Canberra: National Centre for Development Studies, Research School of Pacific and Asian Studies, Australian National University, 1997, p. 103.

113. Dorney, *The Sandline Affair*, 99; O'Callaghan, *Enemies Within*, 61.

114. Saffu, "Military Roles," p. 233.

115. See O'Callaghan, *Enemies Within*, p. 38.

116. Cited in Dinnen, "Militaristic Solutions," p. 290.

117. Dorney, *The Sandline Affair*, p. 92.
118. Dinnen, "Militaristic Solutions," p. 284.
119. Sinclair Dinnen, "Trading in security: private security contractors in Papua New Guinea," in Sinclair Dinnen, Ron May, and Anthony J. Regan, eds., *Challenging the State: the Sandline Affair in Papua New Guinea*. Canberra: National Centre for Development Studies, Research School of Pacific and Asian Studies, Australian National University, 1997, p. 121.
120. See Arnold, *Mercenaries*, p. 80; May, "The military factor," p. 103.
121. O'Callaghan, *Enemies Within*, p. 64; Dorney, *The Sandline Affair*, p. 209.
122. O'Callaghan, *Enemies Within*, p. 38; Dorney, *The Sandline Affair*, p. 209.
123. See O'Callaghan, *Enemies Within*, p. 365.
124. Noted in Howe, *Ambiguous Order*, p. 58.
125. Terry Mays, "Conclusion: Liberia's Peacekeeping Lessons for Africa," in Karl P. Magyar and Earl Conteh-Morgan, eds., *Peacekeeping in Africa: ECOMOG in Liberia*. London: MacMillan Press, 1998, pp. 174-175. ECOMOG was also plagued by problems such as Nigeria's hegemonic intentions and the exacerbation of tensions between the Francophone, Anglophone, and Lusophone members of ECOWAS.
126. Cited in *Ibid.*, p. 174.
127. Cited in Donald Rothchild, "The Impact of U.S. Disengagement on African Intrastate Conflict Resolution," in John W. Harbeson, ed., *Africa in World Politics: The African State System in Flux*. Third Edition. Boulder: Westview Press, 2000, p. 180.
128. The fear that such a project might become a standing force was a major reason why an earlier American endeavour in 1996, the African Crisis Response Force (ACRF), was disliked by African states. Washington eventually rejected this idea in favour of the ACRI approach.
129. Cited in Jeffrey Herbst, "Western and African Peacekeepers: Motives and Opportunities," in John W. Harbeson, ed., *Africa in World Politics: The African State System in Flux*. Third Edition. Boulder: Westview Press, 2000, p. 311.
130. Doug Brooks, "Write a Cheque, End a War: Using Private Military Companies to End African Conflicts," *Conflict Trends* (June 2000), (www.accord.org.za); Dan Henk

and Steven Metz, *The United States and the Transformation of African Security: The African Crisis Response Initiative and Beyond*. Carlisle: Strategic Studies Institute, U.S. Army War College, 1997, p. 3.

131. The annual budgets for ACRI have ranged from US\$15 million to US\$22 million.

132. Berman and Sams, *Peacekeeping in Africa*, p. 273; Howe, *Ambiguous Order*, p. 252.

133. Howe, *Ambiguous Order*, p. 253.

134. Another private firm, Logicon, serves ACRI through the provision of computer simulation training.

135. In particular, the US Special Forces focus upon training at the individual and company level.

136. Initially, the timing for the follow-on modules was highly inflexible due to the rotational practices. This had an impact on the absorptive capacity of recipient state militaries. Berman and Sams, *Peacekeeping in Africa*, p. 275.

137. An argument such as this is made in Henk and Metz, *The United States*, p. 3.

138. In fact, because African militaries often lack basic supplies, even the provision of footwear or eyeglasses is sure to increase capacity, for internal or external operations, in some way. Paul Omach, "The African Crisis Response Initiative: Domestic Politics and Convergence of National Interests," *African Affairs* 99 (January 2000), p. 92.

139. Cited in Howe, *Ambiguous Order*, p. 255.

140. Center for Defense Information, "Exporting American 'Diplomacy'," *Weekly Defense Monitor* 4 (11 February 2000), (www.cdi.org). The vetting of training participants sees the checking and cross-referencing of names against lists of suspected rights abusers kept by the US State Department, the Pentagon, or intelligence agencies. American officials and human rights advocacy NGOs both agree that vetting is a weak link in the training of African-security sectors because of the comparatively minimal exposure of the United States to African-security sectors vis-à-vis those of other regions of the world. Douglas Farah, "Pentagon Role in Africa May End Training Program Put Under Review," *Washington Post* (3 July 2001), p. A16.

141. Scott E. Brower and Anna Simons, "The ACRI Command and Control Challenge," *Parameters* (Winter 2000-01), (carlisle-www.army.mil/usawc/parameters/000winter/brower.html).

142. Howe, *Ambiguous Order*, p. 261.

143. Daniel Burton-Rose and Wayne Madsen, "Corporate Soldiers: The U.S. Government Privatizes the Use of Force," *Multinational Monitor* 20 (March 1999), (www.essential.org/monitor/mm1999/mm9903.07.html); Silverstein, *Private Warriors*, 179.

144. Levi Ochieng, "Uganda out of US-Africa Peace Force," *The East African* (11 September 2000), (www.nationaudio.com).

145. Herbst, "Western and African Peacekeepers," p. 320.

146. Burton-Rose and Madsen, "Corporate Soldiers".

147. For instance, see Silverstein, *Private Warriors*, p. 179.

148. Herbst, "Western and African Peacekeepers," p. 320.

149. Omach, "The African Crisis Response Initiative," pp. 85-86.

150. While unclear if ACRI training or assets were involved, internal and external violence at the time of writing has also occurred in the ACRI states of Senegal and Ghana. United Nations. Office for the Coordination of Humanitarian Affairs. Integrated Regional Information Network, "GHANA: Two ministers resign over fighting in north," 29 March 2002; "Army Has Sent 10,000 Troops To Sudan Front," *The Monitor* (12 May 2002), (allafrica.com/stories/200205120143.html); Pa Modou Bojang, "Senegalese Army On the Offensive in Casamance," *The Daily Observer* (14 May 2002), (allafrica.com/stories/200205140513.html).

151. The war is designated Africa's "First World War" because it is regional in scope involving eight armies, it is fought over African issues, and the spoils of war are going to Africans. David Shearer, "Africa's Great War," *Survival* 41 (Summer 1999), p. 89.

152. Christian Dietrich, "The commercialisation of military deployment in Africa," *African Security Review* 9 (No. 1, 2000), (www.iss.co.za).

153. Ibid.

154. Cited in Howe, *Ambiguous Order*, p. 256. See also Shearer, "Africa's Great War," p. 98.

155. Reports of the panel can be found at www.un.org. The cited assessment was published on 19 November 2001.

156. Dietrich, "The commercialisation of military deployment".

157. Note, for instance, the attention directed at special forces operations during the War on Terrorism following the attacks of 11 September 2001.

158. If special forces units are not properly managed, they can pose problems for the security sectors of even developed states. See Eliot A. Cohen, *Commandos and Politicians: Elite Military Units in Modern Democracies*. United States: Center for International Affairs, Harvard University, 1978, pp. 54-79.

159. David Josar, "First-Ever Joint African Training," *European Stars and Stripes* (19 July 2001), p. 4.

160. As we shall see later in this study, the only caveat to this is that PSCs may sometimes not offer training to pariah states for the sake of their reputation.

CHAPTER SEVEN - Humanitarian Interactions

7.1 Introduction

This chapter considers the human security implications of an emerging trend: the reliance of humanitarian actors, both international organizations and NGOs, upon the presence of PSCs. Certainly, PSCs interact with humanitarians, not only because of the financially lucrative nature of the relationship, but because of the legitimacy it provides the industry through the doing of seemingly good deeds. Humanitarian organizations, for their part, have turned to PSCs in response to the strictures of the post-Cold War humanitarian environment. One should, therefore, consider the effects of this growing interaction because, as Emma Rothschild suggests, the promotion of human security is not simply state oriented; it is a diffused responsibility.¹ It is important to consider the impact other types of PSC activity may have in terms of promoting or denying people's freedoms from fear and want.

To make this assessment, the chapter has two sections. The first section identifies the point that the issue of physical security for humanitarians and their operations, let alone security provided by PSCs, is a relatively new one. As a result, on the one hand, humanitarian organizations have not fully come to terms with the human security implications of relying specifically upon PSCs for a variety of services: security and audits, training, guarding and escort duties, and reliance on the proactive use of force by PSCs. On the other hand, many humanitarian organizations, as this chapter will show, are notoriously tight-lipped about their security arrangements for ideological and operational reasons and for concerns regarding reputation. It is difficult to acquire direct

information beyond anecdotal evidence due to the general unwillingness of humanitarians to speak on this issue or at least to delve into specifics. Thus, this section deals largely with issues concerning longer term and more obtrusive PSC services such as guarding and the proactive use of armed force. Also, these issues are analyzed at two levels. First is the micro level of analysis that indicates possible issues that might have to be contemplated by humanitarians in their decision to hire PSC personnel. Second, at the macro level, key are the effects the use of PSCs by humanitarians may have on donor states in their promotion of human security and how it may support the “humanitarian alibi”.

The second section considers the implications of humanitarian actors and donor states relying upon PSCs for their mine action programs in landmine infested states. This newest of humanitarian activities is in fact the one which is the most heavily penetrated by PSCs.² Moreover, information on this phenomenon is relatively accessible because of the current popularity of mine action programs and the unproblematic relationship, at first glance, of humanitarian/PSC interaction in this endeavour. This section documents the human security implications of landmines and then indicates the reasons why humanitarian demining is so penetrated by PSCs. From one standpoint, the section makes the case that given the beneficial effects of a PSC presence in humanitarian demining operations, assessments in terms of good conduct and good governance are quite positive. But, from another standpoint, the section gives a warning. It notes that given humanitarian demining’s people centric and development oriented nature, the image projected by the people employed to do it is also important. This refers to the

human security implications PSCs may have had elsewhere in their global operations and how they might have an impact upon the image of mine action programs. At present, however, in light of the newness of this type of programming and this type of humanitarian/PSC interaction, the section determines that the conditions for both humanitarians and PSCs do not exist to rectify the image issue.

Taken together, these two sections make the case that while not directly inhibiting humanitarian activities that promote human security, the hiring of PSCs raises certain indirect concerns and image issues. Put differently, the analysis reveals that the promotion of human security with the assistance of PSCs may not be assured or uniform in all cases. Tradeoffs and limitations for humanitarians and their activities are apparent.

7.2 PSC Security

7.2.1 Background

Since the close of the Cold War, as the frequency and difficulty of humanitarian operations has increased, so has the number of incidents where humanitarians have been kidnapped, threatened with violence, or killed has increased substantially. In the year 2000 alone, humanitarians were killed or taken hostage in Mozambique, Rwanda, Kosovo, Sudan, Ethiopia, Congo, Angola, Sierra Leone, and Colombia. The United Nations High Commissioner for Refugees (UNHCR), the United Nations High Commission on Human Rights Operations in Rwanda (HRFOR), the International Committee for the Red Cross (ICRC), CARE USA, Caritas, Save the Children, Norwegian Peoples Aid, German Agro Action, Medecins du Monde (MDM), and

Medecins Sans Frontiers (MSF) are just some of the targets in recent years. Specifically, in 1998, the number of civilian United Nations workers killed in the field was, for the first time, more than United Nations military casualties.³ Similarly, one 1998 study even made the telling observation that at that time more Red Cross workers had been killed in action in recent times than US Army personnel.⁴ These findings indicate that all humanitarian organizations, regardless of their operational traditions, mandates, guiding principles, and status as international bodies or NGOs, have been affected.

In the past, protection for humanitarians was seen for the most part in a legal context through the Geneva Conventions: it was the responsibility of the state to watch over humanitarians and their activities. As a result, forces on the ground were more likely to respect the right of aid workers to conduct their operations.⁵ Yet the above findings also make it clear that legal measures no longer suffice on their own. This is because with the breakdown of the Clausewitzian trilogy, conflict is no longer a law-governed enterprise between governments and their armies. Instead, conflict is between peoples, features non-state actors, and it lacks fundamental legal respect for the rights of civilians, non-combatants, and the humanitarian actors responding to their needs. This recognition has been made by those in high levels: Jan Eliasson, the former United Nations Under-Secretary General for Humanitarian Affairs, contends that, “[a]dditional measures for respect of humanitarian aid and for protection of relief personnel are now necessary. The blue ensign of the United Nations and the symbols of the International Red Cross and Red Crescent, and of other relief agencies, no longer provide sufficient protection”.⁶ A similar statement is offered by the United Nations Security Coordinator

(UNSECOORD): "Whereas in the past personnel were assured protection by virtue of their association with the work of the UN, this is no longer the case. On the contrary, personnel are increasingly at risk because of such association".⁷

In this light, the December 1994 adoption by the General Assembly of the Convention on the Security of United Nations and Associated Personnel may not be much help. Although it concerns all humanitarian personnel operating under United Nations authority, regardless of organizational affiliation, and provides another legal avenue, it does not solve the main problem for humanitarians. Many governments and opposition combatants, despite obligations under the United Nations Charter and Geneva Law, cannot or will not provide for the protection of humanitarians.

Reliance upon the services of international PSCs is one of the choices humanitarian actors can make in response to the increasing dangers they face in the field. One PSC service is security awareness and training for humanitarians. Studies have shown that though trends are gradually changing, security-specific training nevertheless has often been the exception rather than the rule for humanitarian organizations. Sean Greenaway and Andrew Harris found that only six percent of the humanitarians they surveyed reported no concerns with security, yet many organizations do not have frameworks to assess risks or make contingency plans. While some have "security" staff members, much of their experience in security practices, techniques, and capabilities is garnered only from earlier operations.⁸ An added complication is that this expertise does not remain, as personnel frequently move on to other responsibilities or retirement. Hence, examples of skills offered for sale to humanitarians by PSCs include threat

assessment, information management, crisis management (kidnapping), contingency planning, convoy operations, evacuation policy, and emergency procedures.⁹

DSL/ArmorGroup, for instance, is well known as a provider of security analyses, audits, and training for a number of humanitarian clients: CARE, Caritas, USAID, GOAL, IRC, and World Vision. The impetus behind this training is that increased competency, level headedness, and prudent assessment are vital for the protection of humanitarians.

More robust forms of humanitarian/PSC interaction see the actual presence of PSC personnel operating alongside humanitarians. One method is to incorporate PSC personnel into the structure of the humanitarian organization in the position of security officers. DSL/ArmorGroup, for instance, provided the UNICEF security officer in Mogadishu, Somalia, and has also provided security officers for United Nations organizations operating in Angola and Sudan. This trend, occurring for the most part in larger organizations due to the overhead costs involved, is spurred on by bureaucratic processes and the need to respond quickly to calls for assistance. As recognized by Anne Paludan, a consultant for World Food Program (WFP), "The budgetary process to allocate security officers is time-consuming and inflexible....The only fast way to deploy security staff, one security officer noted, was through professional security companies".¹⁰ Another form of PSC presence is the use of guards, both armed and unarmed, for humanitarian personnel, compounds, and supplies and/or mobile operations. Up until Lifeguard ended its operations in 2000, this PSC protected World Vision personnel and compounds in Sierra Leone. Note too Southern Cross provides security services for the ICRC, WFP, and UNHCR in Sierra Leone, DSL/ArmorGroup provides security for

United Nations infrastructure and personnel in Kinshasa, Democratic Republic of the Congo, and armed escorts are also now a common ingredient in the operations of WFP and CARE.

Finally, though not a contracted service, humanitarian organizations can rely upon the general calm and stability provided by a PSC operating in a certain area for a state client. Emphasis here is placed on the state because even with the means privatized, the proactive use of violence remains the prerogative of states. In this way, the possibility of a "Mad Max NGO", one with a contracted military wing that establishes and maintains access to those in need, is highly unlikely.¹¹ Nevertheless, humanitarian organizations can benefit from the "top-cover" that allows for humanitarian operations to expand and for humanitarians themselves to operate unmolested.¹² The merits of such a relationship were identified in 2001 at a seminar hosted by Tufts University on humanitarian/PSC interaction: "This would in fact be in accordance with the humanitarian goal of protection of civilian populations and the new 'human security' agenda".¹³ What is more, in the case of EO in Africa, the PSC provided additional services to humanitarians free of cost: communications, intelligence, transport equipment, convoy escorts, the repatriation of child soldiers, and aerial evacuations. For the PSC, interaction with humanitarian organizations in this way helps to increase its stature specifically and the legitimacy of the PSC industry generally. For the humanitarian organization, though it has no contractual links with the PSC, it can take advantage of its presence and willingness to serve.

The actual decision to hire or rely upon an international PSC is a complex and still somewhat controversial process for some humanitarian organizations. The principles, activities, capabilities, risk propensity, and willingness of the humanitarian organization all play a part in this decision.¹⁴ Some organizations wish nothing to do with armed actors, whatever their origin. Complete independence of humanitarian activity is necessary, regardless of the need for protection or problems with delivery, because not only should humanitarianism be non-coercive, it should also not be tied, or perceive to be tied, to another agenda. To interact with armed actors would be to taint the image of humanitarian activity and to counter the principles of the humanitarian ethic: neutrality, impartiality, universality, and humanity. These organizations choose to rely upon the once seemingly sturdy moral rock of the humanitarian ethic and not move on to morally ambiguous ground. This is despite the fact that remaining fixed to this rock no longer necessarily ensures the effectiveness nor the guaranteed longevity of humanitarian activities.

Other organizations are more flexible and pragmatic in terms of relying upon international PSCs. The unique characteristics of each humanitarian organization dictate how they might employ international private security. In fact, the idea of developing jointly agreed upon standards, codes of conduct, or guidelines for use has been eschewed by humanitarians because of the desire to keep the independence and flexibility of individual agencies.¹⁵ Also note that relying on “mercenaries” to facilitate humanitarian operations is sometimes a problematic issue for some humanitarian organizations. This is not because of potential implications in the field, but because of concerns that might

arise from the organization's donor base. This base and even the head office of a humanitarian organization may be unschooled in the nature of PSC operations and do not wish any potential "guilt by association". As identified in 2002 in an International Alert report, "[n]o matter the theoretical label, the potential perception that a humanitarian NGO had hired 'mercenaries' is not a scenario senior NGO leaders want to consider. Such a perception could significantly damage NGO's public images and donor bases as a result".¹⁶ In this regard, when it became known that the Federation of Red Cross and Red Crescent Societies held a security contract with a subsidiary of the PSC Saladin, a so-called mercenary group, the contract was cancelled. But there have also been instances in which humanitarian organizations have denied, despite evidence to the contrary, that they have even sought out advice offered by a PSC.¹⁷ In this vein, Sandline International reports of a dichotomy in NGO operations. Those on the ground are supportive of closer relations while the executive leadership of NGOs remains hesitant and sceptical.¹⁸ *Africa Confidential* in 1996 noted that EO provided security and information to a major international aid agency that has since kept quiet to avoid upsetting its donor base.¹⁹ Other humanitarian organizations have been more inclined to rely on PSCs for less high profile activities such as security training, risk assessment, and evacuation planning. Others still are willing to rely on PSC protection more for their convoy operations than for their fixed assets and compounds recognizable with the organization's flags and insignia.²⁰ Other organizations again are comfortable with openly and visibly relying on PSCs. Indeed, CARE Canada released a document that called for even greater reliance on private security companies in facilitating humanitarian operations.²¹

But in the most basic sense, the decision on whether or not to hire a PSC is also based upon the perception of risk and the belief that if this risk is not mitigated, assistance will not reach those in need. Obviously, an alternative is for the humanitarian organization to cease operations entirely, but this may not be palatable to those in the field or at head office due to the high level of need. If this is the case, PSCs may also need to be considered for the sake of insurance and maintaining the appeal of working for humanitarian organizations.²²

Thus, a PSC presence may be the only way that assistance can get through in dangerous, lawless environments. Even the ICRC, a strong supporter of the humanitarian ethic, recognizes in its *1997 World Disasters Report* that armed actors may play some role in facilitating humanitarian operations.²³ To this end, the ICRC sometimes employs uniformed security guards from PSCs in its operations in Africa.²⁴ In sum, while the mechanics may vary in terms of operational and institutional relationships, PSCs are increasingly playing a role that is deemed to be important for humanitarian operations. As a result, the rapprochement between PSCs and humanitarians, though a relatively new phenomenon, is likely to continue.²⁵

Regardless of the hesitations that may exist at the headquarters level, those in the field have been highly appreciative of a PSC's presence. Many humanitarian workers, for instance, asserted that the end of EO's operations in Africa indirectly brought about the deaths of thousands of civilians.²⁶ This speaks to a number of factors: the calm instilled by EO, the way EO personnel conducted themselves, and the increased reach offered to humanitarian organizations by EO's presence. Speaking of such attributes and

the demand for them, one Canadian aid worker comments that “there are many times when I’ve wished we had a *good quality* mercenary group working with us” (emphasis added).²⁷ To this end, DSL/ArmorGroup, for one, advertises that it adheres to a code of conduct sensitive to the needs of humanitarians.²⁸ As asserted by a DSL/ArmorGroup official, good quality and responsiveness to the demands and needs of humanitarian clients are key for continued operations in the humanitarian field: “We [DSL] see ourselves as an ethical company, and we actively participate in the “corporate citizenship” agenda of our clients....by far the biggest motivating force for regulating our operations is reputation. If we don’t follow the rules, we won’t get hired!”²⁹ Kevin O’Brien deems the impact of PSC activity to be beneficial and asserts that vilification is not appropriate: “most of the international relief agencies working in these same areas...feel that EO secured stability in many of these regions. This is clearly not the philosophy of mercenaries out to earn pay for fighting without concern for the environment into which they are plunged”.³⁰ Similarly, international organizations have assessed Southern Cross’s operations in Sierra Leone and found the PSC to be competent and reliable in its interactions with humanitarians and staffed with “good mercenaries”. At first glance then, the provision of PSC expertise to humanitarian operations would seem in principle to be in line with good conduct and good governance aspects of organized force.

7.2.2 Micro Level: Deterrence

One of the risks humanitarians must appreciate, should they wish to hire a PSC for activities such as guarding or escort convoy, concerns how this might affect the intensity and distribution of violence in the organization's area of operation. From one standpoint, the harm incurred by humanitarian personnel in the post-Cold War environment cannot be explained by simply stating that humanitarians are increasingly being caught in the crossfire. Instead, the threats and the violence can, in a large part, be explained by the political and economic implications of the humanitarians' presence. In some ways, this is not surprising given Mary Anderson's assessment: "Because aid resources represent economic wealth and political power, people engaged in war will always want to control them. It would be odd - even subversive to their cause - if they did not do so".³¹

On the political implications, there is the issue of what Richard Betts terms "the delusion of impartial intervention".³² Even if the humanitarians' actions are based on need and are provided in an impartial manner, humanitarians are nevertheless often seen by parties on the ground as partial and having political effects. These effects can be as simple as the morale-boosting effects of humanitarian activities. In other words, the task of alleviating suffering inevitably involves political consequences when suffering has political roots.³³

On the economic implications, humanitarian organizations bring with them money, equipment, and food such that their relative "richness" makes them vulnerable in unstable, poverty-stricken environments. When faced with aggressive armed actors,

humanitarian personnel frequently must pay “tolls”, “bribes”, or “tributes” in the form of cash, fuel, food, or equipment in order to facilitate access to certain areas or to maintain their operations. Wealth garnered through these methods or through the attacking and robbing of humanitarian organizations not only diverts assistance from those in need, it also serves the economic agendas of various armed actors such as warlords or militias. Alternatively, humanitarians may unwittingly upset existing economic structures through their provision of assistance, thus leading to threats and intimidation.

Politics and economics may in fact come together as resources accrued through theft may be provided to combatants, thus further perpetuating violence and eroding human security. Indeed, the division between politics and economics is hard to make. One finding is that approximately 75 percent of the security dangers American NGO personnel face are related to banditry, but that criminal activity is frequently imbued with political motivations. Individuals frequently serve both political and criminal causes, thus making these difficult, if not impossible, to separate.³⁴ But whatever the motivation, it is clear that attacks on humanitarian organizations are determined by what the organizations represent and what they possess.

The protection and deterrence offered by PSCs may simply up the ante. The use of PSCs by humanitarians is seen as a shift away from the traditional “acceptance model” towards security. The acceptance model is defined by Van Brabant as “the attempt to remove the threat or have local actors control the threat on your behalf by getting their more or less formal consent and acceptance for your presence and your work”.³⁵ Protection for humanitarians and their activities is facilitated through social

relationships, the development of trust, and a hearts and minds approach.³⁶ As the “best practices” school argues, the alternative of relying upon protective procedures and armed actors sends the wrong signal; it affects the image of humanitarianism, hinders the solidarity humanitarians are meant to have with those in need, and contributes to a “war culture”.³⁷ However, given the suffering inflicted upon humanitarians and a lack of respect for their prerogatives, this approach too obviously has its limitations.

But the arrival of a PSC may not lessen the political significance of a humanitarian presence nor may it reduce the material value of what humanitarians have to offer. The fear, therefore, is that humanitarian organizations will become more of a target rather than less. The adverse effect is that violence will be more readily and more harshly used by those who seek to prey upon humanitarians. PSCs, for their part, might respond in kind. DSL/ArmorGroup, for instance, indicates that most of its personnel do not have ready access to firearms. However, firms can quickly counter more aggressive moves. DSL/ArmorGroup in Uganda deploys mobile Quick Response Forces (QRF) armed with shotguns and International Alert indicates that it is not uncommon for PSCs to employ equipment ranging from rocket launchers to armoured cars.³⁸ A potential end result is that the use of PSC protection increases the scale of violence, thus affecting the freedom from fear of those people the humanitarians want to assist. Additionally, the violence may rise to such a level that the humanitarian organization decides that it must pull out of an area, thus affecting the ability of those in need to enjoy at least some aspects of the freedom from want.

From a second standpoint, violence may be heightened not only because of what the humanitarians represent or have to offer, but due to the nature of other PSC operations. A PSC's links with another clients in the country of operations may unduly draw further violence towards humanitarians. While PSCs may operate solely for humanitarians, it is more often the case that they will have other clients in order to achieve an economy of scale. As recognized by the participants in the Tufts seminar, "some apparently bonafide private security companies...may provide services of a more military nature to other clients whilst at the same time working for aid agencies".³⁹ In the case of Lifeguard, it did become involved in firefights with the RUF while guarding diamond mines. At the same time Lifeguard was providing assistance to the United Nations and other humanitarian organizations.⁴⁰ Though this situation did not produce any known repercussions for humanitarians or their operations, it is clear that activities perceived as relatively unproblematic can instead have a substantial effect on the larger political/military environment.⁴¹

Similarly, from a third standpoint, humanitarian organizations may be threatened when relying on the top-cover provided by a PSC or forming a contractual relationship with a firm working for a government. On the one hand, it has been noted that, "[t]he principled, targeted, measured and accountable use of force to obtain compliance with basic international standards and norms which exist for the public good, may enhance acceptance among the population at large".⁴² On the other hand, as documented earlier in this study, the tasks to which PSCs are put do not always feature outcomes that serve the general good. Instead, humanitarian/PSC interaction may prevent a humanitarian

organization from operating in areas not in the control of the PSC due to the perception of partiality; indeed, the humanitarian organization may be specifically targeted because of such interaction. Yves Sandoz, the Director of International Law and Communication of the ICRC, has appropriately suggested caution before interacting with PSCs: "it might be delicate to have a contractual relation with a company which is actively engaged on the side of a party to a conflict".⁴³ For instance in the past, in addition to its humanitarian clients, Southern Cross held a contract with the government of Sierra Leone for fisheries protection. Corporate links may also make this situation even more delicate. Take again the example of Lifeguard. Some of Lifeguard's personnel became employees of the firm when EO left Sierra Leone. The fear here is that guilt by association will prevent humanitarians from promoting the freedoms from fear and want of those in need.

In summary, humanitarians need to be fully aware of the fact that though PSC provided deterrence may work, the potential exists for the opposite to occur because the value of what humanitarians have to offer is in no way lessened by a PSC presence. This is in line with conclusions made by others regarding humanitarians relying on armed protection whatever its origins: "There is not consensus concerning whether the use of armed protection is appropriate as a deterrent strategy for NGOs, and if so in what circumstances".⁴⁴ But deterrence may also be problematic due to the specific attributes of the PSC. Due to its contractual relationships with other clients and its links with other firms, a PSC may unwittingly direct violence towards their humanitarian clients and/or hamper their ability to provide for those in need.

Obviously, where humanitarians do not face substantial threats, the acceptance strategy should be followed and a PSC presence is not required. Reliance on a PSC, when needed, would seem to provide humanitarians with a degree of flexibility to ensure the continuation of operations. Thus, with respect to direct concerns, PSCs would seem to promote positive characteristics of good conduct and good governance. However, with respect to indirect aspects, concerns do exist. Clearly then, humanitarians operate in a complex environment, a factor that contributes to the risks they face. The hiring of PSCs is not a panacea for humanitarians.

7.2.3 Micro Level: Conflict Dynamics/Privatization of Security

Another matter humanitarians should weigh in their decision to hire a PSC is the impact it may have upon conflict dynamics and the privatization of security in their country of operations. At first glance it is clear that reliance upon an international PSC seemingly mitigates some of the problems in turning to local solutions. As international actors, PSCs would seem to provide a level of quality assuredness potentially not available in the domestic marketplace. Their presence, top-cover excluded, would not seem to be linked directly to the various sides and combatants in the field.

Somalia in the early 1990s is the oft-cited example of the problems of relying upon indigenous actors for security. Before the arrival of the Unified Task Force (UNITAF), many humanitarian organizations chose to rely on local "technicals" from warring clans rather than pull out. This situation was, in fact, a protection racket where NGOs paid the technicals, usually young men in machine gun laden pick-ups or

“battlewagons”, *not* to steal relief food and medicine. Even then, theft and extraction by the “protectors” continued; over 50 percent of the food aid entering Mogadishu in 1992 was looted.⁴⁵ Because the pay was high, the number of technicals quickly multiplied. Moreover, the problems posed by reliance on local resources goes beyond issues pertaining directly to theft or graft. As recognized by Mary Anderson and Stephen Kinloch, reliance on such actors also leads to the indirect financing of factions in conflict and the further militarization of the citizenry.⁴⁶ It also potentially implicated humanitarian organizations with extreme violence or human rights violations attributed to their hired protection. In Somalia, humanitarians were caught between a rock and a hard place.

Factors such as these ostensibly make the PSC a more attractive option. Note, however, that as in the case of the force multiplier approach, PSCs providing security for humanitarians also rely on “local” capacity. While most PSCs have foreign nationals in the managerial positions in the field, recruitment in the country of operations is necessary. For PSCs providing such security, the ratio of foreign nationals to local employees is determined by such factors as the level of risk, the size of the contract, the wishes of the client, and whether or not training of the local workforce is required.⁴⁷ Lifeguard, for instance, had managerial staff from South Africa, the United Kingdom, and the United States, but the bulk of its employees were Sierra Leonean. In the case of Lifeguard, the ratio was anywhere from three to fifteen local employees to every foreign national. Similar operations of DSL/ArmorGroup for seven different United Nations bodies in Afghanistan, Rwanda, Somalia, Sudan, and Tanzania also relied on local

manpower and expertise. While the PSC may be foreign in origin, it does have very indigenous attributes.

Therefore, the issues humanitarians must ponder are twofold. First, one must ask the degree to which such connections help to feed into the conflict. It might prove to be a difficult if not impossible task for the PSC to ensure that its local personnel have no links to the different sides in any given hostility.⁴⁸ Money paid by humanitarians for PSC services may nevertheless end up providing for those who contribute to the violence. Likewise, such links could again attract violence towards humanitarian operations. Reliance on PSC services, therefore, may not provide the humanitarian organization with a useful degree of separation from the different parties in the field and their political and economic aims.

The second issue or tradeoff to contemplate concerns the implications of the privatization of the security in the country of operations. The fact that humanitarians need protection speaks to the point that states, though charged by international law to ensure the safety of humanitarians, have, either by choice or due to lack of ability, given up this responsibility. If the former, the hiring of private security makes the negation of this responsibility move from *de facto* to the *de jure*. A humanitarian/PSC relationship may indirectly reinforce a process in which governments increasingly do not exercise responsibilities that contribute to the freedoms from fear and want of their populations. Indeed, the mere presence of humanitarians shows that events are potentially travelling down that path. As well, taking this responsibility out of the hands of the state allows for other resources and capabilities to be directed towards other potentially negative

endeavours for human security such as selfish resource exploitation or fighting.

If the latter issue, entailing that states do not have the ability to protect humanitarians, one must contemplate what the potential human security impact might be upon those in need. One must ask, as Van Brabant does, “are you [the humanitarian organization] contributing to the privatization of security, whereby those who are able to pay can buy security while others have to live in fear, or are you contributing to increased wider, public security?”⁴⁹ Certainly, one can, as Van Brabant does, try to rationalize the situation. One can reason that as the provision of security is normally the responsibility of the state and funded by taxes, paying for security services when the state is no longer making this provision and tax collection is minimal is appropriate.⁵⁰ But in the end, while they may not be unsympathetic to humanitarian endeavours, PSCs serve a profit-making rather than humanitarian purpose. Their services are, in the first instance, offered to those who can afford them. As bluntly stated by an EO official, “[w]e are a commercial venture. We are not an aid agency”.⁵¹ Humanitarian/PSC interaction obviously then marks a distinguishing characteristic between humanitarians and those in need. Moreover, as PSCs may draw people away from the public-security sector to work as indigenous employees, this reduces the capacity and the skill base of the state. The state’s ability to provide for the security of all is lessened. Alternatively then, if money is to be spent on security, it is an open issue whether or not the security of all might be better ensured through the development of local capabilities.⁵² While such a development might hamper the perceptions of humanitarian impartiality, it might also better contribute to the long term development of public capacity. One must weigh the

value of what humanitarians provide with the implications stemming from the security arrangements and meant to ensure its provision.

7.2.4 Macro Level Considerations

A noted trend is that the provision of humanitarian assistance is becoming privatized.⁵³ Donor states are increasingly not providing assistance directly, but are instead providing money to international organizations and NGOs. International organizations, for their part, are also “subcontracting” NGOs to carry out their endeavours.⁵⁴ Duffield notes how the current provision of international relief is representative of internal functions of governance in the developed world: “External humanitarian aid is...concerned with the changing role of governments and the increasing importance of subcontracting public functions to private or non-governmental organisations”.⁵⁵ The nature of this relationship is such that one can speak of a “relief industry”.⁵⁶ In 1994, for instance, assessments of this “industry” report that NGOs alone received US\$8 billion in public funding for their work.⁵⁷ Another study found that between 1990-94, upwards of 67 percent of European Union funding for relief operations was administered by NGOs.⁵⁸ Put differently, by the late 1990s, public sector funding of humanitarian NGO budgets had increased on average from the 1970 level of 1.5 percent to 40 percent.⁵⁹

As for PSCs, they too fit into this subcontracting of humanitarianism from donors to implementors. As asserted by James Fennell, a former CARE UK worker and now a managing director of DSL/ArmorGroup: “[t]he increasing role of commercial security

companies may be viewed in a similar vein to the increased policy and technical input of NGOs over the past two decades to the provision of official relief and development assistance to Southern nations".⁶⁰ But this increased output does come with some problems for humanitarian actors that wish to maintain some degree of independence. As Duffield identifies, "[t]he growth of official funding channelled through NGOs, reinforced by the high cost of relief work has given donors a significant measure of influence".⁶¹ When it comes specifically to the issue of PSC services, some humanitarian organizations, after wrestling with their mandates and the particular needs that must be addressed, turn on their own volition to the PSC marketplace. Other humanitarian actors, however, find themselves pushed towards this direction. Some reports indicate "friendly pressure" is placed by donor states upon humanitarians to develop security policies, practices, and competences.⁶² Other reports, however, are even more forceful. Donor governments are so keen to get their assistance through that they are pushing humanitarian actors to use PSC services.⁶³

At the macro level, however, the problematic aspect of this approach is that the humanitarian/PSC relationship, as currently managed and employed, may reinforce indirectly negative attributes in terms of good governance. On the one hand, if one puts micro issues aside for the moment and assumes that PSCs are effective in deterring violence, any resulting decrease in the loss of life amongst humanitarians should doubtlessly be commended. Humanitarians will be able to continue their operations and help to instill the freedom from want for those in need. On the other hand, humanitarian/PSC interaction may entrench the practice of treating humanitarianism as a

“humanitarian alibi”, activity performed that avoids essential political measures made by states.⁶⁴ In similar ways, analysts have referred to humanitarianism as a mobilizing myth,⁶⁵ as a substitute for a political response,⁶⁶ as an easy way out,⁶⁷ and as a palliative and a veil for inaction.⁶⁸ Succinctly put by Diane Paul, “[r]elief organisations are increasingly being drawn into situations where assistance activities are not sufficiently supported by efforts to resolve the conflict”.⁶⁹

In light of current conditions and practices of PSCs, this is problematic for human security on three accounts that are interrelated and deal with political and military matters. First, it is clear that for human security to be promoted, humanitarian activities must occur alongside a conflict-resolution, peace enforcement, and peacebuilding activities. Indeed, this is a bit of a shift. It was not until the early 1990s, for instance, that the word “humanitarian” began to appear in United Nations Security Council resolutions in any great frequency.⁷⁰ Obviously, this shift produces a somewhat uncomfortable situation for humanitarians given their desire for impartiality and independence. But it is a needed one if the causes which instigate and perpetuate the suffering humanitarians respond to are to be addressed. As Thomas Weiss suggests, “there is no longer any need to ask whether politics and humanitarian action intersect. The real question is how this intersection can be managed to ensure more humanized politics and more effective humanitarian action”.⁷¹ However, if the alibi holds true, donors are only facilitating half measures. Humanitarian organizations, with their PSC protection, seem to be tasked with the responsibility of taking the lead in settling conflicts, a task which they are largely ill-suited to complete independently.⁷² They have

neither the means, mandate, or necessary organization.⁷³ The continuance of “unscathed” humanitarianism allows this approach to be a holding pattern in lieu of a strategy that more assertively and progressively promotes human security.

Second, such a conflict-resolution strategy is needed to mitigate quickly the known negative effects of humanitarian activity at the micro level. Indeed, there are many problems associated with humanitarian assistance that a PSC presence cannot remedy: it can free up resources for fighting and thus prolong fighting, it can be diverted to other causes after delivery, it can legitimize unsavoury actors, it can destroy local economic activities, it can depopulate areas, and it can cause struggle amongst locals.⁷⁴ Certainly, the best practices school has mounted endeavours to counter such problems, but there are limits as to how far humanitarians can ensure that their operations “do no harm”.⁷⁵ As David Rieff contends, dire consequences remain: “[D]espite the best intentions of aid workers, and at times because of them, they become logisticians in the war efforts of warlords, fundamentalists, gangsters, and ethnic cleansers”.⁷⁶ To mitigate the “dark side” of humanitarian activity, a characteristic described by Sir Alan Munro, the Vice-Chairman of the British Red Cross Society, the presence of a broader political strategy is necessary.⁷⁷

The third issue concerns the actual protection of civilians and ensuring they enjoy a freedom from fear. The facilitating of this necessary protection must be two-pronged. It must have both a substantial political component leading to conflict resolution and a military component with the necessary means and mandate to ensure the protection of civilians. Humanitarian organizations, for their part, can engage in practices that in some

ways ensure the protection of civilians, but they are limited in their capabilities.⁷⁸ For Sadako Ogata, the former United Nations High Commissioner for Refugees (UNHCR), “‘Soft measures’ alone, such as international presence through humanitarian agencies, are essential, but may not always be sufficient...The security of people must not only be ensured but also be sustained”.⁷⁹ Statements such as this point to the fact that while humanitarian organizations might have certain means at their disposal and conduct certain functions, the one thing they cannot do is provide physical security consistently and on a wide scale to those in need. This is a political issue for others with the necessary means and authority.⁸⁰

Such a provision is crucial given that civilian casualties are no longer the unfortunate side-effect of conflict; they are too often the intended effect. This is seen in the increased percentage of civilian casualties in current conflicts, in the numbers of refugees and internally displaced persons produced, and in the conduct and goals of many actors. In this respect, the words of Adam Roberts tell of the humane need for protection: “It is clearly an illusion to suppose that force and humanitarianism exist in two separate and entirely distinct spheres. Protection is properly seen not as an occasional add-on to humanitarian relief supplies, but as a key aspect of the international community’s response to wars and crises”.⁸¹ Even PSC personnel recognize the need to provide physical security in a way that both protects and remedies. Fennell of DSL/ArmorGroup argues, “[w]here humanitarian distress..... [is] the direct [product] of a denial of political and human rights and freedoms rather than the consequence of a perceived structural or technical resource deficit, a political model of protection-

development linkages is more likely to be of use than a relief-development continuum".⁸²

An even stronger assertion is made by David Bryer, a director of the humanitarian NGO Oxfam: "[civilian] protection from violence is more vital than humanitarian relief".⁸³

Expense in blood, treasure, and political capital may be needed to ensure this protection, elements that are not always forthcoming. Due to the lack of desire of states to take the necessary risks or to apply the appropriate resources, mandates are often rooted, in United Nations terms, in Chapter Six authorizations rather than the more robust Chapter Seven authorizations which permit the proactive use of force to protect. As such, Chapter Six authorizations are tied only to the protection and delivery of humanitarian assistance, not to the protection of those civilians in need. Additionally, for Chapter Six and Seven authorizations alike, there is often a deficit between the requirements to carry out the mandate and the actual qualitative and quantitative characteristics of the international force present. An example like the United Nations Protection Force in the Former Yugoslavia (UNPROFOR), and especially in specific cases like the failure of "safe havens" such as Srebrenica, reveal that the means and political will may be limited. A case like the United Nations Assistance Mission for Rwanda (UNAMIR) and its withdrawal in the midst of the Rwandan genocide reveals that these means and will might not be available at all. Sending only unprotected and unassisted humanitarians, as noted by Paul, is an alternative to such military activities: "The reluctance of governments to address the physical security of civilians under threat places unarmed participants in humanitarian...missions on the front lines as the first and perhaps only line of defence for civilians".⁸⁴ Of the major conflicts in the world,

peacekeepers provided by the United Nations or NATO are in only one third of them while humanitarians are in most.⁸⁵ This point too has been recognized by international organizations. As the Under Secretary General for Humanitarian Affairs, Sergio Vieira de Mello, contends, states often do not seem “averse to letting humanitarian staff go where they dare not send their...invariably better equipped, better trained and better protected [troops]”.⁸⁶

The difficult irony that humanitarians face is that while they are able to provide food aid, what people need most, what makes them the “needy”, is that they do not feel physically safe. The assertion, made by Paul and others is that the provision of relief becomes the mask for inaction:

While feeding the hungry and treating the wounded and displaced can be seen as a protection activity, attending to those needs when there is insufficient attention to the need for physical security from direct or indirect attack misses the mark. What are protection failures are mis-defined as humanitarian crises, despite the fact that the term humanitarian includes the humane and dignified treatment of people, is often interpreted to mean assistance in the form of food, shelter, and healthcare. This shifts focus away from the real problem that which both causes the need for these services and cannot possibly be addressed through the distribution of relief supplies.⁸⁷

Humanitarians, in their desire to help those in need, tend to those individuals in the ways they know how.⁸⁸ This surely is intended to make life easier for those people. But in doing so, primary needs are not always addressed, and moreover, it serves as a cover for inaction in the promotion of human security.

To date, PSCs have not been employed in such a way that the provision of physical security for people in need is of the first order. While top-cover does allow

some civilians to enjoy freedom from fear, it is not a service contracted by the humanitarian community. As for PSC guarding, it is directed at humanitarians only. Thus, PSCs, micro issues aside, are only employed to ensure a humanitarian presence, not a humane solution.

What is more, on only one publicized occasion has the use of a PSC been contemplated for a civilian protection operation, and on a small scale at that. In the mid-1990s, the UNHCR along with the United Nations Department for Peacekeeping Operations considered using DSL to provide security and to disarm Hutu militants in the refugee camps in Zaire, thus providing people with a sense of personal safety. DSL recognized the issues of minimal capacity and political will made the use of their services appealing. As described by General Sir David Ramsbotham, International Director of DSL, "one of the problems that my former military colleagues face is the inability to produce the sort of people that the UN want in the numbers that they want to do the task...More and more they are turning to private security to produce the sort of support particularly...for activities such as convoy protection and protection of camps of refugees".⁸⁹ But in the end, the idea of employing DSL was turned down for political and financial reasons. Members of Mobutu Sese Seko's Presidential Guard were hired in its place.⁹⁰ While hiring DSL would have produced better trained and managed personnel for the task at hand, it is nevertheless crucial to note that the nature of the operation was not meant to provide wide-scale protection. Moreover, it would not have had a political impetus behind it; commentators have noted that the camp strategy supported by the United Nations Security Council only served as band aid solution to the ills of the

region.⁹¹ DSL's presence, in the big picture, would only have served as an alibi for more substantive action and international cooperation.

7.3 Private Security Companies and Humanitarian Demining

7.3.1 Landmines - A Human Security Threat

The implications of the 60-100 million landmines that remain in the ground today are indeed dire in terms of human security.⁹² While it is thought by some that landmines can be used for strategic military purposes, this thinking is based upon the assumptions that landmines are planted exclusively for military purposes, not in a haphazard manner, and that they are removed upon the termination of a conflict.⁹³ Instead, landmines more often pose a direct infringement upon the freedom from fear. Not only are they frequently planted haphazardly, they are usually not removed promptly, if at all, from former conflict zones, and moreover, evidence suggests that they are purposely planted to terrorize and harm non-combatants. These weapons pose a twofold violation of humanitarian principles: they generally are purposely directed against civilians and, by the sheer nature of their design, they cannot discriminate between combatants and non-combatants. This double detriment posed by landmines to human security is professed by the NGOs Human Rights Watch and Physicians for Human Rights: "Landmines are blind weapons that cannot distinguish between the foot fall of a soldier and that of an old woman gathering firewood. They recognize no ceasefire and, long after the fighting has stopped, they can maim or kill the children and grandchildren of the soldiers who laid them".⁹⁴

Statistical determinations of those who do not enjoy a freedom from fear in this regard are difficult to make. On the one hand, United Nations statistics find that mines kill or injure 2,000 people a month; similarly the ICRC estimates that on an annual basis approximately 26,000 civilians fall victim to landmines.⁹⁵ On the other hand, a great many more are gripped by the anxiety that they or their family and friends will add to this grim statistic. In this vein, the actual number of landmines planted in the ground may be irrelevant; the mere threat of the presence of landmines can instigate fear amongst civilians. In one particular instance in Mozambique, a village was deserted for four years due to the fear of mines; when the area was finally surveyed and searched, only four mines were found.⁹⁶ In the end, what is clear is that landmines have an impact upon the individual's freedom from fear both during and after a conflict, thus making them for some the world's most long lasting and lethal form of pollution.⁹⁷

This form of pollution also inhibits those in polluted areas from enjoying a freedom from want. This negative impact is felt in three ways. First, the presence of landmines prevents people from making the most of opportunities presented to them. Landmines limit the ability to sow fields or harvest crops or use wells and irrigation systems, thus advancing famine or having a negative impact upon nutrition. Similarly, they restrict the ability to keep livestock. The mining of roads and other transportation routes limits one's ability to engage fully in socio-economic endeavours. Refugees and internally displaced persons also cannot return home due to the presence of landmines. Children who are in their home communities are often prevented from attending school. These points are summed up in one study covering Afghanistan, Bosnia, Cambodia, and

Mozambique, all heavily mined countries, that found that in some cases, upwards of 87 percent of households saw their daily activities affected by the presence of landmines.⁹⁸ Second, landmines limit the ability of those outside of mined areas to reach those in need or to provide them with services and material. Relief often cannot get through, medical programs such as immunizations cannot be established, and economic investment in mined areas is frequently avoided to the detriment of reducing unemployment. Finally, in a third and related way, landmines impinge upon the individual's freedom from want by posing a barrier to peacebuilding activities. Landmines prevent the spread of a new government's presence, whether it be in terms of services or access to the ballot box, they affect demobilization and reintegration schemes, and they alter the patterns of production and transportation. Landmines, therefore, hinder an individual's freedom from want as they prevent and may even reverse post-conflict political and societal rejuvenation and rehabilitation.⁹⁹

7.3.2 The Private Response:

As Chris Horwood rightly notes, humanitarian demining is a relatively new humanitarian endeavour. Less than a generation ago, there were no agencies dedicated to the clearance of landmines, the United Nations did not have a particular competency in the issue nor a department responsible for it, and NGOs were not keen on involving themselves in what seemed to be a purely military issue.¹⁰⁰ In contrast, in the present day, mine action is a popular and substantially funded high exposure activity pushed to the fore by celebrities like the late Diana Princess of Wales and by the December 1997

creation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (the Ottawa Convention). In addition to the United Nations Mine Action Service (UNMAS), which is responsible for the strategic management and coordination of all of the world body's demining activities, at least nine different permanent United Nations and affiliated organizations engage in this well-funded, high profile, and high visibility activity. Several temporary ventures, like specific United Nations peace operations, are also involved. Similarly, many more humanitarian NGOs now either deal solely in mine action, such as HALO Trust, or engage in this task as part of their regular operations such as CARE International. In short, mine action has become a key endeavour for those in the humanitarian community of international organizations and NGOs.

Accompanying these humanitarian actors in mine action have been for-profit actors. These firms have occupied a prominent place in mine action because of their expertise in landmines and technical advancements and/or because of their military training. The Mine Action Information Centre based at James Madison University lists over 109 companies involved in demining in some way. Horwood counts 68 of them as engaged in technical research with the rest are more consistently involved in the removal of landmines in the field.¹⁰¹ Of these companies, ten, mostly from South Africa, the United States, or the United Kingdom, operate overseas and thus could be called international PSCs. Some of the more better known PSCs are RONCO Consulting, Mine-Tech International, and the ArmorGroup family of firms.

Indeed, the presence of for-profit entities is not surprising given the lucrative nature of the endeavour. The first major demining operation in the post-Cold War era came with the end of the Gulf War; contracts held by private companies had a value of US\$700 million.¹⁰² This is just the tip of the iceberg as the total cost for removing landmines worldwide could well exceed US\$33 billion.¹⁰³ Furthermore, the demand for and the urgency of demining raised by the Ottawa Convention contributes to the growth of commercial activities.¹⁰⁴ This is because the convention, accompanied by its surrounding publicity, was the first ever instance whereby a whole category of conventional weapons, ones that were used widely throughout the world, was outlawed. Strategic research performed by Frost & Sullivan found that mine countermeasures generated global revenues of US\$397.8 million in 1999, an increase of 17.4 percent from 1998.¹⁰⁵ Publicity combined with the sheer size of the task will make the removal of landmines well paying long into the future.

But the lucrative nature of the activity is only one reason to explain the substantial presence of private for profit actors. There is a rough division of labour between for-profit deminers, humanitarians, and state militaries developed earlier by functional matters and reinforced by specialization. In the early 1990s, the humanitarian community did not have the organization nor the capacity to conduct mine action on a large scale. Similarly, while there were some exceptions, militaries of the developed world were generally not tasked to perform humanitarian activities of this nature. Hence, companies staffed mostly with retired military personnel were able to fill the void and have kept their place in the "industry".¹⁰⁶ While there are several humanitarian

organizations that deal exclusively in mine action, it must be recognized that this covers a wide range of activity: advocacy, mine awareness, victims' assistance, infrastructure and societal reconstruction, and the humanitarian demining itself. Only four major NGOs, HALO Trust, Handicap International, Mines Advisory Group, and Norwegian People's Aid, actually concern themselves with the physical removal of landmines or other unexploded ordinance. This leaves plenty of opportunities for many for-profit actors as other humanitarian organizations or donor states themselves hire firms to conduct the demining. RONCO Consulting, for instance, is the selected contractor for the U.S. State Department's demining programs and a similar distinction is bestowed upon DSL/ArmorGroup by the United Kingdom's DFID.¹⁰⁷ The rough division of labour sees firms conducting large scale demining in and around affected areas while NGOs and others conduct some demining, but generally they concern themselves with educational and rehabilitation tasks and interacting more directly with the populations in need.

But the division of labour is described as rough because PSCs often offer services similar to those provided by the humanitarians. Mine-Tech, for instance, works in such fields as mine awareness training and the development of local capacity. Indeed, Mine-Tech advertises what it calls "Integrated Humanitarian Demining", an approach that includes some of the aspects of mine action. Several points are included in this approach:

- Communities resident in affected areas are key players, able to provide vital information on the mine and UXO [unexploded ordinance] threat. They must be regarded as participants in the clearance process, and not as mere onlookers.

- Humanitarian mine clearance cannot merely be regarded as a stand-alone, purely technical activity. In many projects, it is inextricably linked to the activities of relief through to development.
- Synergies between the activities of the development organisation and the mine clearance organisation need to be identified and maximised to enable improved efficiency.
- Skills available, or often available, within mine clearance teams can be applied to assist projects (i.e., supervision of limited road opening work on a food for work basis by local communities, medical support available within mine clearance teams, expedient bridging capabilities, etc.)¹⁰⁸

In a similar way, ArmorGroup also advertises its mine action services as “integrated” by including such activities as socio-economic analyses of mine affected areas, mine awareness training, and community relations support.¹⁰⁹

The effects of this blurring divide are twofold. First, as suggested by Ann Fitz-Gerald and Derrick J. Neal, humanitarian and for-profit mine activity are becoming one and the same. The actual demining conducted by PSCs facilitates the humanitarian operations of organizations, and firms themselves are often involved in people-to-people interactions. Fitz-Gerald and Neal contend that “an effective commercial company serving in a humanitarian capacity will cater to the needs of the donors, the host government, the local communities, the broader humanitarian community and its corporate shareholders”.¹¹⁰ Second, PSCs that offer mine action capabilities can now directly compete with humanitarian organizations for donor funding. With donors increasingly looking towards cost-effective strategies to counter the scourge of landmines, strategies that humanitarian organizations have not always followed, PSCs with their business acumen are in good stead. Horwood notes that demining is no longer a quasi-military issue, but instead is one that is conducted by humanitarians to serve the

interests of the vulnerable.¹¹¹ It is also the case, however, that humanitarian organizations themselves do not have a monopoly over all things “humanitarian” with respect to mine action.

7.3.3 Humanitarian Demining and Good Conduct

PSCs that work in mine action fare quite well when assessed in terms of good conduct. One clear way this can be assessed is through direct results which PSCs are proud of and readily advertise. Over the past decade, for instance, Mine-Tech completed 127 contracts on behalf of governments, international organizations, and other clients. These contracts saw the clearance of 116,000,000 square metres of land with the removal and destruction of 1418 anti-tank mines, 12,035 anti-personnel mines, and 138,762 pieces of unexploded ordinance.¹¹² That is a good advertisement.

Obviously, one prominent concern applicable to good conduct is that in the desire to make a profit and when faced with time pressures, for-profit actors may shirk their responsibilities. For some, this is an acute issue as the humanitarian demining industry, while considerable, is also as a whole immature.¹¹³ For instance, private deminers often do not have sufficient expertise and oversight is lacking in the field. In the case of Bosnia, while demining activities by the entity armies are monitored by NATO peacekeepers, the activities of private firms have not been awarded the same vigilance. The result has been the questionable quality and reliability of the work performed. But these criticisms are more often levelled at indigenous demining companies that have sprung up in post-conflict situations rather than at international PSCs. Additionally,

these criticisms can be avoided through the stringent writing and enforcement of contracts and the detracting nature of a poor reputation. A good reputation is one of the reasons why the US Department of State and DFID have close relationships with PSCs involved in mine action. It is also the reason firms such as Mine-Tech continue to win large contracts. In April 2002, it beat out several other companies to win the US\$10 million contract bankrolled by the United Arab Emirates to demine an area near the Lebanese-Israeli border some 30 kilometres wide and 15 kilometres deep.¹¹⁴ Finally, it does not appear that “shirking” amongst for-profit actors, international PSCs or indigenous firms, is wide spread. Studies have concluded that though firms have missed landmines in their operations, this also holds true for NGOs and other deminers. There is no particular prevalence of mistakes or errors amongst firms when compared to other actors.¹¹⁵ This translates into substantial areas being cleared with a high level of quality assurance given the comparative advantage firms have in demining large areas successfully and efficiently.

This comparative advantage is made plain in the standards pursued by PSCs. Demining performed by military actors, for instance, does not adhere to humanitarian requirements. As suggested by Horwood, “[m]ilitary clearance is a response isolated from the lives and futures of affected societies, taking no account of the change in nature (in effect) of the landmine following the transition from war to peace”.¹¹⁶ The removal of landmines, in the humanitarian context, goes further than military demining, otherwise known as “operational mine clearance” or “breaching”. While breaching need not ensure 100 percent removal, 100 percent clearance is demanded for humanitarian demining

because populations must have confidence that cleared areas are safe. Thus the strictures under which PSCs operate are set to humanitarian standards: 100 percent clearance rate to a depth of 200 millimetres with a confidence rate of 99.6 percent. Moreover, PSCs are sensitive to humanitarian timetables. In the case of the Bosnia at the end of the conflict, the United Nations estimated that over 300 square kilometres posed a definite landmine threat while an additional 200 square kilometres were potential risks. Though NATO-led forces, then and now, both perform demining and oversee the demining operations performed by the entity armies, the priorities have frequently not met humanitarian standards or timetables. By mid-1997, only one percent of the estimated number of landmines planted had been cleared. Moreover, these removed landmines were only those which directly threatened NATO forces.¹¹⁷ Also, military timetables were short-term and demanding of a quick exit strategy. The Dayton Peace Accord indicated that all landmines were to be removed within 30 days of the start of the NATO mission, an impossible task for sure. To counter problems such as these, the United States Army Engineer School's Countermine Training Support Center, for instance, opened in April 1996 its Humanitarian Demining Training Support Center at Fort Leonard Wood, Missouri. This institution's goals go further than the development of capacity in military operations to differentiate between military and humanitarian demining and to interaction with NGOs.¹¹⁸ But while militaries have begun to sensitize themselves to humanitarian demands and have changed some of their procedures given the prevalence and the high profile nature of mine action, militaries lag behind the stature and presence of PSCs in the activity.

PSCs' positive assessment in terms of good conduct is also due to their reliance on new technologies and expert skills frequently not utilized by others. Deminers for NGOs or indigenous actors often only employ manual methods for clearing mines. In some cases this is because of an NGOs desire to interact more with the local inhabitants, an approach which on the downside limits the size of the areas cleared and the speed with which it is done, thus slowing the return to "normal" life. Note that for one contract in Angola, a firm used machines and dog teams, in addition to manual methods, to clear 38 kilometres per day. The sole use of manual methods by NGOs would have taken days or even weeks to clear a single kilometre.¹¹⁹ In other cases, the minimal education levels of many indigenous deminers make it unlikely that they all will be able to use new tools effectively. Furthermore, the accident rate is often high amongst indigenous deminers and the quality of the demining poor; many people are not able to develop a sense of confidence critical to the success of mine action programing.¹²⁰ Finally, given the urgency of the situation in many affected areas, manual techniques are not enough.¹²¹ Estimates indicate that a fifty-fold increase in capacity using these methods would require the deployment of 170,000-200,000 deminers worldwide, a virtually impossible task.¹²²

While they do employ some manual techniques, PSCs are experts in the use of modern technologies and procedures to support their demining contracts, a factor which has led to their global stature. The use of mechanical clearance systems, trained mine detection dog teams, and even underwater removal methods is not uncommon.¹²³ The experience is that reliance on these skills and methods improves demining operations in

several ways: through increased speed, better cost-effectiveness, a higher standard of quality, and a greater degree of safety for the deminers themselves.¹²⁴ Hence, for reasons such as these, PSCs such as RONCO Consulting, with its expertise in mine technologies and the training of mine-sniffer dogs, have displaced the United Nations and the United States Army as the foremost landmine removal experts in the world.¹²⁵ What is more, their presence has been felt the world over. Mine-Tech, for instance, has held contracts in Afghanistan, Albania, Angola, Bosnia-Herzegovina, Burundi, Croatia, Eritrea, Ethiopia, Kosovo, Mozambique, Nicaragua, Somaliland, Sri Lanka, Yemen, and Zambia. Other PSCs with expertise in humanitarian demining show a similar record on almost all of the world's continents.¹²⁶

7.3.4 Humanitarian Demining and Good Governance

As for the good governance aspects regarding PSCs and humanitarian demining, the goals sought via the application of PSC expertise are difficult to find fault with in terms of human security. Through their actions PSCs have helped to set the conditions for rehabilitation, reconciliation, and reconstruction. For instance, during the first 21 months after it arrived in Kosovo in 1999, DSL/ArmorGroup conducted demining operations for the Kosovo Force (KFOR), the United Nations, and NGOs. These operations saw the disposal of 252 pieces of unexploded ordinance, 600 anti-personnel mines, and 758 anti-tank mines. This translates into 29 industrial buildings cleared and ready for commercial use, 63 schools cleared and ready for class, and 1,070,781 square metres of agricultural land cleared and ready for planting.¹²⁷ Also in Kosovo, RONCO

Consulting in 2000 cleared 418,406 square metres of land which then returned to use for housing and farming.¹²⁸ In a similar vein, in Mozambique from 1993-1994, a number of PSCs, Gurkha Security Guards (GSG), RONCO Consulting, and Mine-Tech cleared priority roads designated by the United Nations, the WFP, and the ICRC.¹²⁹ In the end, 20,000 kilometres of roads were surveyed and cleared, thus allowing for relief operations to advance unimpeded throughout the country and post-conflict peacebuilding projects to commence. In this way, PSCs in their areas of operation have become integral components in ensuring human security.

Additionally, the evidence suggests that PSCs operating in the field of mine action do not follow their own selfish agendas or those of others to the detriment of human security. Unlike indigenous deminers who may have certain political leanings or links to groups who were active during the course of a conflict, PSCs come to an operation without this baggage. This helps to ensure that demining is conducted with the necessary diligence whatever the location of the polluted area. In fact, donor states and other funding organizations are often drawn to employ PSCs because of the firms' lack of their own particular political or social agendas. As noted by Horwood, "[t]he fact that commercial companies [do not]...have particular philosophical mandates allows them to be flexible from the donor point of view".¹³⁰ Also, humanitarian demining tends to be conducted in post-conflict environments or in areas which are well away from the fighting. As this is the case, there is reduced possibility that PSCs, or other demining bodies for that matter, might be unwittingly manipulated by political actors to support depopulation strategies.¹³¹

One potentially negative implication with respect to good governance, and one to look out for in the future, is that because humanitarian demining is the most substantial component of PSC interactions with humanitarians, it is also the most competitive.¹³² First off, this leads to instances in which the aid from donors (PSC services) is seen to be tied. It is not uncommon for donor states to rally support behind their particular firms. In fact, South Africa went so far as to threaten to remove funding for a project in Mozambique in the mid-1990s if its deminers were not selected.¹³³ The worry here is that demining operations might be canceled or at least substantially delayed. This would prevent those in mine polluted areas from quickly enjoying the freedoms from fear and want and limit the desired flexibility and readiness of the private option. In addition, the competitiveness factor also opens the possibility that, in order to capture contracts, firms might strive to serve the agendas of donor states to the detriment of human security. Take this allegation: during its operations in Rwanda in 1995, RONCO Consulting imported explosives and armoured vehicles which, under the direction of the Pentagon, were reportedly given to the Rwandan military in contravention of a United Nations arms embargo.¹³⁴ Coupled with this allegation was an accusation that the PSC works hand in hand with the Central Intelligence Agency (CIA). At present, one should give RONCO Consulting the benefit of the doubt. It is not uncommon for equipment to remain in the country of operations upon the conclusion of a PSC presence. Even trained dogs are often left behind as part of a PSC's contractual obligations. Also, equipment often has dual usage, a problematic factor as the demining business has become competitive to the point where dirty tricks are not uncommon. In the case of Mine-Tech and other firms in

Mozambique, Human Rights Watch reports that the competition was so fierce that firms were spreading rumours and falsehoods about each other both by word of mouth and in the press.¹³⁵ This type of competition, however, is not helpful in terms of human security. It slows the process by which contracts are awarded and increases the possibility for activities to occur similar to those of which RONCO Consulting was accused. These points will need to be considered as humanitarian demining operations continue so that the positive good governance aspects of PSCs services are not diluted.

7.3.5 Problematic Issues: Mine Action and Image

Outside of good conduct and good governance assessments, however, there is one problematic factor regarding PSCs and humanitarian demining. To explain, whereas the promotion of the human security agenda sees actors cognizant of the direct and indirect implications their actions may have, humanitarian demining is seen as a key component of the human security agenda. As noted in 1997 by Lloyd Axworthy, then Canada's Minister of Foreign Affairs, landmine removal is a major part of the larger agenda of human security demanding the worldwide promotion of human rights and sustainable development.¹³⁶ In other words, the goal of humanitarian demining is not just getting rid of landmines, but doing so in a way that fosters social, political, and economic development and reconciliation.¹³⁷ This was reinforced by the now defunct United Nations Department for Humanitarian Affairs (DHA), the predecessor to UNMAS:

Humanitarian Mine Action is not about mines. Rather it is about people and their interactions with a mine-contaminated environment. The aim of a mine action programme is not therefore a technical engineering objective - to survey, mark and eradicate landmines - but a humanitarian and developmental aim which seeks to create an environment in which people can live more safely and in which economic and social development can occur free from the constraints imposed by landmine contamination.¹³⁸

This process must be conscious of basic human needs and the requirement of overcoming fragmentation and division caused by conflict. For Jan Eliasson, the former United Nations Under-Secretary General for Humanitarian Affairs, "[i]t is essential to view the land mine problem as central to peacebuilding programs rather than merely as a factor on the margin of a country's development".¹³⁹ This contextualized, people-centric approach to mine removal is made plain in the Bad Honnef Guidelines developed by NGOs and UNICEF in Germany in 1997. UNMAS subsequently adopted these guidelines in 1998.¹⁴⁰ If human security concerns how people live in a society, how freely they make their choices, and how much they have access to market and social opportunities, then humanitarian demining is at the heart of this process.

However, if humanitarian demining is truly holistic, if it is more than just simply detecting and digging mines out of the ground, one must pay close attention to the means employed and how they may be effectively managed in order to achieve the most desirable ends. As was noted earlier in this study, the pursuit of human security should be viewed as a process. Human security objectives are not necessarily additive nor are they prioritized.¹⁴¹ Pursuing one objective may impact upon the successful pursuit of another objective because the effects of one may detract from that of another. Because

human security is deemed a universal, interdependent concern, actions taken in one area of the world, no matter how beneficial their impact upon individuals, may have detrimental effects on those living elsewhere. As Horwood suggests, "donors and senior managers need to be careful that the philosophical integrity of mine action as a sector is maintained and enhanced".¹⁴²

One problem, for instance, that threatened to damage this philosophical integrity was double-dipping. This activity concerned for the most part not PSCs but rather firms that worked on technological developments but also applied them in the field. Double-dipping was the process through which humanitarian demining was profitable for firms that doubled as manufacturers; they made money both in the planting and the removal of landmines. For instance, Royal Ordnance, a recipient of United Nations humanitarian demining contracts in Mozambique, was also a major arms promoter and supplier to the British Army. Similarly, Mechem, a South African firm, was a subsidiary of Denel, the privatized successor of the Armaments Corporation of South Africa Limited (ARMSCOR). Despite the fact that ARMSCOR/Denel landmines litter the territory of many Southern African states, Mechem, itself a developer of mine technologies, received humanitarian demining contracts in Angola and Mozambique. In the end, the broader ban on the production and transfer of mines via the Ottawa Convention largely made the double-dipping issue a moot point.

The difficulty is that while some humanitarians strove to reduce the existence of double-dipping, others choose instead to concentrate on achieving human security benefits in their areas of operation regardless of the means used and their impact upon

the image of humanitarian demining. The thoughts of Sami Faltas are characteristic. He argues “[g]iven the right priorities, adequate resources, and careful guidance, all these kinds of organizations [military agencies, for-profit actors, and humanitarian organizations] can work according to the high standards of humanitarian demining”. He also recognizes that out of these three types of organizations, for-profit actors are most likely to conduct the humanitarian demining. However, when confronted by the dilemmas posed by double-dipping, he replies that “the main thing is to get the demining done properly, soon, and at an acceptable price”.¹⁴³ “Properly”, in this sense, refers only to 100 percent removal. Even with statements made by the DHA in the mid-1990s that “no arms producer can ever again receive a UN mine clearance contract”, bodies such as Human Rights Watch note that this was clearly not the case.¹⁴⁴

These same sorts of image issues concerning human security also exist regarding PSCs and humanitarian demining. With respect to an earlier example presented in this chapter, great controversy surrounded DFID’s May 2000 decision to grant DSL/ArmorGroup £1 million worth of contracts to remove unexploded clusterbombs and landmines in Kosovo. Though the PSC had conducted successful demining operations the world over, many took issue with the fact that the PSC also provided military training to governments, some of which had problematic human rights records. Of particular concern were the PSC’s involvement in PNG and its role in guarding oil installations for British Petroleum (BP) in Colombia.¹⁴⁵ In the latter operation, the PSC trained Colombian soldiers in counter-insurgency techniques and provided intelligence to the Colombian police and military. Many critics in and out of government resented money

being given to an entity whose operations, albeit in other countries, seemed antithetical to the overall goals of humanitarian demining. In this regard, one might level similar accusations at Saracen International. This firm which offers demining capabilities and operates primarily in Angola, was once a subsidiary of and relied upon the same personnel as EO. Therefore, one sees criticisms directed at PSCs that conduct humanitarian demining, not for what they do or do not do in the context of mine action, but for the good conduct and good governance implications of what they did elsewhere and how this taints mine action. Yet despite the image difficulties and philosophical matters, contracts are still made, and as documented above, beneficial returns are forthcoming.

Therefore, there are two problematic issues. First, for humanitarians involved in mine action, the nature of the PSC industry is such that they must make a tradeoff between what objectives they wish to achieve: results in theatre are placed along side the holistic, all-encompassing nature of human security. Shaming of the industry, for instance, is not sufficient nor a universally effective way to overcome this tradeoff. True, on the one hand, a smaller PSC engaged in humanitarian demining went out of business after it developed a negative image. Earlier in the 1990s GSG conducted demining operations in the Middle East, Southern Africa, and Southeast Asia. However, in 1995, it altered its service line and provided military training to the army of Sierra Leone. When it tried to re-enter the demining marketplace, it failed because of its newly acquired negative image.¹⁴⁶ On the other hand, GSG had poor capitalization and was recovering from an ownership split in the mid-1990s, two factors that made it vulnerable.

Additionally, note that contracts continue to be forthcoming to DSL/ArmorGroup and other PSCs present both in mine action and in other activities problematic in terms of human security.

Furthermore, despite its advocacy in support of the human security agenda, guidance from the United Nations is not forthcoming. From one standpoint, even though UNMAS is meant to coordinate mine action, problems and competition abound.¹⁴⁷ Indecision, inefficiencies, and in-fighting have been prevalent in operations in Southern Africa and the Balkans, in addition to problems back at United Nations headquarters in New York City. Overlapping initiatives and competition amongst the various bodies inhibit the creation of a coherent approach towards developing standards regarding who is contracted. From another standpoint, those standards that do exist are quite narrow in their focus. The attention of UNMAS personnel is towards the service's development of mine action assessment priorities, its mobilization of resources, its development of technical and safety standards, and its management of mine-related action. A perusal of UNMAS policies reveals concern regarding sound operational procedures, safety, quality control, and medical qualifications. In other words, these regulations attempt to overcome potential principal-agent problems, but they do not address the wider impact PSCs can have on human security objectives.¹⁴⁸ Therefore, while it has been said that the reliance upon for-profit actors in mine action is evidence of an "unholy alliance" and an "unacceptable contradiction," it is difficult to see under current conditions how this tradeoff will be avoided or who/what will facilitate the necessary coordination and direction.

The other problematic issue concerns the PSCs themselves. Again, humanitarians do not have the collective or coordinated ability to press for change in PSC activities. While mine action may be a lucrative undertaking, what would be required to make real changes for the sake of image would be an abandonment of many of the services and clients of PSCs. Again this points to a lack of a code of conduct, one that would be difficult for PSCs to produce on their own given the nature of the marketplace. Beyond indicating that they will provide services only to legitimate, internationally recognized governments, PSCs can only ensure that their conduct in the field is appropriate in terms of good conduct and good governance.

7.4 Conclusion

The preceding analysis produces two particular judgements regarding humanitarian/PSC interaction and its effects upon the promotion of human security. These judgements are important in appreciating fully the consequences of this emerging trend. First, it is clear that such a relationship is not without its merits. The issue of security, for instance, is still a relatively new one for humanitarian organizations. The existence of a PSC industry provides humanitarian organizations with one of the avenues they might pursue to ensure the protection of their personnel and the successful delivery of their assistance. As for humanitarian demining, PSCs provide much needed resources and expertise to tackle promptly and effectively a danger with dire implications for people's enjoyment of the freedoms from fear and want. In terms of good conduct and good governance then, PSCs support the agenda of their humanitarian paymasters.

Additionally, even when a humanitarian organization does not directly engage a PSC, it may nevertheless benefit from the top-cover provided by it. What is more, PSCs, as was the case with EO, provided humanitarians with extra assistance. While this particular type of relationship cannot be expected to exist in all cases, it is plain that humanitarian/PSC interaction of all types is good for publicity and the enhanced legitimacy of the PSC industry.

Nevertheless, whereas the benefits of such a relationship are substantial for PSCs, certain costs may exist for humanitarians. Thus, the second judgement is that there are some negative implications, potential and real, for the promotion and image of the human security agenda through humanitarian/PSC interaction. In terms of micro level issues concerning protection, PSCs may not be able to deter violence because they cannot address the main reason why humanitarians are targeted: the political and economic effects of their presence. Also, the other contractual engagements of PSCs may themselves limit the ability of humanitarians to do their work and might even draw violence towards them. Negative outcomes, therefore, will be functions of the particular circumstances in which the humanitarians and PSCs operate and the types of activities undertaken by them. Moreover, the issue of who works for a PSC may prove indirectly problematic for promoting freedoms from fear and want. This is due to the affiliations of indigenous employees and the negative impact of the privatization of security. As for the macro level issues, the fear is that a growing humanitarian/PSC relationship may reinforce the growing trend of donor states to use humanitarianism as a tool for disengagement and containment. Given the current nature and capacity of

humanitarian/PSC interaction, this has negative implications for the progressive improvement of conditions, the quick mitigation of the known detrimental effects of humanitarian activity, and the provision of much needed physical security of civilians. Finally, in the case of humanitarian demining, reliance on PSCs taints the image of the activity. This is due to the extreme human security character of the activity and the problematic, albeit largely indirect, human security effects of PSC operations in other parts of the world.

While Emma Rothschild suggests that the promotion of human security is a diffused responsibility, it is evident that certain actors can only do so much in the process. All actors must respect the need to promote human security should it be promoted holistically and to full effect. But how might this important issue be addressed? Furthermore, what about handling the drawbacks identified in the previous chapters? Private means do not necessarily nor automatically entail activities or outcomes that cannot serve the human security agenda. Though PSCs may have appropriate expertise, it is becoming increasingly clear that how they are used, where they are used, and for what purposes are the main points. Therefore, who or what would be best to take charge of ensuring proper direction? What would be the obstacles to overcome in such an effort? These are the questions that the following chapter tackles.

ENDNOTES FOR CHAPTER SEVEN

1. Emma Rothschild, "What is Security?" *Daedalus* 124 (Summer 1995), p. 55.
2. Chris Horwood, *Humanitarian Mine Action: The First Decade of a New Sector in Humanitarian Aid*. Relief and Rehabilitation Network Paper No. 32, London, March 2000. p. 31.
3. Damian Lilly, *The Privatization of Security and Peacebuilding: A Framework for Action*. London: International Alert, 2000, p. 18.
4. Sean Greenaway and Andrew J. Harris, "Humanitarian Security: Challenges and Responses." Paper presented at the Forging Peace Conference, organized by Harvard University, Cambridge, Massachusetts, 13-15 March 1998, p. 5.
5. Even in the case of intra-state conflicts, as Mark Duffield notes, there existed a more pronounced organizational cohesion between and amongst the actors. Mark Duffield, "NGO relief in war zones: Towards an analysis of the new aid paradigm," *Third World Quarterly* 18 (September 1997), pp. 527-542, (EBSCO).
6. Cited in Erskine Childers and Brian Urquhart, *Renewing the United Nations System*, Uppsala: Dag Hammarskjöld Foundation, 1994, p. 118.
7. Greenaway and Harris, "Humanitarian Security," p. 5, p. 8.
8. Ibid., p. 2, p. 11. A 2000 report indicated, for example, that the security officer for the World Vision mission in Macedonia lacked any formal training in security matters. For expansion, see Kevin Whitelaw, "The risky task of doing good," *US News & World Report* (21 August 2000), (www.usnews.com). Larger organizations are now also hiring security specialists at the headquarters level in order to counter the dearth of substantial and sustained expertise in security matters.
9. For further details, see Koenraad Van Brabant, "Humanitarian action and private security companies," (April 2002), (www.odihpn.org/report.asp?ReportID=2419).
10. Tony Vaux, Chris Sieple, Greg Nakano, and Konrad Van Brabant, *Humanitarian Action and Private Security Companies: Opening the Debate*. London: International Alert, 2002, p. 15. See also p. 23.
11. Term found in Antonio Donini, "Asserting Humanitarianism in Peace-Maintenance," in Jarat Chopra, ed., *The Politics of Peace-Maintenance*. Boulder: Lynne Rienner Publishers, Inc., 1998, p. 89.

12. The term "top-cover" can be attributed to Michael Grunberg of Sandline International, Correspondence. 23 March 2000.
13. International Alert and the Feinstein International Famine Center, *The Politicisation of Humanitarian Action and Staff Security: The Use of Private Security Companies by Humanitarian Agencies*. International Workshop Summary Report, Tufts University, Boston Massachusetts, 23-24 April 2001, p. 4.
14. See "InterAction Trains NGO Staff in Security Management," *Monday Developments* 16 (26 October 1998), (www.interaction.org/md/articles/oct2698/security.html); Report of the Working Group on NGO Security Training Curriculum, (www.ourdays.com/security/_vti_bin/shtml.exe/infopage.htm).
15. International Alert and the Feinstein International Famine Center, *The Politicisation of Humanitarian Action*, p. 5.
16. Vaux, et al., *Humanitarian Action*, p. 27.
17. Ibid., p. 9, p. 15.
18. Michael Grunberg of Sandline International, Correspondence. 23 March 2000.
19. Cited in Kirsten Sellars, "Old dogs of war learn new tricks," *New Statesman* (25 April 1997), (www.newstatesman.co.uk).
20. Vaux, et al., *Humanitarian Action*, pp. 25-26.
21. Michael Bryans, Bruce D. Jones, and Janice Stein, "Mean Times: Humanitarian Action in Complex Political Emergencies - Stark Choices, Cruel Dilemmas," *Coming to Terms* 1 (January 1999), (www.care.ca/meantimes99.pdf).
22. In fact, there have been some cases where humanitarian agencies have been sued by injured staff or the family members of deceased staff. Koenraad Van Brabant, "Security Training: Where Are We Now?" *Forced Migration Review* 4 (April 1999), (www.fmreview.org/fmr042.htm).
23. Noted in Greenaway and Harris, "Humanitarian Security," p. 26.
24. Assuming that the need is great, the ICRC now has policies designed for armed escorts. See "NGO Security Policy and Practice." RedR Seminar Report (1 February 2000), (www.redr.org/training/courses/security/seminarrep.doc).
25. Donini, "Asserting Humanitarianism," p. 89.

26. For an example, see James R. Davis, *Fortune's Warriors: Private Armies and the New World Order*. Vancouver: Douglas & McIntyre Ltd., 2000, p. 179.
27. Cited in *Ibid.*, p. 180.
28. This firm specifically indicates that it follows a Red Cross/NGO code of conduct which stipulates that non-combatants have the right to receive impartial and neutral humanitarian assistance in conflict. Also, DSL/ArmorGroup has internal vetting procedures for its personnel and strict rules regarding access to firearms which might better put potential humanitarian clients at ease.
29. James Fennell, "Private Security Companies: the New Humanitarian Agent." Presentation to the Conference on Interagency Co-ordination in Complex Humanitarian Emergencies, Cranfield University/Royal Military College of Science Shrivenham, United Kingdom, 19 October 1999, p. 7.
30. Kevin A. O'Brien, "Military-Advisory Groups and African Security: Privatized Peacekeeping?" *International Peacekeeping* 5 (Autumn 1998), p. 89.
31. Mary B. Anderson, *Do No Harm: How Aid Can Support Peace - Or War*. Boulder: Lynne Rienner Publishers, 1999, p. 38. See also p. 68.
32. Richard K. Betts, "The Delusion of Impartial Intervention," in Chester A. Crocker and Fen Osler Hampson, eds., *Managing Global Chaos: Sources of and Response to International Conflict*. Washington: United States Institute of Peace, 1996, pp. 333-341.
33. See, for example, Donini, "Asserting Humanitarianism," p. 88; Michael Mandelbaum, "The Reluctance To Intervene," *Foreign Policy* (No. 95, Summer 1994), p. 4; Bradd C. Hayes and Jeffrey I. Sands, "Non-Traditional Military Responses to End Wars: Considerations for Policymakers," *Millennium* 26 (Summer 1997), p. 838; Richard Dowden, "War, Money and Survival: Rounding Up," in *War, Money and Survival*. Geneva: International Committee for the Red Cross, 2000, p. 105.
34. Vaux, et al., *Humanitarian Action*, p. 36. The ICRC, for instance, contends that a line must be drawn between humanitarianism and the use of violence, except in the case of combatting banditry. Making this distinction, however, is highly problematic.
35. Koenraad Van Brabant, *Operational Security Management in Violent Environments: A Field Manual for Aid Agencies*. London: Overseas Development Institute, 2000, p. xi.
36. *Ibid.*, p. 58; Randolph Martin, "NGO Field Security," *Forced Migration Review* 4 (April 1999), (www.fmreview.org/fmr041.htm).
37. Anderson, *Do No Harm*, especially chapters 1 and 4.

38. Vaux, et al., *Humanitarian Action*, p. 17.
39. International Alert and the Feinstein International Famine Center, *The Politicisation of Humanitarian Action*, p. 4.
40. David Shearer, "Private Military Force and Challenges for the Future," *Cambridge Review of International Affairs* 13 (Autumn/Winter 1999), p. 86.
41. Ibid., p. 85.
42. Van Brabant, *Operational Security Management*, p. 77.
43. Yves Sandoz, "The Privatisation of Security: Framing A Conflict Prevention and Peacebuilding Agenda." Paper presented at the Wilton Park Conference, London, United Kingdom, 19-21 November 1999. See also Yves Sandoz, "Private Security and International Law," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, pp. 201-226.
44. Working Group on NGO Security Training Curriculum, (www.ourdays.com/security/_vti_bin/shtml.exe/infopage.htm).
45. David Shearer, "Aiding and Abetting? Humanitarian Aid and Its Economic Role in Civil War," in Mats Berdal and David M. Malone, eds., *Greed & Grievance: Economic Agendas in Civil Wars*. Boulder: Lynne Rienner Publishers, 2000, pp. 192-193. Also, Lansana Gberie, Correspondence. 28 March 2000.
46. Anderson, *Do No Harm*, p. 43, p. 138, 142; Stephen P. Kinloch, "Utopian or Pragmatic? A UN Permanent Volunteer Force," *International Peacekeeping* 3 (Winter 1996), p. 179. Anderson notes that some humanitarians, through the application of threats, a less robust form of deterrence, were able to operate without reliance on the technicals.
47. Bernie McCabe, Interview. 10 April 2000.
48. NGOs, for their part, have rarely developed guidelines for the guards they employ. Martin, "NGO Field Security".
49. Van Brabant, *Operational Security Management*, p. 77.
50. This type of reasoning is found in Ibid., p. 79.
51. Cited in Whitelaw, "The risky task of doing good".

52. International Alert and the Feinstein International Famine Center, *The Politicisation of Humanitarian Action*, p. 4, Van Brabant, *Operational Security Management*, p. 347.
53. See Thomas G. Weiss, *Beyond UN Subcontracting: Task Sharing with Regional Security Arrangements and Service-Providing NGOs*. New York: St. Martin's Press, 1998.
54. See Leon Gordenker and Thomas G. Weiss, "Devolving responsibilities: A framework for analysing NGOs and services," *Third World Quarterly* 18 (No. 3, 1997), pp. 443-455, (EBSCO).
55. Duffield, "NGO relief".
56. See Robin Davies, "The Relief Industry," in *War, Money and Survival*. Geneva: International Committee for the Red Cross, 2000, pp. 56-57. See also Edward Giradet, "The Humanitarian Aid Market," in *War, Money and Survival*. Geneva: International Committee for the Red Cross, 2000, p. 53.
57. Pamela Aall, "NGOs, Conflict Management and Peacekeeping," *International Peacekeeping* 7 (Spring 2000), p. 125.
58. Dylan Hendrickson, *Humanitarian action in protracted crises: the new relief 'agenda'*. Relief and Rehabilitation Network Paper No. 25, London, April 1998, p. 16.
59. Davies, "The Relief Industry," pp. 56-57.
60. Fennell, "Private Security Companies," p. 5.
61. Mark Duffield, "The Political Economy of Internal War: Asset Transfer, Complex Emergencies and International Aid," in Joanna Macrae and Anthony Zwi, eds., *War & Hunger: Rethinking International Responses to Complex Emergencies*. London: Zed Books, 1994, p. 59.
62. "NGO Security Policy and Practice." Since the early 1990s DFID, USAID, and the like are funding security management and development mechanisms such as InterAction (consists of representatives from the American Red Cross, CARE, Catholic Relief Services, International Rescue Committee, Save the Children, and World Vision). For instance, the US Office for Foreign Disasters now contractually requires all the agencies it funds to employ the InterAction guidelines on security. See "RedR Security Management Workshop." RedR Workshop Report, Yogyakarta, Indonesia (4-7 April 2000), (www.redr.org/training/courses/security/SecManWorkshop0400.doc); Van Brabant, "Security Training".
63. Vaux, et al., *Humanitarian Action*, p. 10.

64. Larry Minear, "Humanitarian Action and Peacekeeping Operations," *Journal of Humanitarian Assistance* (1997), (www-jha.sps.cam.ac.uk/a/a024.htm).
65. Donini, "Asserting Humanitarianism," p. 81.
66. Aall, "NGOs, Conflict Management and Peacekeeping," p. 127.
67. Adam Roberts, "The role of humanitarian issues in international politics in the 1990s," *International Review of the Red Cross* (No. 833, March 1999), (www.icrc.org/eng/review).
68. Sven Chojnacki, "Humanitarian actors, the international humanitarian system and international order." Paper presented at the XVIII Meetings of the International Political Science Association, Quebec City, Canada, 1-5 August 2000, p. 1, p. 12.
69. Diane Paul, *Protection in Practice: Field-Level Strategies for Protecting Civilians from Deliberate Harm*. Relief and Rehabilitation Paper No. 30, London, July 1999. p. 30.
70. Roberts, "The role of humanitarian issues". In this vein, only three of the world body's 13 missions before 1989 involved humanitarian duties. Sadako Ogata, "Humanitarian Response to International Emergencies," in Olara A. Otunnu and Michael W. Doyle, eds., *Peacemaking and Peacekeeping for the New Century*. Lanham: Rowman & Littlefield Publishers, Inc., 1998, p. 220.
71. Thomas G. Weiss, "Principles, Politics, and Humanitarian Action," *Ethics and International Affairs* 13 (1999), p. 22.
72. Philippe Comtesse, "The new vulnerability of humanitarian workers: what is the proper response? An ICRC delegate's view," *International Review of the Red Cross* (No. 317, March 1997), (www.icrc.org/eng/review).
73. Randall Robinson, "The Obligation to Rescue I," *Social Research* 62 (Spring 1995), p. 9; Hendrickson, *Humanitarian action*, p. 15, p. 20.
74. Rob Diprizio, "Adverse Effects of Humanitarian Aid in Complex Emergencies," *Small Wars and Insurgencies* 10 (Spring 1999), pp. 97-106. Peter Walker, "Chaos and Caring: Humanitarian Aid Amidst Disintegrating States," *Journal of Humanitarian Assistance* (no date), (www.jha.ac); Hayes and Sands, "Non-Traditional Military Responses," p. 829.
75. Mary Anderson, for instance, contends that "aid agencies have a new and profound opportunity to shape their relief and development work so it accomplishes its intended goals of alleviating human suffering and supporting the pursuit of sustainable economic and social systems and at the same time promotes durable and just peace". Anderson, *Do*

No Harm, p. 2.

76. David Rieff, "The Humanitarian Illusion," *The New Republic* (16 March 1998), p. 30.

77. Alan Munro, "Humanitarianism and conflict in a post-Cold War world," *International Review of the Red Cross* (No. 835, September 1999), (www.icrc.org/eng/review).

78. Different methods humanitarian organizations can employ to protect civilians are outlined in Paul, *Protection in Practice*.

79. Cited in Daniel M. Smith and Rachel J. Stohl, "The Evolving Role of Military Forces in Human Security." Paper presented at the Conference on Failed States III: Globalization and the Failed State, organized by Purdue University, Florence, Italy, 7-10 April 2000 (www.ippu.purdue.edu/info/gsp/FSIS_CONF3/FSIS_conf3.html).

80. Rothschild, "What is Security?" p. 80.

81. Adam Roberts, *Humanitarian Action in War: Aid, protection and impartiality in a policy vacuum*, Adelphi Paper 305, London: International Institute for Strategic Studies, 1996, p. 86.

82. Fennell, "Private Security Companies," p. 5.

83. Cited in Roberts, *Humanitarian Action in War*, p. 34. See also *Ibid.*, p. 2.

84. Paul, *Protection in Practice*, p. 2.

85. Statistic taken from Jane Barry, *A bridge too far: aid agencies and the military in humanitarian response*. Humanitarian Practice Network Paper No. 37, January 2002, p. 19.

86. Cited in Bryans, Jones, and Stein, "Mean Times," p. 35.

87. Paul, *Protection in Practice*, p. 28.

88. For arguments as to how humanitarians are implicit in and perhaps even supportive of this state of affairs, see David Keen, "Aid and Violence, with Special Reference to Sierra Leone," *Disasters* 22 (December 1998), pp. 318-327; Hendrickson, *Humanitarian action*; Paul, *Protection in Practice*.

89. Cited in Moyiga Nduru, "Campaign to rid Africa of mercenaries," *Electronic Mail & Guardian*, 20 June 1997, (www.mg.co.za/mg/news/97june2/20june-mercenaries.html).

90. On the good governance side, this proved to be problematic as Mobutu supported many of the armed individuals in the camps. On the good conduct side, they are known

to have killed civilians.

91. James Fennell, "Hope Suspended: Morality, Politics and War in Central Africa," *Disasters* 22 (June 1998), p. 100.

92. Statistic taken from United States Department of State, Bureau of Political-Military Affairs, Office of Humanitarian Demining Programs, *Hidden Killers 1998: The Global Landmine Crisis* (Washington: Department of State, 1998), p. v.

93. Bryan J. Hehir, "Land Mines: A Political-Moral Assessment," in Kevin M. Cahill, ed., *Clearing the Fields: Solutions to the Global Land Mines Crisis*. New York: Basic Books, 1995, p. 103.

94. *Landmines: A Deadly Legacy*. New York: Human Rights Watch and Physicians for Human Rights, 1993, p. 3.

95. Department of State, *Hidden Killers 1998*, p. 11; Alex Vines, "The Crisis of Anti-Personnel Mines," in Maxwell A. Cameron, Robert J. Lawson, and Brian W. Tomlin, eds., *To Walk Without Fear: The Global Movement to Ban Landmines*. Don Mills: Oxford University Press, 1998, p. 118.

96. Vines, "The Crisis of Anti-Personnel Mines," p. 129.

97. *Ibid.*, p. 118.

98. See Department of State, *Hidden Killers 1998*, p. 3.

99. Assessments such as these are found in *Ibid.*; Mike Croll, *The History of Landmines*. Barnsley: Leo Cooper, 1998; Horwood, *Humanitarian Mine Action*.

100. Horwood, *Humanitarian Mine Action*, p. 1.

101. *Ibid.*, p. 20.

102. Don Hubert, "The Challenge of Humanitarian Mine Clearance," in Maxwell A. Cameron, Robert J. Lawson, and Brian W. Tomlin, eds., *To Walk Without Fear: The Global Movement to Ban Landmines*. Don Mills: Oxford University Press, 1998, p. 321.

103. Sami Faltas, "Getting Rid of Mines," in Luc Reyhler and Thania Paffenholz, eds., *Peacebuilding: A Field Guide*. Boulder: Lynne Rienner Publishers, Inc., 2001, p. 430.

104. This demand and urgency manifest themselves in the fact that signatories commit themselves to the destruction of their stocks within four years and the clearance of landmines within ten years. Moreover, an issue of particular relevance for PSCs is that signatories often commit themselves to the treaty after having been promised aid for

demining.

105. Frost & Sullivan, "New Strategic Uses of Mine Countermeasures Could Offset Budget Restrictions," (14 July 2000), (biz.yahoo.com/bw/000619/ca_frost_s_5.html).

106. Horwood, *Humanitarian Mine Action*, p. 10.

107. In the case of Canada, there has been interaction between government entities and PSCs. For instance, the Canadian Centre for Mine Action Technologies (CCMAT) has developed equipment that firms such as RONCO Consulting now use in their operations. Also, CMATT has personnel on its management committee that also serve as demining consultants for RONCO Consulting.

108. See www.zimtrade.co.zw/prfiles/minetech/page3htm.

109. See www.armor-mine-action.com/capabilities.htm.

110. Ann M. Fitz-Gerald and Derrick J. Neal, "Dispelling the Myth Between Humanitarian and Commercial Mine Activity," *Journal of Mine Action* 4 (October 2000), (www.maic.jmu.edu).

111. Horwood, *Humanitarian Mine Action*, p. 10.

112. See www.minetech.co.uk.

113. Hubert, "The Challenge of Humanitarian Mine Clearance," p. 326.

114. Cyril Zenda, "Mine Tech Earns World Honours," *Financial Gazette* (3 May 2002), (allafrica.com/stories/200205030173.html).

115. Horwood, *Humanitarian Mine Action*, p. 21.

116. *Ibid.*, p. 9.

117. Department of State, *Hidden Killers 1998*, p. 323; Jane Sharp, "Dayton Report Card," *International Security* 22 (Winter 1997/1998), (EBSCO).

118. Department of State, *Hidden Killers 1998*, p. 122.

119. Horwood, *Humanitarian Mine Action*, p. 19-20.

120. Hubert, "The Challenge of Humanitarian Mine Clearance," pp. 319-320.

121. A caveat to this, and a point which reinforces the immensity of the task of demining, is that technical applications are best suited for finding and isolating unexploded ordinance and have only limited suitability for the actual removal of this ordinance.

Thus, while mechanical means may be able to quickly clear large and relatively unobstructed areas like fields, manual methods are still required for removal operations in buildings, forests, and the like.

122. Patrick Blagden, "The Use of Mines and the Impact of Technology," in Kevin M. Cahill, ed., *Clearing the Fields: Solutions to the Global Land Mines Crisis*. New York: Basic Books, 1995, p. 114.

123. In tests conducted by the U.S. Department of Defense, RONCO Consulting's accuracy using dogs was the highest of some 30 technologies tested.

124. Horwood, *Humanitarian Mine Action*, p. 29.

125. Colum Lynch, "For US firms war becomes business," *The Boston Globe* (1 February 1997), (www.boston.com/globe/).

126. See, for instance, <http://www.armor-mine-action.com>.

127. Results found in www.un.org/Depts/dpko/mine/macc/departments/ops/mco/dsl.htm.

128. See www.un.org/Depts/dpko/mine/macc/departments/ops/mco/ronco.htm.

129. Hubert, "The Challenge of Humanitarian Mine Clearance," p. 322; Human Rights Watch, *Still Killing: Landmines in Southern Africa*. New York: Human Rights Watch, 1997, p. 81.

130. Horwood, *Humanitarian Mine Action*, pp. 20-21. See also p. 10.

131. Certainly, one can question if humanitarian demining brings about direct or indirect negative implications concerning human security. It is not inconceivable that political leaders would demand that a certain region be demined first or to the exclusion of others due to its economic worth or to the presence of certain groups that support their governance.

132. Horwood, *Humanitarian Mine Action*, p. 31.

133. Human Rights Watch, *Still Killing*, p. 93. See also Horwood, *Humanitarian Mine Action*, p. 20.

134. The existence of this allegation is noted in Ken Silverstein, *Private Warriors* (New York: Verso, 2000), p. 168.

135. Human Rights Watch, *Still Killing*, p. 93.

136. Lloyd Axworthy, "Canada and human security: the need for leadership," *International Journal* 52 (Spring 1997), pp. 183-196.

137. Faltas, "Getting Rid of Mines," p. 431.
138. Cited in Don Hubert, "The Challenge of Humanitarian Mine Clearance," p. 330.
139. Jan Eliasson, "An International Approach Toward Humanitarian Assistance and Economic Development of Countries Affected by Land Mines," in Kevin M. Cahill, ed., *Clearing the Fields: Solutions to the Global Land Mines Crisis*. New York: Basic Books, 1995, p. 167.
140. Faltas, "Getting Rid of Mines," p. 430.
141. Simon Dalby, *Geopolitical Change and Contemporary Security Studies: Contextualizing the Human Security Agenda*, Working Paper No. 30, Vancouver: Institute for International Relations, University of British Columbia, April 2000, 19.
142. Horwood, *Humanitarian Mine Action*, p. 32.
143. Faltas, "Getting Rid of Mines," p. 432.
144. Human Rights Watch, *Still Killing*, p. 85.
145. Antony Barnett, "Anger at Kosovo Mines Contract," *The Observer* (7 May 2000), (www.observer.co.uk/uk_news/0,6903,218247,00.html).
146. See Alex Vines, "Gurkhas and the private security business in Africa," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, pp. 123-140.
147. UN turf battles are well-known, even in the midst of emergencies. For Roland Paris, while many UN institutions agree on the need for better coordination, no institution wants to be "coordinated". Roland Paris. "Peacebuilding and the limits of liberal internationalism," *International Security* 22 (Fall 1997), (EBSCO).
148. See the UNMAS Internet webpages (www.un.org/Depts/dpko/mine/Standard/chap_2.htm).

CHAPTER EIGHT - Human-Security-Centric Regulation

8.1 Introduction

The focus of the study now turns to regulatory functions that might promote the positive aspects pertaining to the promotion of human security over the negative ones, what actors are best placed to do this, and to what degree they can do so under current conditions. Thus, based on the preceding analysis, the chapter first outlines the three ingredients necessary for suitable human-security-centric regulation of PSCs: 1) the regulation of PSC attributes and standards; 2) the regulation of objectives assigned to PSCs and the means and methods employed to achieve them; and 3) the regulation of PSCs regarding the actual outcomes of their activities. The chapter then considers the benefits and/or drawbacks of three current approaches for external regulation, the United Nations, regional organizations, such as the African Union (AU), and supplier states, and whether or not change is possible in the current environment. This chapter places considerable emphasis upon supplier-state regulation, as it is the most developed and applicable with regard to PSCs. Attention here is placed on the industry's hub-states: the United States, the United Kingdom, and the Republic of South Africa. Certain ideas and policies, however, stand in the way of the creation of better supplier-state regulation that would take into account direct and indirect human security effects. Furthermore, despite the impetus of the human security agenda, current difficulties exist that inhibit the development of an adequate regime amongst supplier states and the maintenance of consistent human-security-centric policy. In sum, it is problematic for PSCs to exercise responsibility to promote human security due to market conditions and the nature of their

relationships with clients. But at the same time, supplier states cannot fully remedy the human security imperfections of the marketplace as promoting human security is seen as a choice, not as a responsibility.

8.2 Point on “Recipient” States and Regulatory Flight

First, this study places particular stress upon regulation provided by external actors. This is not to suggest that the states in which PSCs provide their services should abdicate responsibility for overseeing activities taking place within their borders. Indeed, these states should be on the lookout for any negative effects resulting from a PSC presence. This observance should be regardless of whether or not they have hired the PSC, or if it is serving as a policy instrument for a third state, or if it is working for a non-state client. But regulation alone by these types of states will not suffice. While an individual state may devise its own criteria, more comprehensive regulation is likely to result through an external actor which has developed an economy of scale through its multiple interactions with the phenomenon. Moreover, one can question if recipient states will have the capacity to regulate effectively the PSCs operating on their territory such that human security is promoted. Many of these states may be in the midst of internal conflicts or suffer generally from the characteristics of weak statism. As such, they may not have the appropriate resources nor the required presence to facilitate the needed quality assurances or on-sight regulation. Supra-national regulation provided by an international or regional body, or, alternatively, some form of extra-territorial regulation would help overcome these deficiencies.

Second, this study asserts that regulation is not a hopeless task. Because the industry as a whole craves legitimation, regulation is likely to receive the support of the PSCs themselves. Obviously, PSCs, as profit-seeking actors, will have interests regarding the costs of regulation. Nevertheless, this does not mean that they will avoid regulation. While one can suggest that firms might seek out a “flag of convenience” in order to flee tighter regulations, this is highly unlikely given the need of the firms to differentiate themselves from soldiers of fortune. Certainly, to date, firms have not fled the jurisdictions of the states, analyzed later in this chapter, that do have existing regulations.¹ What is more, firms that might attempt to flee would likely be singled out as pariahs, both by their fellow PSCs and by states. This would ultimately impact negatively upon the long-term commercial viability of the particular firm.

8.3 Ingredients for Human-Security-Centric Regulation

If PSCs are to operate in a manner that is more acceptable for the direct and indirect promotion of human security, then regulation, regardless of whether it be performed by the United Nations, a regional organization, or a state, should consist of three basic ingredients. The first concerns the military qualifications and characteristics of the PSCs themselves. Quality control of this type would be in addition to already existing legal requirements for the registration of all businesses that exist in the home states. Also, by looking solely at corporations that are staffed with former military members wishing to sell that expertise abroad, this would hopefully differentiate them from other forms of commercial activities (e.g., commercial security companies) and, at

the same time and more importantly, ensure quality control.

To expand, though the PSCs may already have internal policies for vetting their employees, an outside quality mechanism would have to be put in place to ensure that employees were indeed well trained and discharged honourably. True, on the one hand, with respect to effectiveness and the direct promotion of human security in terms of good conduct, the PSC conduct examined has generally been respectable. The PSCs considered above, whether for the sake of reputation and enhanced legitimacy, conducted themselves well. On the other hand, licensing/registration nevertheless is required for the sake of continued quality control and to distinguish PSCs from soldiers of fortune. Whereas PSCs do present a corporate nature as expressed in Chapter Three, the “company” route is still possible for the recruitment of soldiers of fortune. During the mid-1970s, for instance, four Britons, accused in the past of gun-running and other crimes, formed the firm Special Advisory Services (SAS*).² The objective of this firm was to recruit and ship British soldiers of fortune to fight against the then newly formed MPLA government in Angola. While corporatization makes the PSC both different in scale and in the activities it performs, room for manoeuvre still exists for disreputable, “one-shot” organizations operating under the guise of a commercial presence to taint the industry as a whole in the present day.

Hence, this type of regulatory exposure would make the entities that form the PSC industry, the individual firms themselves, even more visible, acceptable, and legitimate vis-à-vis other forms of mercenarism. Indeed, this contrasts with the activities of soldiers of fortune who generally operate in a covert and impromptu manner.

Certainly, many PSCs would welcome this kind of exposure. The British-based Hart Group, for instance, contends it would help to distinguish them and their competitors as reputable corporations instead of as “cowboys”, disreputable, out-of-work soldiers who generally fit the cut of the soldier of fortune.³ Similarly, PSCs generally see a value in ensuring that newcomers to the marketplace follow good practice for the sake of a level playing field and for the continued acceptability of the industry as a whole.⁴ Therefore, at first blush, licensing of this nature would bring this particular manifestation of mercenarism “in from the cold” by providing them with statutory transparency.

To ensure further that such standards remain, licensing should be an ongoing process with periodic reviews. Regulation needs to stay abreast as firms often change in response to the marketplace. For example, RONCO Consulting, identified in the previous chapter, started out as a development assistance firm before moving into the realm of humanitarian demining. Similarly, GSG worked in demining and guarding in many of the world’s trouble spots before turning to the more robust service of military training. Also, consolidation is taking place in the PSC industry. ArmorHoldings, for instance, has been labelled a growth through acquisition oriented corporation in a marketplace that is, despite the growth, currently undervalued and, thus, presents no barriers to further acquisitions.⁵ Any changes, therefore, would have to be reported to the regulatory authorities for the sake of up-to-date records and quality control.

The second ingredient for human-security-centric regulation deals with the means and methods used by PSCs and the objectives to which they are put. Are they consistent in terms of good conduct and good governance? Asking these questions well help ensure

that human security is respected. This respect, as noted by Sabina Alkire, is key: “Respect for human security means that whatever their primary objectives may be, all actors, whether institutional or individual, must ascertain that their actions do not foreseeably albeit unintentionally, threaten human security”.⁶ Again, this study’s analysis of different PSCs and their services reveals that firms are above board when it comes to the direct human security implications of their presence. But the analysis has also revealed problematic matters for the promotion of human security, such as EO’s introduction of a new player, a parallel force in the form of the Kamajors, into Sierra Leone’s security sector. Moreover, this introduction came without any reform of other security sector actors nor with the positive integration of the new actor into the security sector. Note, similarly, in PNG that special forces capabilities were sought by Port Moresby and offered by PSCs, to the detriment of developing better, all-around security sector practice. Again, there was nothing inherently illegal in terms of what the PSCs did or did not do. Training a parallel force or offering assistance for special forces development did not contravene international law or applicable South African or British domestic legislation. Instead, the nature of the marketplace coupled with the lack of a code of conduct amongst PSCs made respecting the need to promote human security problematic. Intervention into this marketplace via regulation that is human-security-centric and that considers the means, methods, and objectives is therefore essential.

Finally, the third aspect for appropriate regulation concerns ongoing oversight that considers the outcomes a PSC presence actually influences in a particular context. While a weak state context might make negative outcomes more probable, they are not

always outcomes that could have been foreseen. In other words, it is difficult if not impossible to regulate or predict outcomes in advance. In the case of Sierra Leone, while it was clear that the PSC would make wealth-producing areas secure, it was not foreseen that the revenues made possible by the PSC presence would be used largely for the particular interests of the ruling elite. Take also the fact that the presence of a PSC had specific impacts upon civil-military relations in Angola and PNG. In the former, it contributed to the privatization of security whereas in the latter, it exacerbated tensions between the government and elements of the security sector.

Hence, the third aspect for regulation requires three components and it concerns matters both before the application of PSC expertise and during the PSC's operations. While admittedly somewhat difficult because of its highly political nature, one aspect would be the prohibition of PSC expertise being sold to certain potential clients because of their long-running and substantial history of activities found inappropriate in terms of good conduct and good governance. Here the onus for the regulator would be to err on the side of caution. If a contract were to go ahead, the second aspect would see this permission by the regulating authority conditionally based upon a constant and consistent overseeing presence during the complete duration of the PSC's presence. This would monitor not only if the desired objectives are achieved, but would also keep track of unexpected outcomes as they arose. The third aspect would require the regulator demanding change to reverse or mitigate these negative outcomes. The regulator would direct the PSC either to bring about these changes, or if change was not forthcoming or possible, to end the PSC presence.

Though turning to the private sector generally is now virtually deemed a right, it is one in this specific instance that must be limited in some way should the promotion of human security be the desired goal. PSC services specifically may be purchased globally, but the deployment of means based in a political jurisdiction other than that of the client can nevertheless be susceptible to certain requirements, conditionalities, and oversight. In sum, one point, as emphasized by Harvey Feigenbaum and Jeffrey Henig, sees the prominent and all-around appeal of privatization: “[i]f any economic policy could lay claim to popularity, at least among the world’s political elites, it would certainly be privatization”.⁷ Concerning the specific issue of PSCs, it is a particular phenomenon of privatization that is likely to continue to expand in presence and influence in the future.⁸ But this expansion places greater impetus behind another point: if turning to the private sector, as manifest in PSC services, produces outcomes that prevent the promotion of human security, regulation should come forth. The issue now is to determine what entity is best placed to handle such proposed regulation.

8.4 The United Nations

At first blush, the United Nations would appear to be the ideal institution for the regulation of the PSC industry in line with human security requirements. Since its post-World War Two inception, the United Nations has been charged with the global responsibility for the promotion of world peace and development. It is also one of the major institutions that has attempted to promote human security. Indeed, United Nations purview over the PSC marketplace would seem apt.

Certainly, the United Nations has long been concerned with the “mercenary” issue. Throughout the late 1960s and early 1970s, both the United Nations Security Council and the United Nations General Assembly issued resolutions related to specific cases of mercenary activity. Some resolutions were directed at certain conflicts or certain regions. Security Council Resolution 239 of 1967, for instance, demanded that member states prohibit mercenary activity in the Democratic Republic of Congo.⁹ General Assembly Resolution 2395 of 1968 was directed at preventing mercenaries from violating the territorial integrity and sovereignty of independent African states. Other resolutions were designed to consider the mercenary issue in a wider scope. General Assembly Resolution 2465 of 1968 on implementing of the Declaration on the Granting of Independence to Colonial Countries and Peoples asserts that

the practice of using mercenaries against movements for national liberation and independence is punishable as a criminal act and that the mercenaries themselves are outlaws, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territory to be a punishable offence and prohibiting their nationals from serving as mercenaries.¹⁰

Similarly, the United Nations General Assembly in 1970 made its “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations”, a statement which also looks at mercenarism in a broader manner. It calls generally for member states to refrain from the threat or use of force against other member states and specific attention is paid in the language to mercenaries: “Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries,

for incursions into the territory of another State".¹¹ These resolutions helped to form the base of the United Nations approach towards a phenomenon that saw soldiers of fortune opposing the world body's post-colonial activities: the promotion of human rights in the context of supporting self-determination and the preservation of sovereign equality, territorial integrity, and political independence.¹²

In later years, the United Nations took more substantive measures to obligate states not to allow recruitment on their territory and to criminalize the act of actually being a mercenary. In 1980, as a result of a General Assembly Resolution the year earlier, the United Nations organized a 35 member committee to draft an international convention regarding mercenarism. The resulting document, opened for signature on 31 December 1990, was the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. On 20 October 2001, the necessary 22 states had signed and ratified the convention, thus bringing it into force for its signatories.¹³

The convention is rooted in earlier international legal agreements and the United Nations has taken steps to build upon them. In the main, the convention is based upon the definition of the mercenary developed in Article 47 of the 1977 Additional Protocol I to the Geneva Convention of 1949.¹⁴ For that definition, the mercenary must be/do all of the following:

- specially recruited locally or abroad in order to fight in an armed conflict
- take a direct part in hostilities
- 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 in the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and function in the armed forces of

that party

- neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict
- not be a member of the armed forces of a party to the conflict
- not been sent by a state which is not a party to the conflict on official duty as a member of its armed forces.

The convention expands the scope of this definition to cover training or other forms of assistance, in other words situations where the individual does not take a direct part in hostilities. It also expands on the applicable context for Article 47. On the one hand, Additional Protocol I was meant to deal with international or interstate conflicts. Given the focus of the day, wars of decolonization or national liberation also fell within this classification. Additional Protocol II, on the other hand, was directed towards conflicts that were otherwise deemed internal and did not include similar specifications or restrictions as to mercenarism. The convention, therefore, combines the purviews separated by the additional protocols; it applies to any armed conflict, international or internal, including “any other situation” featuring the use of violence to overthrow or undermine a government or the territorial integrity of the state. Also, unlike previous endeavours, the Geneva Conventions included, the convention goes a step further by mandating the criminalization of actual individuals serving as mercenaries. Article 9 obliges signatories to make transgressions punishable through appropriate domestic legislation. Finally, and also unlike earlier endeavours, the United Nations set up an Office for the Special Rapporteur on the use of Mercenaries in 1987, a development designed solely to promote the convention and to monitor the phenomenon of mercenarism.¹⁵ In short, the period from the 1970s to the 1990s witnessed increased

activism on the part of the United Nations in terms of advocacy and substantial policy measures.

But this substantial engagement in the issue of mercenaries has not translated into a uniform or consistent policy that would facilitate the three aspects for appropriate human-security-centric regulation of PSCs. If anything, the United Nations approach towards PSCs could be described as schizophrenic at best, a criticism that applies both to the specific actor responsible in the United Nations system for the mercenary issue and to the actions of the United Nations generally.

On the first matter, the Office for the Special Rapporteur on the use of Mercenaries has not been able to consistently and appropriately make a sufficient link between modern-day mercenary activities and the potential violation of human rights. As such, the Special Rapporteur has not adequately grasped the new features of post-Cold War mercenarism manifest in the PSC.¹⁶ This is evident in the fact that the office draws its authority from Agenda Item Five of the Human Rights Commission: “The Right of peoples to self-determination and its applications to peoples under colonial or alien domination of foreign occupation”. In this regard, the individual reports of the Special Rapporteur are entitled “Report on the Question of the Use of Mercenaries as a means of violating Human Rights and Impending the Exercise of the Right of Self-Determination”. One report to the General Assembly makes plain the historical focus of the Special Rapporteur’s mandate:

this mandate has been linked to the defence of the right of self-determination of the peoples of Africa who, set up as independent States after decolonization, had to contend with the illegal actions of mercenaries who, serving the interests of third States or economic groups, devoted themselves to sabotaging their political and economic stability.¹⁷

Some of the Special Rapporteur's conclusions found in reports earlier in the 1990s, moreover, do not seem appropriate in the current environment of intra-state conflict, international interaction, and the trend towards privatization. A threat to self-determination is presented as any foreign intervention; an obstacle to human rights pertains to any application of armed force, regardless of how it is directed or used; and a threat to sovereignty is perceived as the outsourcing of any duties reserved to the state.¹⁸ Yves Sandoz, the ICRC Director of International Law and Communication, notes the inappropriateness of this stance: "I have the impression that the basic approach is not relevant today and that the problem of private security should not be essentially based on the mercenary issue as it was dealt with in the seventies".¹⁹ Mercenary activity cannot be boiled down to that of the soldier of fortune and the argument of self-determination is largely an anachronism. When dealing with PSCs, this square peg will not fit into a round hole.

Obviously, through its equating of all forms of mercenarism with the characteristics of the soldier of fortune, the mandate of the Special Rapporteur severely limits what the office can actually do. Attempts to subsume PSC personnel under the definitional characteristics of Article 47 have proven to be inappropriate given the changed international context and the different attributes of PSCs.²⁰ Also, the inapplicability of the Special Rapporteur's approach is seen in the fact that many of the

states that have ratified or at least signed the convention are those that have either hired PSC services or have PSCs operating on their territory. In some instances, states have not even made the link between the activities of PSCs and of soldiers of fortune; there are signatories that have both relied on PSC services in recent years and have been affected adversely by soldiers of fortune in their late colonial or early post-colonial histories.

As a result of these inherent limitations, the Special Rapporteur, Enrique Ballesteros, has more recently made admissions such as the following: “[T]he contracts which private military advisory, training and security companies conclude with States and the personnel working for these companies have some mercenary traits [meaning those of soldiers of fortune] but cannot be described as being wholly mercenary”.²¹ In fact, the special rapporteur’s reports have, as of late, suggested that PSCs should be permitted to work in a space that is managed: “The view that their activities should be regulated and monitored *does not hold that such companies should be eliminated*, nor the state should have an exclusive monopoly on matters related to security” (italics added).²² Indeed, the tone and language of the Special Rapporteur’s reports have shifted to the opposite extreme. PSCs do have the right to work in the area of security and they have important expertise to offer their clients pertaining to the enhancement of security.²³

Hence, one sees an attempt at a shift. At present, the official mandate of the Special Rapporteur and the convention which his office supports are inherently sovereignty-promoting instruments. The difference, however, is that whereas mercenarism in the form of soldiers of fortune was seen as preventing states from

enjoying sovereignty and independence, the issue now is whether or not mercenarism can support the human security promoting attributes of the sovereignty of the state.

Admissions of this sort and shifts in approach, however, will not lead to nascent regulation of PSCs from the Office of the Special Rapporteur that is in line with human security promotion. From one standpoint, in terms of regulatory mechanics, even if the United Nations convention were to be somehow revised to take into account the different nature of PSCs, the oversight methods of the convention are not appropriate. In other words, whereas a mechanism might be constructed that officially acknowledged PSCs and developed some kind of quality assurance arrangements, monitoring of means, methods, objectives, and outcomes would be more problematic. At present, the convention lacks the abilities for both monitoring and enforcement. Its application rests, therefore, with either the actions of individual states or the prodding provided by the Office of the Special Rapporteur on the use of Mercenaries via its periodic reports.²⁴

What is more, the political conditions do not exist to even contemplate such an official shift. This contributes to the schizophrenic nature of United Nations policy. In spite of the recognized need to expand officially the purview of the world body towards mercenarism and the context in which it operates, the distribution of power freezes the present approach towards mercenarism. Member states participating in the work of the Human Rights Commission, and largely from the developing world, have ensured that their official collective focus does not widen. This fact is most prevalent in the voting activity of commission members along developed and developing world lines when considering the revision and renewal of the Special Rapporteur's mandate. This is

indicative of the continued appeal of maintaining the focus on soldiers of fortune. It draws attention to the fact that many states in the developing world were subject to the destructive activities of soldiers of fortune in their earlier histories. Moreover, the mandate is a mechanism for the developing world to draw attention to the ongoing activities of soldiers of fortune. This type of mercenary continues to be involved in coups, either as the provider of assistance or as the actual leader, and in fighting alongside rebel movements.²⁵ The mandate as it stands is also politically useful because it allows for criticism from developing world states to be aired. In this regard, Cuba, a prominent supporter of the Special Rapporteur's mandate, does not wish for changes to be made to it, and, in fact, has served as a break to change, because the mandate serves as a useful device for it to condemn American-supported Cuban exiles.²⁶ Plainly then, the Special Rapporteur's mandate keeps intact the pejorative and highly political character of the word "mercenary". As such, the Special Rapporteur's mandate is one of the few human rights instruments in the United Nations system that regularly allows for presentations in sympathetic terms of the governments of developing world states and is, therefore, likely to remain unchanged.

The schizophrenic nature or inconsistency of the United Nations is made all the more apparent in the world body's own operations. On the one hand, Kofi Annan asserted in June 1997 that no "distinction between respectable mercenaries and non-respectable mercenaries" is possible.²⁷ At the time, he was referring to EO's operations in Sierra Leone and any potential United Nations interaction with the PSC. On the other hand, as the Under-Secretary for Peacekeeping in the mid-1990s, he is on record as

contemplating the idea, as noted in the preceding chapter, of employing DSL to separate fighters from refugees in the Rwandan refugee camps in Goma. Additionally, in making this revelation in 1998, Annan made a specific connection with the activities of Sandline International, a firm that applies force on the behalf of its clients and was accused of violating a United Nations arms embargo:

Some have even suggested that private security firms, like the one which recently helped restore the elected President to power in Sierra Leone, might play a role in providing the United Nations with the rapid reaction capacity it needs. 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.²⁸

Yet it is also clear that the United Nations is willing to privatize peace and to make the distinction between acceptable and unacceptable mercenaries. Obviously, the United Nations relies on PSCs for the execution of mine action programs. In 1992, DSL provided security expertise, logistics personnel, and medical assistance to United Nations operations in the former Yugoslavia. DSL, in fact, became the largest of such UN subcontractors in the Balkans with 430 people in the region by February 1995.²⁹ What is more, PSCs are listed on the United Nations Supply Database for United Nations and United Nations related organizations as suppliers of other forms of services such as “security services”, “diplomat security”, “internal security”, and “disarmament and military questions”.³⁰ In fact, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) even has recently established “guidance for its field representatives on the use of private security companies. The basic criteria for their use requires that private security companies are registered by the government of the country

in which they are operating and that government has authorized their use for a specific contract".³¹ While these regulatory criteria are in no way sufficient regarding the promotion of human security, their mere existence suggests a lack of a uniform approach towards PSCs in the world body. This schizophrenia, regardless of whether it can be attributed to reasons anachronistic and pragmatic, or to just plain confusion, reveals the lack of the necessary capabilities, mind-set, and diligence for the appropriate human-security-centric regulation of PSCs.

8.5 A Regional Response Towards Regulation - The AU?

Unlike other regional organizations, the AU, the successor body to the Organization of African Unity (OAU), is the only one which has developed substantive policy regarding mercenarism. The Treaty of European Union makes no mention of the trade in military/security services.³² The Inter-American Commission on Human Rights of the Organization of American States (OAS) has expressed concern over links between mercenaries and irregular armed groups and drug traffickers, but has not dealt with the issue independently from member state participation in the Human Rights Commission.³³ In contrast, the OAU dealt with the issue of mercenaries almost since the organization's inception in the early 1960s.³⁴ This engagement with the issue was most evident when the OAU's Council of Ministers' Committee of Legal Experts presented a draft convention on mercenarism to the said council in 1972. The resulting document, the Convention for the Elimination of Mercenarism in Africa, was adopted in 1977 by the organization and put into force in 1985. The development of a convention by the OAU is

not surprising given that the bulk of mercenary activity since the end of the Second World War has occurred on the African continent.

The convention's definition of the mercenary makes clear the focus of the OAU's, and now the AU's, stance. As spelled out in Article 1 of the convention,

Under the present Convention a 'mercenary' is classified as anyone who, not a national of the state against which his actions are directed, is employed, enrolls or links himself willingly to a person, group or organization whose aim is:

- a) to overthrow by force or arms by any other means the government of that Member State of the Organization of African Unity;
- b) to undermine the independence, territorial integrity or normal working of the institutions of the said State;
- c) to block by any means the activities of any liberation movement recognized by the Organization of African Unity.³⁵

The articles following the definition indicate the duties that states must undertake should they become aware of mercenaries or mercenary activity, potential, real, or having occurred in the past. To this end, states are called upon to draw up appropriate domestic legislation either allowing for prosecution on their own territory or for extradition to aggrieved states of individuals falling under the classification of Article 1. The inherent strength of this approach is that unlike the Additional Protocol I to the Geneva Convention, and similar to the United Nations Convention, the definition does not specifically apply only to those engaged in combat; other types of assistance, such as training, would fall under the convention's purview. And as the definition does not call for a cumulative understanding of the definitional criteria, its successful application is much more likely when contrasted to the additional protocol or the United Nations Convention. Whereas the net cast by the OAU/AU may be not as large due to its regional

orientation, the netting itself is much finer.

Despite the convention's title and as evident in this more exacting approach, the effect of the convention is not to eliminate mercenarism per se, but rather to prevent certain activities conducted by mercenaries.³⁶ The regulatory strategy of the OAU/AU, when compared to that of the Geneva Convention/United Nations, is centred to a greater degree on the continued solidification of African states and their right to exercise sovereignty. According to James Taulbee, the convention's language was "the result of careful drafting which came from the African governments' desire to give support to "national liberation movements" without creating conditions which might encourage dissident groups within their own borders".³⁷ Moreover, while qualification (c) of Article 1 has dropped out in terms of relevance as historical circumstances have changed, the remaining language of the convention sufficiently places the mercenary issue in the larger context beyond colonial/post-colonial interpretations. As a result, African states have the right and duty to prohibit mercenary activity on their territory that might lead to an undermining or the overthrow of an OAU/AU member government. But the language also allows for other types of mercenary activity, particularly activity performed on the behalf of OAU/AU member governments. So long as "mercenaries" provide their services to a recognized OAU/AU member government not bent on overthrowing the government of another OAU/AU member, the Convention for the *Elimination of Mercenarism* in Africa keeps the door open for member states to employ them.

While this approach does indicate a much more liberal approach towards mercenarism, thus making PSC activity permissible, it is not sufficient in terms of

regulating PSCs in line with human security standards for good conduct and good governance. One issue is that quality control is denied in the first instance. Because the convention, given its origins that date back three decades, does not distinguish between soldiers of fortune and the much newer manifestation of mercenarism, the PSC, this places PSCs alongside some fairly unsavoury actors. As the only differentiations made are between for what purposes and for whom mercenaries can be hired rather than between the different types of mercenaries operating in Africa, this undermines the credibility of the OAU/AU's approach towards the mercenary issue in general.³⁸

A second issue is that whereas the convention was meant to prevent any soldiers of fortune from working for causes and actors subverting member states, no holds were barred for African states hiring soldiers of fortune to be used within their borders. This reflects practice before the creation of the convention: the conflicts in Nigeria and Zaire, for instance, saw the recruitment and use of soldiers of fortune by the national governments. After the creation of the convention, one notes as well the hiring of the White Legion by the Mobutu regime in Zaire or other soldiers of fortune by the government of the former warlord, Charles Taylor, in Liberia.³⁹ Yet the convention does not develop on its own nor require member states to devise policies pertaining to the appropriate conduct of mercenaries and the appropriate nature of their use. African governments have been willing to hire soldiers of fortune in an attempt to overcome deficiencies of their states' security sectors and to solidify their place in power under the guise of maintaining the territorial integrity of the state. This is a right that many governments have wished to preserve regardless of the consequences.⁴⁰ Therefore, since

the PSC is a sub-class of the mercenary phenomenon, a blind eye is turned towards the PSC in the African context. The possibility for effective OAU/AU regulation of PSCs in Africa via the convention that would take into account direct and indirect good conduct and good governance matters is unlikely.

8.6 Home or Supplier-State Regulation

Three states, in fact the hub supplier states of the Republic of South Africa, the United States, and the United Kingdom, either have contemplated or have legislation that governs PSCs based on their own territory in a more exacting way. This is an important development because although many states have neutrality laws that govern the issue of mercenaries, they are generally anachronistic and have fallen into disuse.⁴¹ Regulation performed by supplier states is important because in calling for the licensing and the individual approval of PSC contracts, it opens the possibility that regulation might pertain to the direct and indirect human security implications of PSCs.

8.6.1 South Africa

Following and in partial response to the activities of EO earlier in the decade, Pretoria developed its own regulation regarding South African-based PSCs. This piece of legislation, the Regulation of Foreign Military Assistance Act, was brought to the South African cabinet in April 1997 and made law in May of the following year. It builds upon legislation, rooted in the adoption of the New South African Constitution and made law in 1996, governing the rapidly expanding private security industry meant

to service the domestic South African marketplace. It also updates and expands upon earlier South African legislation given the blossoming of the internationally oriented private security industry based in South Africa. The only earlier regulation was the 1957 South African Defence Act. It prohibited serving members of the then SADF, its reserves, and its auxiliary members from serving as mercenaries (i.e., in practice meaning the prevention of soldier of fortune activities). This act did not apply, however, to other members of the South African population. The new act, in contrast, applies to all South Africans, foreigners with permanent resident status, and companies registered or incorporated in the republic. Moreover, the South African stance, as reproduced in the 1997 report made by the United Nations Special Rapporteur on the use of Mercenaries, is that "an abolitionist attitude which simply proscribed or prohibited the provision of international security services would be ineffective and unhelpful".⁴² Hence, in one sense, South Africans are now, potentially, allowed to take up employment in the private security industry focused beyond South Africa's borders.

But in another sense, what exactly they can do falls under the discretion of the state. The first section of the act lays out what is covered under the term "Foreign Military Assistance":

- a) military assistance to a party to the armed conflict by means of:
 - i) advice or training;
 - ii) personnel, financial, logistical, intelligence, or operational support;
 - iii) personnel recruitment;
 - iv) medical and paramedical services; or
 - v) procurement of weapons
- b) security services for the protection of individuals involved in armed conflict or their property;

- c) any action aimed at overthrowing a government or undermining the constitutional order, sovereign or territorial integrity of a state; and
- d) any action that has the result of furthering military interests of a party to the armed conflict, but not humanitarian or civilian activities aimed at relieving the plight of civilians in the area of armed conflict.⁴³

To offer these services, the PSC must go through a process similar to that for South African arms exporters. The firm must first obtain a license to offer these services abroad and then each individual contract for which a particular PSC's services are considered must be vetted and approved by the government. The act endorses consultation with government ministries, particularly the Ministry of Defence, while these actual licencing and authorization recommendations to the Minister of Defence are the responsibility of the National Conventional Arms Control Committee (NCACC). To ensure a greater chance of objectivity, the president of the NCACC is a government minister with no direct link to the South African defence industry. But note that even though the NCACC is also responsible for regulating South African arms exports, PSCs are treated as separate entities. If firms do not follow these procedures or ignore the NCACC's rulings, the act calls for punishments directed at both the individual and corporate levels. Individuals can face a maximum jail penalty of ten years and fines up to R1 million (approximately US\$225,000). PSCs can face the forfeit of their fixed property and even the entire confiscation by the state of their asset base. Hence, while PSC services are specifically identified and tolerated, there are limitations.

Other limitations see the act mandating state discretion as to whom PSCs can offer their services. Section 6 of the act sets out the criteria upon which the NCACC is to base its recommendations to the Minister of Defence regarding authorizations or

denials for either the granting of licences or approval for specific contracts. A

recommendation for approval would not be forthcoming if it would:

- a) be in conflict with the Republic's obligations in terms of international law;
- b) result in the infringement of human rights and fundamental freedoms in the territory in which the foreign military assistance is to be rendered;
- c) endanger the peace by introducing destabilising military capabilities into the region where the assistance is to be, or is likely to be, rendered or would otherwise contribute to regional instability and would negatively influence the balance of power in such region;
- d) support or encourage terrorism in any manner;
- e) contribute to the escalation of regional conflicts;
- f) prejudice the Republic's national or international interests;
- g) be unacceptable for any other reason.⁴⁴

Of particular note for this study would be what falls under subsections (b) and (c) for the process of specific contract authorization. While the development of official criteria for these subsections is possible as per section 9b) of the act, this has not yet occurred.⁴⁵

Nevertheless, examination of statements made by South African officials would lead one to believe that these subsections refer to more than just the specific goals and merits of the proposed contract; the conditions, considered *a priori*, found in the state in which the services are to be delivered are also important. Professor Kader Asmal, the Minister of Education and the President of the Arms Control Commission, for one, has commented that "you regulate according to the reality of the legitimacy of the government in question and according to its human rights and democratic record".⁴⁶ It is clear, based on these criteria and stipulations, that a *carte blanche* is not being handed to the PSC industry based in South Africa.⁴⁷

8.6.2 The United States

American regulation of PSCs based in the United States falls into two categories. First, for PSC contracts extended upon the initiation of the United States, meaning those in which PSCs are to serve as official arms of either American foreign or defence policy, this type of outsourcing is made permissible and regulated by the Federal Acquisitions Regulation (FAR). The contracting government department sets out the goals to be achieved, the firm indicates what it hopes to do to fulfill those goals, such as the development of an initial instruction program, execution of the final plan occurs, and monitoring is conducted. Contracts of this kind are potentially subject at all stages to the examination of the United States Congress. This type of procedure was/is applied to contracts such as those for the Train and Equip Program and ACRI assessed earlier.

Second, American regulation also covers contracts initiated by a foreign purchaser. These contracts are regulated by the International Traffic in Arms Regulations (ITAR), itself a part of the 1968 US Arms Export Control Act (AECA). Responsibility for the execution of ITAR rests with the Department of State's Office of Defense Trade Controls (DTC) in the Bureau of Political-Military Affairs. ITAR states that "every person (other than an officer or employee of the US Government acting in an official capacity) who engages in the business of brokering activities with respect to the manufacture, export, import, or transfer of any defense article or defense service...shall register with the United States Government agency charged with the administration of this section [i.e. the ODTC]".⁴⁸ "Defense services" which were first introduced in the ITAR following an amendment in the 1980s, are specified in section 120.8:

- 1) The furnishing of assistance, including training, to foreign persons, whether in the United States or abroad, in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles; or
- 2) The furnishing to foreign persons of any technical data controlled under this subchapter...whether in the United States or abroad; or
- 3) Military training of foreign units and forces, regular or irregular, including formal or informal instruction of foreign persons from the United States or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercises and military advice.

Of course not all these characteristics apply to PSCs. While PSCs may be involved in the procurement and equipment-testing strategies of their clients, they do not involve themselves in the manufacturing side of the equation. Nevertheless, it is clear that PSCs do fall into the larger category of "defense services" given the nature of what they supply and their interaction with state security sectors.

Like the regulation provided by the South African legislation, ITAR follows an in-depth two-step process. The initial step is that American firms of all types that fall into the category of providers of defence services must be legally registered with the US government and pay a registration fee.⁴⁹ Additionally, while firms are permitted to speak with potential clients, contracts may not be initiated without completing the second step: receiving the approval of the US State Department granted through the DTC. In other words, before a contract comes to fruition, the PSC, on a case-by-case basis, must seek and pay for a license in a manner similar to the South African process. But dissimilar to it is the fact that this approval process must be exercised in cases beyond those solely related to a situation of armed conflict. The ITAR applies to countries both at war and

peace, internally and externally, and indicates the purposes for which American services and weapons may be sought, ranging from internal security to self-defence.

The approval process, depending on the particular proposal, involves vetting by any number of applicable actors, agencies, or departments: the Human Rights Office at the US State Department, the department's country/region specific desks, regional embassies, the Department of Defense, the Department of Energy, and the Treasury Department. After this, if the approval process for a case remains unresolved or controversial, the decision on final approval rests with the Assistant Secretary of State. As well, an additional degree of oversight is provided by the United States Congress itself. For any contract for defence services or equipment valued at US\$50 million or over, the DTC must notify Congress which can, if it wishes, deny the approval of an export contract through a joint resolution. Standard considerations at all levels include the conditions present within the country in question, the nature of the proposal, and the implications or effects the issuance of a license might have. Indeed, these considerations are largely centred upon states in the developing world where security sector problems and human security concerns are more likely to exist. Contracts involving NATO member countries and a few select developed world states are exempt from the DTC's oversight and approval procedures.⁵⁰ There is also an additional list of countries for which it is American policy to deny licenses either generally or due to specific arms embargos.⁵¹ If a PSC does not follow the DTC's guidelines for services/products offered to non-specially designated countries, section 127 links the ITAR to punishment either through fines and/or imprisonment. Those firms that have been convicted of violating

ITAR guidelines are not permitted to apply for further licenses. In this way, and similar to the 1998 South African act, the ITAR has extraterritorial application that covers unapproved PSC activities.

8.6.3 The United Kingdom

Recently, the FCO released a non-binding Green Paper entitled "Private Military Companies: Options for Regulation".⁵² This development was in response to a request from the Foreign Affairs Committee of the British House of Commons for an exploration into the nature of the PSC industry and an analysis of various avenues for management of the industry based in the United Kingdom. The Foreign Affairs Committee, for its part, was interested in making PSC-government interaction both accountable and transparent and making plain the potential benefits and detractions of relying on PSCs. This was needed in the wake of the "Arms to Africa" affair involving Sandline International discussed earlier. Further consultations and submissions will take place and a White Paper documenting the official policy of the United Kingdom is likely to be released in 2003.

Though the Green Paper presents no less than six different avenues for regulation, subsequent government publications have indicated that the resulting White Paper will not feature the avenue of prohibition.⁵³ Moreover, the White Paper is likely to feature substantial regulation. This assertion is rooted in three points. First, there are good reasons for regulating the industry. As indicated in the Green Paper, the British government would wish to ensure that firms did not counter British foreign policy

objectives.⁵⁴ Similarly, given the inclination of some to attribute the actions of a PSC with the imprimatur of its home government, there would be benefits in making this link more explicit to the benefit of British policy and reputation through the setting of guidelines.

Second, the language and arguments employed in the Green Paper leave open the possibilities that British PSCs should be regulated so that they can be further legitimized. This would allow firms to serve both indirectly as agents of British foreign policy through the approval of foreign-initiated PSC contracts and directly as approved agents for the implementation of British foreign policy in a manner similar to that employed by the United States. With respect to the latter, the Green Paper points out that, “[t]here is nothing wrong with governments employing private sector agents in support of their interests”.⁵⁵ One of these interests might be the desire to overcome the present overstretch in the British regular forces, thus allowing for more assertive foreign policy in places like Africa.⁵⁶

Finally, some key government ministers are interested in specifically regulating the PSCs based in the United Kingdom. Peter Hain, the Minister for Europe, is known to be in favour of some form of regulation.⁵⁷ Claire Short, the Minister for DFID, feels that PSCs can play a positive role in conflict resolution.⁵⁸ Most importantly, the Foreign Secretary, Jack Straw, is thought to desire a system requiring the licensing by the government of individual contracts.⁵⁹ Indeed, the Foreign Secretary commented that, “I shall be surprised if we emerge from the debate with the conclusion that the best solution is to do nothing at all”.⁶⁰ Specific regulation would make potential British legislation

similar to that of South Africa, since it would be applied based on criteria separate from arms exports. It would also be analogous to both American and South African legislation in that the United Kingdom would approve contracts on a case-by-case basis. It would seem, therefore, that earlier national attempts at regulating the industry are being embraced by key actors in the British government as guide maps for regulating British-based PSCs.

8.7 Appropriateness of Supplier-State Regulation

8.7.1 Licensing and Qualifications

For the sake of at least maintaining the status quo in terms of human security promotion, however, licensing procedures for PSCs should be more rigorous. Here the qualifications for legal registration, not the registration itself, are critical. As detailed above, this is required in order to cut out soldier of fortune activities at the first instance. Currently, licensing processes for both South Africa and the United States are largely limited to fee payment. As noted by David Isenberg in specific relation to the American case, “[r]egistration is primarily a means to provide the US Government with necessary information on who is involved in certain manufacturing and exporting activities”.⁶¹ Before licenses are granted, this information should be supplemented substantially with data on the nature of the people involved in the firm. An appropriate inspection would seek to answer these four questions: Do the firm’s managing staff, directors, and employees have criminal pasts or dishonourable military records? Do these individuals have the capacity and expertise to perform the services they seek to advertise and sell?

What is the long-term business plan they wish to promote? These questions are not necessarily relevant for all actors covered by ITAR, such as arms manufacturers and exporters, but they are crucial for effectively separating PSCs from other types of mercenaries. In this way, American legislation might be finessed by separating and elaborating on providers of "defense services". While South Africa has made this separation within the larger administrative context of the NCACC, its license-related auditing requires embellishment too. There should be a notable difference between the licensing requirements for those who provide private security services overseas and those who export solely weaponry or other military equipment.

In addition, to ensure further that these standards remain, licensing should be an ongoing process with periodic reviews. To a certain degree this is already the case. Regulations, such as ITAR, place the responsibility on the firm to report any changes in ownership and directorship or of any decisions to engage in the export of "an additional category of defense articles or defense services".⁶² Yet because the implications of any potential business transactions for PSCs are beyond the norm in regular commercial affairs, the firms themselves require a greater and different kind of regulatory scrutiny.⁶³ Supplier states must be even more diligent, not just because firms begin to offer new services, but also for the sake of maintained quality control. In other words, while ongoing regulation may keep a supplier state aware of developments in the PSC industry based on its territory, it may not allow for continued assessment related to these developments. Appraisals of this kind, supported in various ways by PSCs, should become standard in national policy to serve as an essential quality control mechanism.

Even firms themselves, for the sake of enhanced stature and legitimacy, call for this rigour. Sandline International, for instance, has recommended that registration/licensing “can be designed to be wide-ranging and rigorous. It can also be repeated at regular intervals to ensure that a snapshot assessment of compliance is maintained over time”.⁶⁴ The United Kingdom’s Green Paper and subsequent government publications identify the utility of such an aspect and hopefully it will become part of eventual government policy on PSCs such that it will serve as a template for the United States and South Africa.⁶⁵

8.7.2 Assessment of the Country/Situation

Obviously, the licencing procedure does not constitute permission for export approval or the delivery of services. The only right or approval inherent in the procedure is the privilege to seek contractual opportunities that would have to receive further governmental approval before their execution. Licensing has no substantive effect on outcomes for proposed individual PSC contracts in all three states considered.

But what should have an effect are the nature of and current conditions in the country in which the planned operation is based. These considerations made by the supplier state would first determine whether or not a contract would be deemed permissible. If the proposal was determined to be allowable, the stage would also be set for evaluating whether or not the goals of the proposed contract and the suggested means/plans employed to achieve are positive in terms of good conduct and good governance. It would also allow for a determination of the value/importance of the PSC service for the recipient should the application of leverage need to be contemplated later.

These matters speak to the second and third points of human-security-centric regulation.

At present, a more exacting degree of contextual assessment would be required to better promote human security. True, one might make the case that firms have exercised their own discretion. Due partially to the pariah status of Zaire at the time, EO in 1997 turned down an opportunity to work for the Mobutu government.⁶⁶ Note, however, that it did not turn down opportunities to work for the then military-led government in Sierra Leone in 1995 or for the problem-plagued MPLA government in Angola in 1993. Similarly, note that MPRI did not exercise such initial discretion; it requested, also in 1997, approval from the State Department, as per regulations, to assist the Mobutu government in response to a query.⁶⁷ This request was turned down.⁶⁸ Certainly, as stressed right from the beginning, these points reveal that while firms will exercise some discretion, there are commercial limits as to how far they can exercise this judgment.

The onus, therefore, rests upon regulation. At present, the American legislation possesses more strength than that of South Africa when dealing with issues of the environment present in the contracting state. To expand, ITAR is linked to lists of designated states that are blacklisted by the State Department for the export of American defense articles and services. The reasons for such denial of export relations are sometimes geopolitical concerns, or in the cases of such countries as Cuba, have ideological motivations. But reasons for denial can also be in response to the particularly unsavoury nature and policies of the specific governments in question. As for those states that have not been blacklisted, ITAR applies to virtually all of them, regardless of the level of strife, or lack thereof, within their borders. Any applications are sent for

assessment to the appropriate country, regional, and human rights desks in the State Department. Those that are exempt, mostly NATO states, have generally strong governmental institutions and a lack of internal turmoil.⁶⁹ Only cases that are clearly not problematic receive the appropriate regulatory scrutiny.

In contrast, the South African approach has been more haphazard and ad hoc. Note that the NCACC does not have a similar blacklist that is directly linked to the 1998 legislation. What is more, Professor Asmal's qualifications of legitimacy, human rights observance, and democratic record of the proposed contracting state require fine-tuning and more appropriate weighting. The legitimacy requirement, for instance, would seem to apply only to those governments where recognition has not been granted, such as in states where a government has seized power by means of a military coup. As for the democratic requirement, this too does not necessarily mitigate the situation. Many states call themselves democracies, no matter how nominal. Democracy needs to be accompanied by the requisite freedoms, openness, tolerance, and upholding of the rule of law. As a result, only one of the three South African requirements, human rights observance, is appropriate for assessment in the first instance. Even then, the act applies only to parties of an armed conflict, the implication being that open hostilities must be underway.⁷⁰ This prevents South African control over PSC services that may be applied in contexts where full-blown conflict may not be underway, but turmoil may exist or the government in question might have a problematic human rights record. Similarly, in environments characterized by anything but open and sustained belligerence, it limits the ability of Pretoria to provide direction in any security sector reform endeavour performed

by a South African PSC in another state. This is a particularly interesting omission for South Africa; in light of the relatively recent and successful creation of the SANDF, South Africa now possesses a wealth of experience in this field. These limitations have in fact been noted by PSCs themselves. EO's Nic Van Den Bergh noted that,

the crux of the new bill [is] to regulate foreign military assistance to parties involved in armed conflict. So far as I'm concerned, if I'm not going to support any party involved in armed conflict then I don't need to apply for permission or authorisation. If a country like the United States wants to contract me to provide a specific service for them, why would I need to ask the government's permission? Because this is not regulated by the bill.⁷¹

In the end, the South African approach towards environmental assessment is not as rigorous as it might be, numerous cases can escape oversight, and opportunities are lost.

Hence, it would appear that if the legislation from one of these two states was to serve as a template for other states contemplating legislation, the United States approach is more appropriate. The American legislation's posture towards the conditions in the contracting state is perhaps more cumbersome and onerous than the South African approach, but this makes it comprehensive and potentially more sensitive to human security matters. Thus, it is promising that the United Kingdom seems likely to adopt an American-style approach and that the Green Paper itself refers to examples where PSCs have been employed in situations featuring tumult and situations featuring relative calm.

8.7.3 On-going Assessment of PSC Operations

To reiterate, once a PSC has entered the theatre of operations, on-going assessment of the firm's activities by the supplier state would be helpful in regards to the

promotion of human security for three reasons. First, it would ensure that the goals defined initially at the approval stage remain and the means then deemed appropriate for actually carrying them out are being employed. In other words, this kind of assessment would ensure that there was no deceit involved in obtaining government approval. If it did appear evident that a firm had said one thing but was actually performing contrary tasks and using unauthorized means, then the PSC might be subject to criminal prosecution back in its home state. Second, it is possible that the goals laid out initially might prove difficult to achieve either due to the means chosen or the nature of the goals themselves. If so, on-going monitoring would allow for immediate reappraisal and potential updating of its authorization. Third, the pursuit of the initial goals with the approved means might lead to unintended and perhaps unwanted consequences. Similarly, conditions might change on the ground, independent of the PSC presence, that might nevertheless call for a reexamination of that particular PSC operation. With respect to the second and third points, on-going assessment would not lead to any potential criminal charges. Instead, it would allow the firm the ability to be more flexible and ultimately more effective. At present, the only options for a PSC are completing a contract as mandated or pulling out, a decision that would likely result in a loss of money and breach of contract proceedings. In this way, this type of on-going assessment might be good for both human security promotion and PSCs.

PSCs themselves have actually welcomed or sought this type of outside monitoring. Again, this is based on the reasoning that it will separate PSCs from soldiers of fortune, thus providing the industry with a greater degree of legitimacy and

acceptance. Sandline International, for instance, has made suggestions largely pertaining to contracts initiated by a foreign state. It would not be adverse to observers of some sort that monitored firms for their adherence to the laws of armed conflict and their observance of human rights. Sandline International's suggestions also go beyond the oversight of technical competence (good conduct) by stating that monitors should also be involved in overseeing the goals PSCs might seek (i.e. their relationship to mineral extraction companies - good governance). In a policy paper on regulation, Sandline International officials write, "[b]y being present throughout the deployment and operational planning phases, the observer force will be fully conversant with the overall objectives, chain of command, directives and orders that are issued, and the conduct of operations..."⁷² Clearly, in theory, if a PSC desires this type of oversight directed at this portion of its operations, then the prospects for better ensuring the promotion of human security is enhanced.

In practice, however, the monitoring of PSCs in the field lags behind what is wished for by firms and what is needed with respect to human security. To be specific, whereas home state initiated schemes, such as the Train and Equip Program and ACRI, have been subject to constant monitoring, the same is not true for export-type regulation such as the South African Regulation of Foreign Military Assistance Act. Currently, the South African legislation does not incorporate any mechanisms that can monitor PSC plans and the means the firms actually employ once the NCACC has made its recommendations and the Minister of Defence has granted his/her authorization. The outcome is that while the act is meant to be applied towards activities beyond South

African borders, the lack of monitoring means that it might prove difficult to determine if the terms of a license had been breached. The collection of evidence that would stand-up in any criminal prosecution would be problematic indeed. As well, should circumstances change in the country of PSC operations, Pretoria would have limited ability to control the activities of South African PSCs other than implementing an embargo on military assistance covering both public and private South African actors.

As for ITAR, it too lacks any effective reporting or oversight requirements of a formal nature once authorization has been granted. Indeed, the bulk of ITAR's oversight control is invested in reliance upon end user certificates for weaponry exported privately from the United States, an option that is not relevant for PSC services. True, some informal oversight and progress reviews do exist of PSC contracts regulated by ITAR and the Department of State could revoke its authorization. Nevertheless, as asserted by Deborah Avant, this does not mean that the United States has a substantial and effective monitoring presence, particularly when it comes to the sensitive PSC service of security-sector training: "Although U.S. embassy officials in the contracting country are charged with general oversight and though firms often liaise with U.S. defense attaches, no paperwork is filed, and no one has specific responsibility to monitor how these training contracts are fulfilled".⁷³ Not only should on-going assessment exist, it should be uniform, consistent, and clear.

In the final analysis, efforts should be made to bulk up the South African and American regulative presence after authorization has been given. It would allow for the better application of national laws, a greater flexibility for PSCs in their operations, and a

potentially greater degree of effectiveness in PSCs achieving their objectives and in the promotion of human security. To achieve this heightened level of attention, two matters should be looked into. One, with respect to contracts, any contractual arrangement made between a PSC and a foreign client would have to include provisions allowing for a formal regulatory presence for monitoring and review tasks. Contractual provisions for such a presence would protect the firm from breach of contract allegations made by the client if the regulators responsible for on-site assessment felt that changes were in order. The second matter is that actual plans for such regulation would need to be devised. Several issues would be of importance: the level of a regulatory presence (a presence throughout, scheduled spot checks, impromptu assessments), the appropriate actors (the development of a new governmental agency, the use of current capacity within arms control bodies, the tasking of the responsibility to a NGO, or some combination thereof), and the role of other actors (other governmental departments and embassies). Again, while the United Kingdom has yet to devise its official plans, some points in the Green Paper are promising. In particular, it indicates the possibility that PSCs might be required to "facilitate access" so that government regulators might monitor their activities.⁷⁴ Additionally, proposals exist for the White Paper to include a substantial evaluation and monitoring regime to be facilitated by a formal complaints procedure.⁷⁵ Hence, any resulting British regulation might be more progressive on this particular concern than the current endeavours of South Africa and the United States, thus making it a better template for other potential state regulation dealing with oversight.

8.7.4 Assessment of PSC Goals and Means

At present, the level of oversight and the ingredients for assessment, while obviously not harmful towards human security, do not hold its promotion as a primary criterion. On the one hand, the South African legislation, as outlined above, presents a list of factors that a PSC contract would have to avoid should it wish to receive the positive recommendation of the NCACC. As a result, South African PSCs should seek out certain operations and tailor the means they seek to employ in order to adhere to these guidelines. On the other hand, the South African legislation limits the application of these imperatives to only cases determined as armed conflicts, thus cutting down drastically the number of cases to which they apply. The act's purview would have to be widened substantially to ensure uniform human-security-centric regulation.

As for the United States, it has the substantial range but not the necessary emphasis. ITAR's scope, to reiterate, is much more expansive than that of the 1998 South African legislation. Indeed, ITAR's section 120.3 has a dragnet effect on all foreign actors who might wish to purchase American defence articles or services and those companies that wish to provide them:

[a defence article or service] [i]s specifically designed, developed, configured, adapted, or modified for a military application, and has significant military or intelligence applicability such that control under this subchapter is necessary....The intended use of the article or service after its export (i.e., for a military or civilian purpose) is not relevant in determining whether the article or service is subject to the controls of this subchapter.⁷⁶

In other words, the act's applicability cannot be circumvented based upon the end use of the article and service; these articles and services, in and of themselves, are sensitive.

But once “caught” by ITAR, human security considerations are not necessarily primary. True, as indicated earlier, the proposed contract is examined for its implications, including human rights, by a number of offices within the department. Complementing this process is the need to obey any applicable policies pertaining to American relations with another country, group of countries, or in regard to certain activities. But if no extra legislation is applicable, the problematic aspect of ITAR guidelines alone is that they deal largely with the wide gambit of American foreign policy rather than the specific matter of human security promotion.⁷⁷ ITAR provides for governmental oversight and discretion, but not directive.

This makes real the possibility that regulation might make a link between PSC activity and home states, but in a way that firms serve as foreign policy proxies without a human security emphasis. Said differently, though PSCs may increasingly reflect state interests, these interests may not be the promotion of human security. Take, for instance, the desire of the Clinton Administration in 1996-1997 for the government in Luanda to hire MPRI for a five year, US\$60 million contract designed to train the FAA. The objective of the administration’s lobbying on MPRI’s behalf was to provide it with influence. MPRI’s presence would better ensure the protection of American business interests in the country.⁷⁸ Also, to substantiate its control over the Angolan peace process, Washington called for seven UNITA generals to be integrated into the command structure of the FAA before the contract went ahead. But to obtain this influence, matters pertaining to human security were put to the side. The proposed 100-person contract outlined a full-scale training of the actors that make-up the Angolan security

sector, including particular emphasis on training the notorious Rapid Intervention Police (RIP), otherwise known as the Ninjas. The RIP constitutes a separate parallel force with its own special equipment. Moreover, it is known to have attacked civilians and committed substantial human rights abuses in Angola.⁷⁹ Yet despite this fact and despite the other problems of the Angolan security sector identified in this study, not only did the State Department readily provide the authorization as required through ITAR, it did so well before the contract was even finalized.⁸⁰ In the end, the contract was never executed due to increased intensity of the conflict with UNITA in the late 1990s and difficulties in reaching a mutually acceptable funding plan. But the possibility of achieving objectives at low economic and political costs in the future, even if there are some potentially dire consequences in terms of good conduct and good governance, may be too difficult to resist. Indeed, the MPRI project in Angola would have helped to protect and promote American interests without the deployment of American military personnel and with Luanda footing the bill. At the very least, this example reveals how the approval process can be affected in cases that the executive branch of the American government finds particularly important. At the very most, it puts into doubt the integrity of the entire regulatory framework.

The contention that this type of outcome may be avoided through high level involvement of other branches of government nevertheless is hampered on the issue of presenting a consistent human-security-centric approach. As noted above, current American guidelines dictate that the United States Congress can, if it wishes, deny the approval of contracts with values of at least US\$50 million through an issuing of a joint

resolution. However, the value of security sector “software” or the provision of human expertise is usually much less than “hardware” or weaponry and equipment. Like the cases examined in this study, most PSC contracts do not reach the US\$50 million level, and if they do, it is often reached only cumulatively due to contract renewals and extensions. Therefore, the argument is that the US\$50 million threshold should be lowered to increase the *possibility* of oversight by the legislative branch.⁸¹

But even this may not suffice. Since 1986, the United States Congress has not exercised its lawful prerogative to vote on individual arms export contracts which collectively over this time period were worth approximately US\$150 billion.⁸² On the one hand, the accountability issue is much stronger with the export of human expertise than it is with weaponry. This might lead, potentially, to changes in ITAR requirements as the American PSC industry grows. On the other hand, it is hard to determine when this threshold might be reached. Moreover, accountability issues aside, practice dating from before the end of the Cold War reveals that the American legislative branch has not been proactive with respect to the responsibility it can exercise. The enlarged zone of responsibility may not entail a reduced proclivity to rubber stamp export in defence articles and services. National legislation needs to catch up to PSC developments and oversight taken more seriously if human-security-centric PSC activities are to be consistently advanced.

8.7.5 A Consistent Supplier-State Approach?

Obviously, without a consistent human security stance laid out in national legislation, the prospect of a regime amongst supplier states is greatly reduced. Some supplier states do not have substantive regulations governing “their” PSCs. Those that do, as shown above, have gaps or are devised in such a way as to permit PSC operations problematic to the promotion of human security. Certainly, an advantage of such a regime would be an assurance that no country’s firms had a competitive advantage due to laxer standards to the detriment of both creating a level playing field and peacebuilding. As identified by C.J. van Bergen Thirion of the SANDF, “[t]he biggest threat regarding these companies lies in particular in the lack of a common approach and opportunistic action by states in this regard”.⁸³ A regime might be able to set standards and correct market imperfections by lessening information costs and uncertainty. But the difficulty is that promoting human security abroad is immediately accrued only in a moral sense; in a material sense the benefits through enhanced peace and stability are often indirect, hard to perceive, and in the long-term. This is further complicated by political cycles in supplier states, by the demands placed on policymakers by short-term interests, and by the not always linear effects of peacebuilding. Even when principle is prominent, *raison d’état* or material interests are often not far away.

Once again, an example involving the United States outlines the difficulty. In June 2000, MPRI received permission from the State Department to start the first phase of a training contract initiated by the government of Equatorial Guinea. The National Security Enhancement Plan (NSEP) for Equatorial Guinea is described on MPRI’s

Internet site:

MPRI developed an integrated team of defense, security, and Coast Guard experts to provide a detailed set of recommendations to the government of Equatorial Guinea concerning its defense, littoral, and related environmental management requirements, as well as detailed implementation processes.⁸⁴

The main objective of the NSEP is the development of the country's coast guard in light of the perceived requirement of protecting the country's oil resources that are tapped by Mobil Oil.

General relations have often not been positive between Washington and Malabo. In 1998, the United States opposed IMF funding to Equatorial Guinea, one of only five states in the world to be so singled out. The United States has seen its ambassador threatened with death and expelled from the country and does not have an embassy in the country at present.⁸⁵ Past close allies of the country have been two primary American enemies: North Korea and Cuba.

But of greater concern were implications potentially falling from the training project itself. The particular fear is that a security sector development in this way might reinforce President Teodoro Obiang Nguema's hold on power. His actions, dating back to his seizure of power by a military coup in 1979, have been linked to election fraud, human rights violations, and political killings.⁸⁶ Increasing the capabilities of the armed forces without any accompanying reform endeavours was thought likely to fortify Nguema's regime. What is more, effectively bringing the country's oil resources on-line would also likely bolster his control given the country's past history of poor and corrupt economic policy. The main worry is summarized in a question posed by Human Rights

Watch: "Do you want to train a military in modern techniques so it can preserve itself?"⁸⁷

The State Department had put off approval on this project for two years following the initial request in June 1998 due to the potential implications for human rights and governance in the country. In fact, the State Department had initially turned down the application in 1998. The project was kept alive, however, with a request for reconsideration in January 1999.⁸⁸ The fact that the State Department did eventually grant its blessing for MPRI to work in Equatorial Guinea is indicative of two related matters. First, it reveals how the lack of a consistent human security stance amongst supplier states works to undermine a particular policy of a single supplier state. Here the State Department was exercising its ability to withhold a contract for fear of implications that would impact upon human security. Yet MPRI was able to convince department officials that if it did not receive authorization, another (non-American) PSC working in the international marketplace would likely get the contract.⁸⁹ Given the current state of international regulation, it is clear that the option exists for potential client states to circumvent undesired normative requirements of supplier states. They can either turn to another state's PSCs or at least threaten to do so. Second, it reveals that normative stipulations of supplier states, even when they are at the fore, can be stepped away from. This case shows that government support of the business interests of an American firm, in this case MPRI, and a government's desire for potential spin-off benefits (American oil imports and oil companies), can in the end be more powerful than normative arguments for withholding authorization. Indeed, in this case a PSC has been authorized to operate in a country where there is not even an American embassy. This deprives the

United States of even one of the less formal modes of oversight of PSC contracts noted above. In sum, this case makes plain the inconsistencies and the lack of resolve at both the international and domestic levels that together hamper the regulated promotion of human security in the PSC industry as it now stands.

The chance that outside, non-state pressure might alleviate this predicament is possible but not highly probable. In other words, the influence of NGO actors is likely to be minimal under current circumstances. True, a principal ingredient in an endeavour like the Ottawa process was the attention and advocacy efforts directed by NGOs. But in this case, NGOs themselves are divided due to their competing views, thus creating a problem for collective action.⁹⁰ International Alert, for one, calls for a regulated approach towards PSCs by supplier states but shies away from supporting PSC operations that involve the proactive use of force. The Africa Research and Information Bureau, for another, demands the complete prohibition of PSCs. There is also no organizing and overarching entity to bring NGOs together on the issue such as the International Campaign to Ban Landmines (ICBL).⁹¹ The United Nations, for its part, is stuck with its old definitions and mindsets on mercenaries, thus preventing it from mobilizing action, altering behaviour, and shaping the goals and interests of other actors. A degree of consensus amongst concerned players will have to emerge before a coherent front arises strong enough to influence state action. Whereas for other instances, non-state actors, such as NGOs, have been mobilizers to action or, in the words of Ethan Nadelmann, “transnational moral entrepreneurs”, this is not yet the case for supplier-state-based regulation of PSCs.⁹²

8.7.6 PSC Regulation and Humanitarianism

As existing regulation by supplier states does not generally cover humanitarian services, supplier states cannot help in guiding humanitarian actors. In the South African case, the act only covers instances of armed conflict. Even then, the act exempts humanitarian activities from its purview. To reiterate, the act applies to “any action that has the result of furthering military interests of a party to the armed conflict, but not humanitarian or civilian activities aimed at relieving the plight of civilians in the area of armed conflict”. Similarly, in the American case, practice has been to exempt humanitarian services as they are deemed to be designed and destined for civil application. Therefore, this overlooks the micro level implications of humanitarian-PSC activity indicated in the previous chapter as humanitarians are political actors in their areas of operation.

In many ways, regulation of this sort would deny humanitarians a degree of independence from states or other political actors. Regulation then, from this standpoint, would be best left in the hands of humanitarians themselves. Yet humanitarian organizations, for their part, are only in the early stages of developing standards for their use of PSCs. Guidelines have not been fully thought through nor formalized by the appropriate actors.⁹³ Koenraad Van Brabant recognizes that despite the fact that fundamental ethical, political, and managerial issues are at stake, “[a]gencies tend not to have policies governing their use of private security firms, nor is consolidated information and experience available to guide agencies in formulating such a policy”.⁹⁴ This matter is further complicated by the pressures of a contract culture that have

impacted upon humanitarianism. The globalization of the aid business means that reach and competition now extend worldwide. This, for Antonio Donini, downgrades other concerns for the sake of greater humanitarian exposure, an asset that facilitates further funding and operations: "The day-to-day struggle for survival of contract and media hungry NGOs is not necessarily synonymous with political acumen, good management, and accountability, nor with sustainable programs".⁹⁵ This culture and the desire to get there "first" has limited the needed substantial thinking on the issue of humanitarianism and security.⁹⁶

Also, the development of human security regulation specifically for PSC/humanitarian activity would affect a macro level issue - the current trend of states using and supporting humanitarian action as an alibi. True, PSCs could very well make a positive contribution to humanitarian peacebuilding endeavours. Ignoring this point has in fact proved detrimental in the past.⁹⁷ Yet PSCs and humanitarians together, due to their limited political clout, would not be able to bring about desirable changes by themselves. They would have to be linked to larger political endeavours which might require an opening of state treasuries, an expending of political capital and energies, and even the posting of soldiers abroad. However, without the rise of sustained commitment by actors with the necessary resources and clout, humanitarian activity, despite the need, will remain a palliative rather than a cure. Given that resources are finite, the need is great, and particular interests are not always held universally or by the more powerful, change is unlikely to be forthcoming in this approach towards humanitarianism. The use of PSCs will continue as a stop-gap measure.

8.8 Conclusion

Analysis of the various avenues for regulation of the PSC industry reveals that the best route to take in today's conditions is for supplier states to take further charge of the firms based on their territory. This choice is made partially by a process of elimination and partially by recognition of inherent strengths of the option. Even though the United Nations would ideally be the focal point for international regulation, this is not possible. While there have been unofficial shifts, the world body's approach towards mercenarism remains saddled by a certain understanding of mercenary activity. A developing world membership wishes to keep it that way. As for regional bodies, only the OAU/AU has addressed the mercenary issue in a substantial manner. But for the OAU/AU, the goal has been the maintenance of the territorial integrity of member states and the reinforcement of the sovereign prerogative. This leaves open the option for member states to hire, with only minimal restrictions, any type of non-state security expertise, thus lumping PSCs in with soldiers of fortune. Hence, the only viable remaining choice is for supplier states to regulate their PSCs. Not only must firms be known to supplier states, their specific activities must come with government sanction.

While not explicitly human-security-centric in their orientation, the regulations examined do have some positive characteristics. The 1998 South African legislation and the American ITAR both possess a general regulatory concern for the human rights implications of PSC personnel and their services and the environment in which they are meant to have an impact. The United Kingdom, through the release of its Green Paper, seems to have recognized the shortcomings of national legislation elsewhere and will,

hopefully, take them into account in the development of its own regulations. Indeed, if South Africa and the United States followed suit, the end result would only strengthen the legitimacy of the domestically based PSC industries and the potency and enforceability of the regulations themselves.

But it must be recognized that these changes represent the best case scenarios under current circumstances. There are difficult limitations. Dissection of these regulations does reveal some problems for human security in terms of licensing, contextual considerations, and the need for the on-going assessment of PSC operations in the field that may or may not be able to be eliminated. But more importantly, regulatory assessment of PSC ends and means is open to the orchestrations of supplier states leading to repercussions for human security. Given the potency of this option, it is unlikely that supplier states would readily give it up. Moreover, even if some states follow their regulations in a manner appropriate for human security, other states have left their firms largely unregulated, thus increasing their competitiveness in the international marketplace. Outside pressure by non-state actors to remedy the situation has yet to come to bear on states because of their own lack of organization and a coherent approach. As for humanitarianism, traditional thinking about humanitarian activities and political matters have left PSC/humanitarian action largely free from regulation. In closing, the PSC is but a tool for other actors to employ. Regulation may ensure that the tool is used in a beneficial manner with respect to human security. Under present circumstances, however, it also equally allows for this tool to be used in ways that are not.

ENDNOTES FOR CHAPTER EIGHT

1. In a similar line of analysis, note Elke Krahmann's arguments that despite the raising of weapons export controls in many European states over the 1990s, statistical evidence reveals that the relocation of firms to countries with less restrictive regulations has not occurred. Elke Krahmann, "Private Firms and the New Security Governance," paper presented at the 2002 International Studies Association Meetings, New Orleans, United States, 23-27 March 2002, p. 15.
2. SAS* took its initials from the Special Air Service (SAS), the organization from which it hoped to draw some of its recruits. To attract further the interest of disaffected individuals either currently serving or discharged from the British Armed Forces, the office of the SAS* was located above a laundry in Camberley, Surrey, that was across from the Sandhurst Staff College. Wilfred Burchett and Derek Roebuck, *The Whores of War*. London: Pelican Special, 1977, p. 29.
3. Jimmy Burns and Andrew Parker, "Ex-SAS soldiers hope for new lease of life," *Financial Times* (14 February 2002), (news.ft.com).
4. 'Funmi Olonisakin, "Arresting the Tide of Mercenaries: Prospects for Regional Control," in Abdel-Fatau Musah and J. 'Kayode Fayemi, eds., *Mercenaries: An African Security Dilemma*. London: Pluto Press, 2000, pp. 234.
5. *The Wall Street Transcript*, (17 April 2000), (www.twst.com/).
6. Sabina Alkire, "Conceptual Framework for the Commission on Human Security." 6 December 2001, p. 2. (Draft document cited with the permission of the author).
7. Harvey B. Feigenbaum and Jeffrey R. Henig, "Privatization and Political Theory," *Journal of International Affairs* 50 (Winter 1997), p. 338.
8. In addition to this study, this point is reiterated in James R. Davis, *Fortune's Warriors: Private Armies and the New World Order* (Vancouver: Douglas & McIntyre Ltd., 2000), p. xii; Dino Kritsiotis, "Mercenaries and the Privatization of Warfare," *Fletcher Forum of World Affairs* 22 (Summer/Fall 1998), p. 11.
9. Security Council Resolution 239 asserted that member states were "to ensure that their territory and other territories under their control, as well as their nationals, are not used for the planning of subversion, and the recruitment, training and transit of mercenaries designed to overthrow the Government of the Democratic Republic of the Congo". United Nations, Security Council Resolution 239, 22nd Session, 1367 Meeting, U.N. Doc. S/INF/22/Rev. 2 (1967).

10. United Nations, General Assembly Resolution 2465, 23rd Session, 1751 Meeting, U.N. Doc. A/L.560/Rev.1, A/L. 561/Add.1, A/L.563 (1968).

11. United Nations, General Assembly Resolution 2625, 25th Session, 1883 Meeting, U.N. Doc. A/8082 (1970).

12. Marie-France Major, "Mercenaries and International Law," *Georgia Journal of International Law* 22 (No. 3, 1991), p. 103. An approach such as this is also not surprising because in pursuing these objectives, the United Nations itself felt first hand the destructive consequences of soldier of fortune activity when its peacekeepers in *Opérations des Nations Unies au Congo* (ONUC) confronted soldiers of fortune in Katanga in the Congo in the early 1960s.

13. Those 22 states that had signed and ratified the convention by October 2001 were Azerbaijan, Barbados, Belarus, Cameroon, Costa Rica, Croatia, Cyprus, Georgia, Italy, Libya, Maldives, Mauritania, Qatar, Saudi Arabia, Senegal, Seychelles, Suriname, Togo, Turkmenistan, Ukraine, Uruguay, and Uzbekistan. States that had signed the convention but had yet to ratify were Angola, Congo, Democratic Republic of the Congo, Germany, Morocco, Nigeria, Poland, Romania, and Yugoslavia.

14. The Additional Protocols are the result of the 1974-1977 Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. With respect to mercenaries, Additional Protocol I did not ban mercenarism outright; it was only meant to deter. Those individuals who met the criteria laid out in Article 47 were to be denied Prisoner of War (POW) status.

15. The full title is "Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination".

16. In recent years, consensus among member states, because of these issues, has not been forthcoming when the Human Rights Commission has debated the renewal of the mandate of the Special Rapporteur. Leonard Gaultier, Garine Hovsepian, Ayesha Ramachandran, Ian Wadley, and Badr Zerhdoud, *The Mercenary Issue at the UN Commission on Human Rights: The Need for a New Approach*. London: International Alert, 2001, pp. 19-20.

17. United Nations, Commission on Human Rights, "Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination," submitted by Enrique Ballesteros, Special Rapporteur, A/53/338, 4 September 1998, p. 7, (www.unhchr.ch).

18. This is noted in Juan Carlos Zarate, "The Emergence of a New Dog of War: Private International Security Companies, International Law, and the New World Disorder," *Stanford Journal of International Law* 34 (Spring 1998), p. 146.

19. Yves Sandoz, "The Privatisation of Security: Framing A Conflict Prevention and Peacebuilding Agenda." Paper presented at the Wilton Park Conference, London, United Kingdom, 19-21 November 1999, p. 3.

20. Indeed, legal experts have found it difficult even to apply Article 47 to soldiers of fortune, the specific type of mercenarism it was designed to address. Note, for instance, that the requirement of excessive payment is perceived by some as limiting. Enlistment policies can also be easily manipulated. The requirement that the individual be hired for a specific conflict avoids cases where there is no specific conflict at hand or when the hiring is for the long-term. The cumulative nature of the definition provides so many avenues of escape that, for international legal expert Francoise Hampson, "the definition of a mercenary is so framed as to ensure that no one but the most foolish or unlucky will come within it". This conclusion is reaffirmed by another legal expert, Geoffrey Best, "any mercenary who cannot exclude himself from this definition deserves to be shot - and his lawyer with him". For citations and assessments, see *Ibid*; F. J. Hampson, "Mercenaries: Diagnosis Before Proscription," *Netherlands Yearbook of International Law* 22 (1991), p. 30; Kritsiotis, "Mercenaries," p. 18.

21. United Nations, Commission on Human Rights, "Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination," submitted by Enrique Ballesteros, Special Rapporteur, E/CN.4/1998/31, 27 January 1998, p. 23, (www.unhchr.ch).

22. United Nations, Commission on Human Rights, "Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination," submitted by Enrique Ballesteros, Special Rapporteur, A/55/334, 30 August 2000, p. 13, (www.unhchr.ch).

23. United Nations, Commission on Human Rights, "Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination," submitted by Enrique Ballesteros, Special Rapporteur, E/CN.4/2000/14, 21 December 1999, pp. 22-23, (www.unhchr.ch). The Special Rapporteur still has, however, some reservations concerning the actual use of force exercised by PSCs.

24. There are also more general charges one might consider regarding United Nations oversight. Critics contend that the United Nations grants its approval too readily and offers too little in terms of oversight and guidance for missions "subcontracted" by the United Nations to regional organizations, coalitions of the willing, and individual states. The international organization has been more reactive than proactive in its handling of operations conducted by states. Michele Griffin, "Blue Helmet Blues: Assessing the Trend Towards 'Subcontracting' UN Peace Operations," *Security Dialogue*, 30 (March 1999), p. 54. Some do contend, however, that subcontracting represents an equitable distribution of responsibilities for the conduct of Chapter Seven versus Chapter Six

operations. See Peter Viggo Jakobsen, "Overload, Not Marginalization, Threatens UN Peacekeeping," *Security Dialogue* 31 (June 2000), pp. 167-178.

25. For recent examples, see Susan Linnee, "Mercenaries Stage Attack on Comoros," *The Associated Press* (19 December 2001), (www.ap.org/); Michael Dynes, "'Dogs of war' held on way to Madagascar," *The Times* (20 June 2002), (www.timesonline.co.uk).

26. United Nations, Commission on Human Rights, E/CN.4/1998/31, 27 January 1998, pp. 6-9; United Nations, Commission on Human Rights, A/55/334, 30 August 2000, p. 5.

27. Annan cited in David Shearer, "Outsourcing War," *Foreign Policy* (No. 112, Fall 1998), p. 68.

28. United Nations, Office of the Secretary General, "Secretary-General reflects on Intervention." Speech given to the Ditchley Foundation. United Nations Press Release SG/SM/6613/Rev.1 (26 June 1998).

29. Alex Vines, "Gurkhas and the private security business in Africa," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, p. 134.

30. The complete list of services and United Nations services codes are: 388200 Security equipment, special purpose; 388400 Firearms and ammunition; 611400 Security installations maintenance and repair; 692000 Security services; 729100 Specialized communications systems; 912394 Internal security; 912417 Diplomat security; 912500 Maintenance of peace and security; 912532 Explosives ordnance, mine clearance; 912550 International security; 912600 Disarmament and military questions; 951000 Protection and assistance to refugees and displaced persons.

31. Martin Barber, "Private Security Companies and Humanitarian Assistance," in *The Privatization of Security: Framing a Conflict Prevention and Peacebuilding Policy Agenda - the report of the Wilton Park Conference*. London: International Alert, 2001, p. 35.

32. Article 296 of the treaty permits member states to take measures necessary for the protection of its essential security interests. It refers only, however, to the production of and trade in arms, munitions, and war materials. Noted in United Kingdom, Foreign and Commonwealth Office, "Private Military Companies: Options for Regulation 2001-02." London: Stationery Office, 12 February 2002, p. 27. While member states of the European Union (EU) may speak or vote on the behalf of the regional organization in meetings of the Human Rights Commission, this does not reflect a certain EU policy or convention on the issue.

33. See, for instance, Organization of American States, Inter-American Commission on Human Rights, Annual Report 1992-1993, 83rd Session, OEA/Ser.L/V/II.83, Doc. 14,

Washington, D.C., 12 March 1993, (www.oas.org/cidh/annualrep/92eng/ch5a.htm).

34. As early as 1964, the Council of Ministers of the OAU expressed its revulsion towards the presence and conduct of mercenaries in the Democratic Republic of the Congo. The Assembly of Heads of State and Government issued Resolution 49 at its Fourth Ordinary Session in Kinshasa in September 1967. The urgency of the appeal is seen in the fact that it called for all states, regardless of their membership in the OAU, to limit the activities of their nationals both at home and abroad: "[the resolution called for]...all states of the world to enact laws declaring the recruitment and training of mercenaries in their territories a punishable crime and deterring their citizens from enlisting as mercenaries". Organization of African Unity, Council of Ministers, Resolution 55, ECM/Res. 55 (III), Addis Ababa, 10 September 1964. Organization of African Unity, Assembly of Heads of State and Government, Resolution 49, AHG/Res. 49 (IV), Kinshasa, September 1967.

35. Organization of African Unity, OAU Convention for the Elimination of Mercenaries in Africa, OAU Doc. CM/433/Rev.L, Annex 1.

36. See Doug Brooks and Hussein Solomon, "From the Editor's Desk," *Conflict Trends* (June 2000), (www.accord.org.za). For the Special Rapporteur on the use of Mercenaries, this is the paradox on the African continent. United Nations, Commission on Human Rights, "Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination," submitted by Enrique Ballesteros, Special Rapporteur, E/CN.4/1997/24, 20 February 1997, p. 9, (www.unhchr.ch).

37. James Larry Taulbee, "Myths, Mercenaries and Contemporary International Law," *California Western International Law Journal* 15 (1985), p. 347.

38. This point is also raised in Damian Lilly, *The Privatization of Security and Peacebuilding: A Framework for Action*. London: International Alert, 2000, p. 27.

39. For a description of the White Legion, see Chapter 3. Note that the OAU was not been completely inactive on the issue. In keeping with its main desire to ensure the territorial integrity and independence of African states, the OAU did step in when a member state experienced a successful coup at the hands of mercenaries. After the coup in the Comoros, the delegation from that state was expelled from the OAU Ministerial Council.

40. Indeed, only 22 of 54 states have deposited their ratifications for the convention.

41. This also applies to the United States and the United Kingdom. For instance, the Neutrality Act of the United States (1937) has its roots back in the Jay Treaty of 1794 between the United States and Great Britain. This treaty was meant to prevent the

citizens of the newly independent state from assisting France in the then ongoing Anglo-French hostilities. Another example is the United Kingdom's Foreign Enlistment Act (1870). Unlike the American act, it applies to offences that are alleged to have taken place both within the United Kingdom and abroad. Yet like the American acts, it is outdated and has received minimal attention. It contains non-contemporary language, such as references to the "British dominions" and "the embarkation of persons upon ships". It is not appropriate for handling the variety of mercenary activities and indeed was last enforced in 1896. See H. C. Burmester, "The Recruitment and Use of Mercenaries in Armed Conflicts," *American Journal of International Law* 72 (No. 1, 1978), p. 37-56.

42. United Nations, Commission on Human Rights, E/CN.4/1997/24, 20 February 1997, p. 12, (www.unhchr.ch).

43. Republic of South Africa, Regulation of Foreign Military Assistance Bill, B-54-97, 20 May 1998, p. 1.

44. *Ibid.*, p. 6.

45. Section 9b) of the act permits the Minister of Defence, acting on the recommendation of the NCACC, to develop "the criteria to be taken into account in the consideration of an application for an authorisation or approval...".

46. Cited in Guy Arnold, *Mercenaries: The Scourge of the Third World*. New York: St. Martin's Press, Inc., 1999, p. 116. Professor Asmal's earlier governmental portfolio was as Minister of Water Affairs and Forestry.

47. However, PSCs were seemingly engaged in the legislative process. EO claimed that 28 of its 36 proposals were incorporated by the South African parliament into the bill. Emmanuel Kwesi Aning, "Africa's Security in the New Millennium: State or Mercenary Induced Stability?" *Conflict Trends* (June 2000), (www.accord.org.za).

48. United States, Department of State, Office for Defense Trade Controls, Arms Export Control Act, International Traffic in Arms Regulation, Title 22, United States Code, Section 122.1. ITAR documentation can be found at www.pmdtc.org.

49. The fees are nominal and are further discounted for longest duration of four years: 1 year = US\$600, 2 years = US\$1,200, 3 years = US\$1,800, 4 years = US\$2,200.

50. The main exception to this exemption pertains to the brokering or provision of some sensitive military equipment such as the delivery systems for nuclear weaponry. The non-NATO countries entitled to this exemption, as noted in section 125.4, are Australia, Japan, and Sweden.

51. Section 126.1 of ITAR reads: "It is the policy of the United States to deny licenses, other approvals, exports and imports of defense articles and defense services, destined for or originating in certain countries. As of April 2001, this policy applies to Afghanistan, Armenia, Azerbaijan, Belarus, Cuba, Iran, Iraq, Libya, North Korea, Syria, Tajikistan, and Vietnam. This policy also applies to countries with respect to which the United States maintains an arms embargo (e.g. Burma, China, the Federal Republic of Yugoslavia (Serbia and Montenegro), Haiti, Liberia, Rwanda, Somalia, Sudan, and Zaire), or whenever an export would not otherwise be in furtherance of world peace and the security and foreign policy of the United States".

52. The Green Paper's release date was 12 February 2002.

53. United Kingdom, House of Commons. Foreign Affairs Committee, "Private Military Companies: Response of the Secretary of State for Foreign and Commonwealth Affairs," Ninth Report of Session 2001-02, London: Stationery Office, October 2002, p. 4.

54. Foreign and Commonwealth Office, "Private Military Companies," p. 21

55. *Ibid.*, p. 18.

56. "Mad Mike comes in from the cold," *Economist* (16-22 February 2002), p. 55.

57. Richard Norton-Taylor, "Let mercenaries be licensed, says Foreign Office," *The Guardian* (13 February 2002), (politics.guardian.co.uk/foreignaffairs/story/0,11538,649290,00.html).

58. Burns and Parker, "Ex-SAS soldiers". Note that Minister Short's department is responsible for security sector reform and has been quite active in Sierra Leone, the locale for the operations of EO and Sandline International.

59. Cathy Newman, "Straw backs stricter controls on mercenaries," *Financial Times* (11 February 2002), (news.ft.com).

60. "Green paper on mercenaries and private military companies released," *Reuters* (12 February 2002), (www.reuters.com).

61. David Isenberg, "Combat for Sale: The New, Post-Cold War Mercenaries," *USA Today Magazine* (1 March 2000), pp. 12-16.

62. Section 122.4 of ITAR.

63. International Alert suggests that a framework, similar to that employed by the United Kingdom's Department of Trade and Industry (DTI), should be used for registering British-based PSCs. This would see regulation of the appointment of corporation directors, would apply to all corporations with offices in the United Kingdom, and would

have firms indicate what services they provided in their memoranda of understanding and articles of association. Any changes in the latter responsibility would have to be noted to government immediately. While a good step forward, greater emphasis should be placed upon ongoing licensing procedures in any British legislation. Chaloka Beyani and Damian Lilly, *Regulating Private Military Companies: Options for the UK Government*. London: International Alert, 2001, p. 17.

64. In this regard, Sandline International recommends that particular attention should be directed at the development of an International Standards Organization for PSCs. Sandline International, "Private Military Companies - Independent or Regulated?" White Paper, (28 March 1998), p. 4.

65. Foreign Affairs Committee, "Private Military Companies: Response," p. 5.

66. At the time, EO's actions were not subject to any South African regulation. Note also that EO turned down this opportunity because the Mobutu government had long supported UNITA, the opposition of its Angolan employers from 1993-1995. This, in fact, further distinguishes the PSC from the soldier of fortune because it reveals a degree of loyalty to an employer, even a past one.

67. Patrick J. Cullen, "Keeping the New Dogs of War on a Tight Leash: Assessing Means of Accountability for Private Military Companies," *Conflict Trends* (June 2000), (www.accord.org.za).

68. The common thinking is that because President Mobutu was not able to hire PSCs to help bolster his regime, he turned to soldiers of fortune, a choice which led to the development of the White Legion.

69. It is recognized, however, that Turkey has always been the awkward state included on this list.

70. The act defines "armed conflict" as any armed conflict between: the armed forces of foreign states, the armed forces of a foreign state and dissident armed forces or other armed groups. Section 1.

71. Cited in Khareen Pech, "Executive Outcomes - A corporate conquest," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, pp. 96-97.

72. Sandline International, "Private Military Companies," p. 5. Also see p. 2.

73. Deborah D. Avant, "Privatizing Military Training," *Foreign Policy In Focus* 5 (May 2000), (www.foreignpolicy-infocus.org/briefs/vol5/v5n17mil.html).

74. Foreign and Commonwealth Office, "Private Military Companies," p. 24.

75. Foreign Affairs Committee, "Private Military Companies: Response," p. 5, p. 7.
76. ITAR section 120.3
77. Lilly, *The Privatization of Security*, p. 29.
78. One particular interest is oil. At present, 15 percent of US imported oil comes from Africa. That amount is expected to increase to 20 percent in the coming years.
79. Ken Silverstein, *Private Warriors*. New York: Verso, 2000, p. 177; Christopher Coker, "Outsourcing War," *Cambridge Review of International Affairs* 13 (Autumn/Winter 1999), p. 107.
80. A similar case is MPRI's attempt to work in Sri Lanka. After being vetted through the State Department, and specifically the human rights bureau, MPRI easily obtained a license to train the Sri Lankan armed forces in spite of allegations of extensive human rights violations committed by the Sri Lankan armed forces. Yves Goulet, "MPRI: Washington's Freelance Advisors," *Jane's Intelligence Review* 10 (July 1998), (jir.janes.com).
81. This argument is found in Avant, "Privatizing Military Training".
82. Silverstein, *Private Warriors*, p. 57.
83. C.J. van Bergen Thirion, "The Privatisation of Security: A Blessing or a Menace?" (www.mil.za/SANDEF/Defence%20College/researchpapers4199/privatisation_of_security.htm).
84. See www.mpri.com/subchannels/int_africa.html.
85. Herbert Howe, *Ambiguous Order: Military Forces in African States*. Boulder: Lynne Rienner Publishers, Inc., 2001, p. 265, note 9. In fact, an American diplomatic posting in Equatorial Guinea was once considered the worst overseas post. At the time of writing, the American embassy in Cameroon provides the American diplomatic presence for Equatorial Guinea. Justin Brown, "The rise of the private-sector military," *Christian Science Monitor* (5 July 2000), (www.csmonitor.com).
86. The country moved to a multi-party system in the early 1990s.
87. Brown, "The rise of the private-sector military".
88. Stuart McGhie, "Private military companies: Soldiers, Inc.," *Jane's Defence Weekly* (22 May 2002), (jdjw.janes.com).

89. See Avant, "Privatizing Military Training"; Brown, "The rise of the private-sector military".
90. This point, more generally about civil society, is made in Fen Osler Hampson, *Madness in the Multitude: Human Security and World Disorder*. Don Mills: Oxford University Press, 2002, p. 176.
91. When it started in 1993, the ICBL consisted of just a small number of NGOs. Within four years it had grown to 1,400 humanitarian, development, and religious NGOs and other organizations. See Chris Horwood, *Humanitarian Mine Action: The First Decade of a New Sector in Humanitarian Aid*. Relief and Rehabilitation Network Paper No. 32, London, March 2000. p. 23.
92. See Ethan A. Nadelmann, "Global Prohibition Regimes: The Evolution of Norms in International Society," *International Organization* 44 (Autumn 1990), pp. 479-526. One should not, however, overstate the importance of NGOs in spurring on state action. For instance, while the role of NGOs as catalysts and coordinators in the negotiation of the Ottawa Convention was important, NGO activity in many ways reinforced the already existing pro-ban stance of states rather than bringing about a change in state policy. See Andrew Lathan, "Global Cultural Change and the Transnational Campaign to Ban Antipersonnel Landmines: a Research Agenda," Occasional Paper No. 62, York Centre for International and Security Studies, Toronto, Canada, October 2000, pp. 2-3.
93. See Tony Vaux, Chris Sieple, Greg Nakano, and Koenraad Van Brabant, *Humanitarian Action and Private Security Companies: Opening the Debate*. London: International Alert, 2002.
94. Koenraad Van Brabant, "Humanitarian action and private security companies." (April 2002), (www.odihpn.org/report.asp?ReportID=2419).
95. Antonio Donini, "Asserting Humanitarianism in Peace-Maintenance," in Jarat Chopra, ed., *The Politics of Peace-Maintenance*. Boulder: Lynne Rienner Publishers, Inc., 1998, p. 88.
96. Points on the contract culture can be found in Randolph Martin, "NGO Field Security," *Forced Migration Review* 4 (April 1999), (www.fmreview.org/fmr041.htm).
97. David Shearer notes how the United Nations' refusal to deal with EO in Sierra Leone in 1996/97 left a vacuum once EO departed the country. David Shearer, *Private Armies and Military Intervention*, Adelphi Paper 316, London: International Institute for Strategic Studies, 1998, pp. 68-69.

CHAPTER NINE - CONCLUSION

9.1 Final Assessments

This thesis has provided a human security assessment of internationally oriented private security companies, a form of modern-day mercenarism. The purposes behind this human security assessment were twofold. First, those who espouse the use of PSCs base many of their arguments, either implicitly or explicitly, upon ideas of how PSCs can support human security. Second, given its holistic and all-encompassing nature, the promotion of human security applies to all actors and the direct and indirect effects of their activities. While some analysts may be hesitant to even consider armed actors in terms of the human security agenda, such a consideration is nevertheless necessary given the various roles they may play. Inquiring into whether or not activities are positive and negative in terms of human security and whether or not actors can and do act responsibly in the promotion of human security also applies to PSCs. In sum, this thesis strove to provide the depth required to illuminate the merits and demerits of various PSCs and their services from a human security perspective and as required by the human security agenda.

In making this assessment, the dissertation aimed to be open minded and attempted to avoid the pejorative baggage and stereotyping that so frequently accompanies the word "mercenary".¹ Indeed, mercenaries need not be bad *a priori* in terms of what they do and whom they do it for. In fact, many of the criticisms often made of mercenaries in the present day can just as equally, if not more so, be applied to the standing instruments of state-security sectors.² What is more, circumstances demand

the avoidance of preconceptions. Given that state-security actors, for reasons of either a lack of will and/or a lack of capacity, may not be able to respond to the needs of people, it is important to look at, without bias, the nature and effects of different options. While negative outcomes may occur, "foreignness" and financial incentives need not preclude positive results. This determination must be made from a reasoned analysis rooted in an appropriate framework.

Chapters Two, Three, and Four identified the characteristics of the PSC and made plain the characteristics of a human security assessment. Specifically, Chapter Two provided a sketch of the industry as it stands today and how this study, and the work of others, have approached the matter. Chapter Three revealed how the PSC fits into the larger trend of mercenarism by revealing its similarities and differences to other manifestations of the phenomenon in contemporary times. Of particular note here was the soldier of fortune, the most infamous and publicized type of post-World War Two mercenary. Chapter Four revealed the aspects of human security, the historical roots of the approach, and how organized force generally should be assessed in terms of good conduct and good governance.

In a way, the title of the dissertation with its emphasis on "newness" might be perceived as misnomer. Human security and PSCs are the latest developments in a long line of thought and practice. Nevertheless, a contemporary and fresh approach is apt because the end of the Cold War largely provided the conditions for the creation and rise in significance of both the human security agenda and PSCs.³ Because human security itself is a developing concept, the thesis puts forth what should be required to make a

human security assessment of organized force. These three chapters, in total, make the case that because the PSC itself is a relatively new actor on the international scene, there is still a need to study its impact in an analytic, broad, and comparative manner, especially as it applies to a contemporary matter -- the promotion of human security.

Chapters Five, Six, and Seven applied the human security criteria of good conduct and good governance. These chapters made plain the strictures placed upon the PSCs examined, the nature of the marketplace in which they provided their services, and the actual impact of these services. Chapter Five considered, on its own terms, the PSC EO and its proactive use of force in Angola and Sierra Leone. Chapters Six and Seven considered instances in which PSCs provided security-sector training and interacted with humanitarian endeavours. Now, at the end of the study, one can note that the distinctions between, first, the actual application of force and other PSC services and, second, PSCs that do and do not apply violence on the behalf of their clients are spurious. The cases examined revealed that security-sector training and services for humanitarians in these instances had an impact just as substantial, though not necessarily similar. Also, in this way, the thesis showed how various PSCs interacted with actors and activities that would seemingly be meant to ensure that people enjoy a freedom from fear and a freedom from want. In all three chapters then, the direct and indirect effects of a PSC presence in several different operational milieus were made plain.

Chapter Eight took these effects into account and indicated what attributes would be required for these effects to be either mitigated or advanced through appropriate regulation. The chapter indicated that there are three attributes crucial for human-

security-centric regulation. The first pertained to the standards for and the capacities of the PSCs themselves. The second considered the regulation of objectives assigned to PSCs and the means and methods employed to achieve them. The third dealt with the regulation of PSCs regarding the actual outcomes of their activities. The chapter found that, to undertake these tasks, the United Nations is not appropriate under current conditions, given its inconsistent and somewhat contradictory stances on the issue of mercenaries. As for a regional approach, the AU, the only regional organization with substantial legislation pertaining to mercenaries, is too liberal regarding who are acceptable mercenaries and to what tasks they might be put. Instead, the chapter focused its attention on supplier-state regulation as perhaps showing the most promise. It particularly appraised three key supplier states, the hub states of South Africa, the United States, and the United Kingdom, that have taken or are taking steps to govern in a more exacting way the PSCs based on their own territory.

In the course of this assessment, four main conclusions concerning the PSCs studied and the impact their presence has upon human security are identifiable. The first conclusion is that the PSCs in the examined cases, on their own merits, were relatively positive actors in terms of good conduct and good governance. This conclusion relates to the direct human security impact they had. In terms of good conduct, the PSCs reviewed did not demonstrate the operational ethos and lack of scruples so common in the activities of soldiers of fortune. Based upon these cases, one might contend that the comparative advantage of the larger PSC industry rests not in the disregard for human dignity as is the case with soldiers of fortune. In this regard, the PSCs assessed were

certainly more positive than those armed actors often found in the weak state context. In terms of good governance, the actions of the PSCs investigated would seem to contradict the general negative assessments of mercenaries made by scholars like John Keegan: “[S]tates which had opted for hired defence tended to discover that they had sold their birthright”.⁴ Instead, in light of the firms and cases examined in this study, PSCs did not impose themselves upon their clients. They followed their clients’ wishes, and though they are money-making ventures, the PSCs did not follow their own selfish activities in theatre to the detriment of human security.⁵ Indeed, EO, for instance, went out of business due to cash flow problems, a point which refutes allegations that the PSC was part of a larger neocolonial or hegemonic agenda. In other words, the PSC, as shown in this study, is not some kind of “rogue elephant” that has imposed itself on the international system.⁶

The second conclusion, however, is that a PSC presence, in light of the cases presented, may not be promising in terms of human security due to the indirect effects it may have. In terms of good conduct, while PSC personnel themselves may have exhibited positive characteristics, the same cannot necessarily be said for those they trained. As well, the thesis found that the resources and emphasis placed upon a PSC presence may be to the detriment of an effective and all-around security-sector presence. This has an effect on people enjoying a freedom from fear. In terms of good governance, the presence of a PSC may contribute to activities that are selfish and detrimental to people enjoying a freedom from want. PSCs, for instance, had a negative impact by serving the particular interests of the elite in cases such as Sierra Leone, Angola, and

PNG. PSCs may also contribute to humanitarianism, yet at the same time be part of an alibi for avoiding effective political action in conflict prone or torn states. When considered in terms of good conduct and good governance then, PSCs may be the remedy for certain human security concerns, but the repercussions of their presence given whom they interact with and whom they support may be troubling.

In some instances the PSC may not be deliberately at fault. Note, for example, the unforeseeable yet catalytic effect EO's presence had in Angola in promoting the privatization of security supported by the governmental elite, a new direction in the already rocky affairs of the Southern African country. Similarly, in some cases the fact that resources and emphasis were drawn away from improving general security-sector performance was an unfortunate side-effect of there now being a PSC marketplace available that clients can choose to dip into. Finally, the PSCs could not necessarily foresee nor monitor in an ongoing fashion the indirect effects their presence had in areas outside of their concern. In the case of Sierra Leone, it could not be seen at the outset that EO would be used to support the ruling elite by solidifying its hold over resource-exploitation activities. Mentioning this fact would have been outside the area of the PSC's responsibilities and expertise and acting upon it in some way might have been seen as a breach of contract. In situations such as this, the PSCs examined followed the mantra that the client is always right.

Another problematic issue identified in this study is client choice. True, for the sake of reputation, PSCs often choose not to engage in contracts with certain state clients. But it is difficult for PSCs to decide where the line will be drawn given that

much of the PSC client base is made up of states that are weak and some are even in or coming out of conflict. Though they all may have governments recognized as legitimate by the international community, consideration of past or even current events often reveals problems in terms of governance, civil-military relations, and human rights. If PSCs were to restrict their activities to "clean" states, they would find that their avenues for employment would be substantially constricted. Even the ICRC has recognized that it is an impossible burden for PSCs to separate "the wheat from the chaff".⁷

Attention now turns to the human security implications of what PSCs actually did in these potentially troubling environments. PSCs often state that, for the sake of reputation, they will not perform "illegal" acts for clients such as the purposeful violation of human rights or humanitarian obligations. But it is clear that PSCs do not follow a *wider* human security code of conduct in their own operations. Their response to the needs of their client may spawn results that are contradictory to the promotion of human security. In the case of the Kamajors in Sierra Leone, time and necessity pushed EO to train and employ this ethnic militia. The effect, however, was to create a parallel force with both eventual disciplinary problems and its own economic and political pursuits. This proved to be troubling for later United Nations peacekeeping endeavours. On the one hand, the EO case demonstrated that it might be difficult for a PSC, once a decision has been made, to later try to "correct" the problems it helped to initiate. It is most likely not part of a PSC's contractual obligations to do so and in fact may be an unwanted intrusion from the client's standpoint. The only thing a PSC can do is make suggestions and offer advice and resources. On the other hand, it is clear that in responding to

client's needs, PSCs may not be sympathetic to the longer term effects their actions may have as they fall outside of contractual responsibility. This is seen in Michael Grunberg's assertion that a PSC "puts out the fire - someone else will then be responsible for the subsequent rebuilding".⁸ What PSCs do may have an effect, albeit indirectly, upon human security and thus the success of the "subsequent rebuilding".

In addition, it is clear from the cases examined that when responding to client demands, longer term implications were not always considered. As long as it did not deem a potential client a pariah, the PSC, aside from not offering the proactive use of force to non-state clients, was willing to offer the client just about any service. In fact, as was shown in the PNG case, PSCs stressed that they would offer what state providers were not willing to offer. The difficulty presented in an example like this is that while sometimes state-to-state assistance is denied for reasons of geopolitics and patron-client relations, it is also denied for normative reasons. A PSC might serve as a way for a client to overcome or to mitigate the effects of these denials. The invisible hand of Adam Smith guiding the PSC marketplace might not always lead to human-security-centric outcomes consistently or uniformly.

The third conclusion is that the hub states of South Africa, the United States, and the United Kingdom are not yet ready to intervene into the marketplace in a way that consistently rectifies unforeseeable consequences, helps PSCs to separate the wheat from the chaff, and sets a human security code of conduct for PSCs to follow. This may in part be due to the fact the PSC is a relatively new phenomenon and that these supplier states simply need a chance to catch up to the latest developments. It may also be the

case that legislation that does exist in these states simply needs to be revised to take into account the full human security implications of PSC activity. But, more likely, it is probably the case that these states do not wish to manage “their” PSCs in ways that promote human security at all times. Indeed, regulation that does currently exist has several loopholes and its requirements are not always followed appropriately. Moreover, the dynamics of the international system are such that these states may not want to disadvantage their interests and their PSCs by closing these loopholes and diligently following standards that do exist. The states may even, in fact, wish to use their PSCs as instruments of statecraft in ways that may not be supportive of human security. Thus, as stressed above, PSCs do not operate with complete independence from the state system. Through his expansion of the work of M.J. Peterson on transnational, non-state actors, Kim Richard Nossal includes the private security industry in the assertion that “sovereign states and transnational actors are often in an essentially symbiotic relationship, needing and using one another for their own ends”.⁹ These ends, however, may not always be supportive, by either design or neglect, of the need to promote human security.

These conclusions also tell us something generally about the promotion of human security itself. Chapter Four of this dissertation stated that promoting human security should be seen as a process. The reasons given were that threats to human security, both direct and indirect, are numerous and that they are neither additive nor prioritized. In light of the above conclusions, the idea that the promotion of human security is a process is reinforced by the activities of different actors and their interactions with one another. Actors may or may not respect the need to promote human security on all occasions or in

all ways. For instance, while the conduct of PSC personnel themselves in the cases studied may have been positive or their actions, for example, may have brought a destructive rebel movement to the bargaining table, other effects of their presence did not promote human security. Incentives, relationships, and tradeoffs existed that made the consistent promotion of human security problematic. Similarly, though the promotion of human security may be a diffused responsibility, synergy amongst actors may not exist or the combined effects of their interaction are such that human security is not promoted “holistically” nor uniformly. Humanitarian/PSC interaction, for example, may have some beneficial effects, but it may also lead to some problems at both the micro and macro levels. Also, supplier states may have the ability to regulate some human security aspects of PSC activity, but they may not cover all aspects, nor may supplier states actually wish to. In a complex world of states and non-state actors, the straightforward promotion of human security is unlikely.

Finally, testing the two supporting hypotheses revealed that, on the one hand, PSCs in certain ways or in certain instances proved to be quite positive in terms of good conduct and good governance. In this way they distinguished themselves not only from other actors in theatre, but also from the notorious soldiers of fortune. These private entities, therefore, do have the potential to bring about beneficial ends in terms of the objectives they support and the manner in which they are pursued. On the other hand, given the current management and capabilities of PSCs, indirect human security concerns remain. It is evident from the cases that the PSC is a “neutral” instrument that can be used by clients in a variety of ways. These different ways can be made plain by

asking whom the security is for, what values are being made secure, what are the means being employed, how much security is being provided, and to what direct and indirect effect. But, given the nature of the marketplace, client relations, and in some cases the poor judgements of the PSCs in response to client demands, human security promotion is often not a top priority. Moreover, regulation has not yet evolved to the point where corrective intervention will result consistently and in all cases.

9.2 Directions for Future Research

This study helps to point the way for further research into a variety of areas. One, analysis will be needed of the United Kingdom's regulation of PSCs when the White Paper is forthcoming. Monitoring should be conducted to determine whether or not the British regulation might serve as a template for other states. Alternatively, monitoring should also be conducted to determine the degree of diligence in enforcing the provisions of that regulation and the reasons, domestic and international, for that diligence. Two, there is a need for continued inquiry into the effects of humanitarian/PSC relations as they expand and evolve. As humanitarians become more comfortable with security generally and PSCs specifically, this should allow for easier access of information and the possibility for substantial case studies. Three, though the United Nations is likely to remain officially divided and anachronistic on the issue of mercenaries, it is also likely that the world body will continue to rely upon and perhaps even delve further into the PSC marketplace. How PSCs are managed and for what purposes they are directed should be issues for both academic and policymaking concerns. Four, at the time of

writing in late July of 2002, the ACRI, created by the Clinton Administration, was changed by the Bush Administration into the Africa Contingency Operations Training Assistance (ACOTA). ACOTA objectives are more tailored towards facilitating Chapter Seven type operations, thus one will have to be wary of the ACOTA members as their militaries acquire greater firepower capabilities. This is of particular concern for PSCs as MPRI remains the primary private trainer for the African forces.

A final matter for research concerns the impact PSCs will have upon the sovereign capacity of states. As identified in this study, the official stance of PSCs is to support the system of sovereign states, a point manifest in their choice of clients (states, humanitarian organizations, and corporations) and their requirement for state sanction. On the one hand, PSCs can be sovereignty affirming in that they can provide governments with the ability to overcome the limitations of their security sectors and/or they can train security-sectors to a higher standard. This might serve to counter weak statism. On the other hand, PSC work for non-state clients, such as humanitarian organizations considered earlier, may draw away from the public security sector able members and potential recruits. The fear here, given the importance of a state-security sector in the promotion of human security, is that the quality of a state-security sector may decline and the provision of uniform security for all will become even less likely. To what degree this latter outcome occurs will be seen as the PSC industry develops.

9.3 Epilogue: Private Security Companies Post 11 September 2001

The repercussions of the events of 11 September 2001, deemed by some as “the day the world changed”, raise many interesting issues pertaining to the future of PSCs and their role in the fight against terrorism in terms of facilitating stabilization and the prevention of further terrorist incidents.¹⁰ To be frank, however, one cannot make definitive conclusions as policies are evolving and things are only in the initial stages; the War on Terror is deemed to be one for the long haul.¹¹ Hence the issues discussed below provide only a snapshot of PSC-related matters and are somewhat tentative in their findings. These matters themselves are future ones for research.

An initial point is that despite the fact that the terrorist attacks directed greater attention towards states as the guarantors of security for their citizens, it did not seem to reverse plans for the continued privatization of military capacity. The market, rather than nationalization, continues to play a role in national security.¹² This may be due to a variety of factors: a faith in the market system, sunk costs already made, and confidence in the effectiveness and viability of contractual arrangements and governmental oversight.¹³ Thus, the Pentagon continues its contemplation of using private guards at military bases, a practice already used at NATO headquarters in Brussels. The United States Navy maintains its plans to use privately owned aerial tankers for its air-to-air refuelling operations.¹⁴ Similarly, the United Kingdom still intends to privatize its next generation of air-to-air refuelling aircraft, a multi-billion pound endeavour.¹⁵

Additionally, due to recruitment concerns, there is still the matter of necessity in turning to the private marketplace. Though one might expect that the effect of the

terrorist attacks would be to spur nationalism and reinvigorate security-sector recruitment, this has not been the case.¹⁶ Spain, for instance, has experienced substantial shortages in recruiting young people into the armed forces. In fact, in October 2001, Spain had to drop plans to recruit the children of Spanish emigres living in South America. Only 300 of the 20,000 men and women solicited in Argentina and Uruguay joined.¹⁷ As well, the Taiwanese military has indicated that it is considering the possibility of enlisting mercenaries directly into the ranks of the republic's armed forces to counter shortages in manpower.¹⁸ The United States and the United Kingdom have also faced similar recruitment problems, even with the well publicized presence of their armed forces in the War on Terrorism. The United States is currently changing its enlistment procedures in order to make it feasible for civilians to enrol directly into American special forces units.¹⁹ The United Kingdom has similarly launched an unprecedented recruitment drive to make up for declining numbers.²⁰ In an ironic twist that combines the two issues of privatization and recruitment, MPRI won in the spring of 2002 a contract to manage recruitment for the US Army.²¹ The United Kingdom had already turned to private recruiters and headhunters a year earlier.²²

The War on Terrorism may potentially have even augmented the necessity and the stature of the PSC alternative. From one standpoint, the issue of overstretch remains a prominent matter. In the United States, complaints exist that the armed forces are overextended in fighting terrorism. To counter this problem, 80,000 National Guardsmen and reserve troops have been called up for service both at home and abroad, but this cannot be sustained in the long term. Also, as many as 25,000 active-duty

personnel serving in the Army, Navy, and Air Force have been issued “stop-loss” orders which prevent them from retiring. Stress has been placed on removing American personnel from non-essential or non-military operations overseas. Even a long term and substantial American peacekeeping presence in Afghanistan has been ruled out.²³ At the same time, the Secretary of Defense, Donald Rumsfeld, has balked at the economic costs of increased enlistment (assuming such individuals were available in the first place).²⁴ The United Kingdom, which already felt the pinch of overextension in peacekeeping operations and declining enrollment before 11 September 2002, was doubly pressed after the terrorist attacks.²⁵

From another standpoint, the War on Terrorism may, in fact, contribute to the further overextension of and declining numbers in state-security sectors. In the wake of the terrorist attacks, security-sector personnel have faced longer hours and have been given further duties, thus raising quality of life considerations. American and Canadian reports, for instance, indicate that increasing numbers of service personnel wish to leave the military in order to take up better paying and less stressful positions, often in domestic private security.²⁶ Moreover, the increasing concerns about security have augmented the economic value of many individuals currently employed in state-security sectors. Indeed, the regimental motto of the United Kingdom’s SAS, “Who Dares Wins”, has been jokingly changed to “Who Dares Leaves”.²⁷

Not only has the War on Terrorism seen emphasis placed on the factors that gave rise to the PSC industry, it has also seen the use of PSCs in response to it. While PSCs obviously do not have the capacity to conduct large scale operations, they have been

prominent in the rapid provision of support and specialized activities. Since January 2002, RONCO Consulting has held a US\$250 million five-year contract with the US State Department to remove landmines and cluster bombs in Afghanistan.²⁸ ArmorGroup is supporting UNHCR's activities along Afghanistan's border with Pakistan and smaller companies are supporting humanitarian operations in Kabul. Strategic Consulting International has performed security audits at Sri Lankan airports in the wake of the attacks.²⁹ DynCorp is providing support for anti-terrorism operations in Central Asia. With the additional incorporation of the conflict in Colombia into the War on Terrorism, DynCorp's ongoing defoliation programs in South America should also be included on this list. The spokesperson for the Pentagon's Defense Security Cooperation Agency, D.B. Des Roches, provides the summary assessment of the situation: "The war on terrorism is the full employment act for these guys".³⁰

Additional employment opportunities also appear to be forthcoming in Central Asia. First, while US Special Forces personnel will initiate the training of the new Afghan Army, the use of MPRI to conduct the bulk of the training is supported by General Richard Myers, the Chairman of the Joint Chiefs of Staff.³¹ The potential also exists for PSCs to provide training to the security sectors of Central Asian states.³² Second, though not an advertised or common component of PSC services, there has been some discussion of PSCs being used as bounty hunters in Central Asia in order to take advantage of lucrative bounties issued by governmental and private sources alike. This development would augment the activities of indigenous bounty hunters already operating in Afghanistan and Pakistan.³³ Potential targets would include members of the

Taliban and al Qaeda and even Osama Bin Laden himself. And third, at the time of writing, the United States was giving consideration to privatizing the security forces protecting President Hamid Karzai of Afghanistan. The evidence at the time pointed towards DynCorp replacing the US Special Forces soldiers that provided the protection detail.³⁴ A PSC like DynCorp with its military experience seemingly had the advantage over publicly supplied personnel from the State Department's Diplomatic Security Service given the need for proper training and the volatile conditions in Afghanistan.

Another interesting development is that this full employment also includes activities within the borders of supplier states. For instance, whereas many American PSCs provide anti-terrorist and anti-hijacking expertise and training for clients overseas, they are now selling these services to airport authorities and companies within the continental United States. DynCorp, which operates in the border states with Mexico on behalf of the US Immigration and Naturalization Service, has played a role in tightening security along the United States' southern border. The state of South Carolina has contracted MPRI to enhance its homeland security preparedness.³⁵ In the main, while tragic in its consequences, the attacks of 11 September have created a bull market for PSCs not only abroad, but also at home.

However, in the midst of this bull market for PSC services, there is the potential fear that the promotion of human security within states, especially in non-supplier states, might be swept aside. As such, these concerns go beyond ensuring the balance between physical security on the one hand and the protection of civil liberties on the other. It concerns the provision of security-sector expertise, as in Cold War times, meant to

maintain the status quo regardless of the human rights and governance implications. For instance, by March 2002, Washington had labelled 19 countries as “friends and allies in the fight against terrorism”. The problem, however, is that the US State Department has identified the security sectors of 14 of these states as chronic human rights abusers.³⁶ In a general way, organizations such as Amnesty International have already raised the alarm about potential negative outcomes.³⁷ In a specific way, this approach in response to the events of 11 September does not bode well for “reforming” the ways in which supplier states might use their PSCs and what types of contracts they might endorse for other clients.

It is not surprising that the United Nations, given its divided and inconsistent nature, is not prepared to promote the human-security-centric usage of PSCs in the War on Terrorism. Since 11 September 2001, meetings involving the office of the Special Rapporteur have considered the role mercenaries (i.e. soldiers of fortune) might play in facilitating terrorist attacks and trafficking arms to terrorists.³⁸ The issue of how other types of mercenaries are employed in this war, however, was neglected. This was despite the fact that United Nations bodies are employing PSCs in their post-September 11 operations. Moreover, this was despite the fact that United Nations agencies will likely have to work alongside PSC personnel should MPRI win a contract to train the Afghan army.

But there is also the potential that human security might be explicitly promoted by PSCs. With specific respect to Afghanistan, the creation of a new national army will be quite a feat in security-sector (re)formation. Issues such as good conduct and good

governance will be crucial to counter potential upsets initiated by the warlords and to legitimize the army itself and the civilian administration it supports in the eyes of Afghanistan's population. In this way, a PSC may play a crucial role in ensuring major issues in Afghan reconciliation, protection, and reconstruction. With respect to general concerns, there is the strength of the argument that promoting human security is likely to address some of the reasons people might choose to support, or at least sympathize with, terrorist causes in the first place. There is also the strength of the argument that the knee jerk response to augment the security sectors of states without the appropriate direction is likely to be counter-productive. As emphasized by Lora Lumpe, "[i]f in this current effort U.S. forces intervene and provide training in support of regimes repressing legitimate political activism and/or using torture or coercion to maintain power, they are likely to foster, rather than diminish, political violence (terrorism) around the globe".³⁹

Thus, while security-sector activities are important, they must be guided in a manner that makes security-sector instruments a positive force. This also applies to those PSCs that will assist and supplement these security sectors. This is evidence once again that appropriate guidance and regulation are indeed needed.

ENDNOTES FOR CHAPTER NINE

1. The need for such an approach when considering the issue of mercenaries writ-large is noted in James Larry Taulbee, "Reflections on the Mercenary Option," *Small Wars and Insurgencies* 9 (Autumn 1998), pp. 145-163.
2. United Kingdom, Foreign and Commonwealth Office, "Private Military Companies: Options for Regulation 2001-02." London: Stationery Office, 12 February 2002, p. 19.
3. The increasing prominence of privatization starting in the 1980s also contributed to the development of PSCs. Similarly, it also advanced the interests and prominence of human security type actors like humanitarian NGOs.
4. James Keegan, *The Mask of Command*. New York: Viking Press, 1987, p. 313.
5. This assessment runs contrary to those who espouse a "neo-Leninist" point of view, which according to James Taulbee, underlies much of the contemporary reporting on the general mercenary phenomenon. See James Larry Taulbee, "Mercenaries, Private Armies and Security Companies in Contemporary Policy," *International Politics* 37 (December 2000), pp. 441. Following this line of argument, for example, are Guy Arnold, *Mercenaries: The Scourge of the Third World*. New York: St. Martin's Press, Inc., 1999; Khareen Pech, "Executive Outcomes - A corporate conquest," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, pp. 81-110; David J. Francis, "Mercenary intervention in Sierra Leone: Providing national security or international exploitation?" *Third World Quarterly* 20 (April 1999), pp. 319-338.
6. The term "rogue elephant" is taken from Colum Lynch, "For US firms war becomes business," *The Boston Globe* (1 February 1997), (www.boston.com/globe/).
7. Yves Sandoz, "Private Security and International Law," in Jakkie Cilliers and Peggy Mason, eds., *Peace, Profit or Plunder? The Privatisation of Security in War-Torn African Societies*. Pretoria: Institute for Security Studies, 1999, p. 207.
8. Cited in Mariyam Joyce-Hasham, "Conference Report: Private Military Companies." Royal United Services Institute, London, 24 October 2001, p. 3.
9. Kim Richard Nossal, "Roland Goes Corporate: Mercenaries and Transnational Security Corporations in the Post-Cold War Era," *Civil Wars* 1 (Spring 1998), p. 31. See also M.J. Peterson, "Transnational Activity, International Society and World Politics," *Millennium* 21 (Winter 1992), p. 379.
10. The phrase "The day the world changed" was the title of the post-September 11 issue of the *Economist* (15-21 September 2001).

11. Janice Gross Stein, for instance, suggests that the War on Terrorism may take at least a generation. Janice Gross Stein, *The Cult of Efficiency*. Toronto: House of Anansi Press, 2001, p. 233.
12. For various arguments on this issue, see *Governance and Public Security*. Syracuse: Syracuse University Bookstore, 2002.
13. Though not directly related to this study, note that in the United States the continued use of private security guards for airport security is being contemplated despite the creation of a federal airport security body and the ways in which lax airport security may have facilitated the terrorist attacks. At five American airports a test program will permit the use of private security. If the program proves to be a success, individual airports will be able to opt out of federalized screening within three years. The assumption here is that government regulation will be substantial in order to counter the potential negative effects associated with reliance upon a market-based solution (e.g., low training standards and minimal pay).
14. Ron Laurenzo, "Private Aerial Tanker Earns Navy's Praise," *Defense Week* (22 April 2002), p. 1.
15. Information on the Future Strategic Tanker Aircraft (FSTA) can be found at the United Kingdom's Ministry of Defence website (www.mod.uk/dpa/projects/fsta.htm).
16. While the United States military, for instance, reported an initial burst of interest in enlistment post-September 11, this did not translate into a substantial leap in manpower numbers. "The Green Berets: Good men needed," *Economist* (6-12 April 2002), p. 29.
17. "Spain drops plan to recruit South American soldiers after only 300 enlist" *La Razon* (25 October 2001), (www.la-razon.com).
18. "Military To Consider Using Mercenaries To Augment Forces," *Taipei Times* (8 May 2002), (www.taipeitimes.com/news/2002/05/08/story/0000135112).
19. Kyle J. Cosner, "Army recruits now enlisting into Special Forces," *Army News* (April 2002), (www.dtic.mil/armylink/news/Apr2002/a20020412assignments4-11.html); "The Green Berets," p. 29. From 1988 to 2002, standard practice was to enrol special forces personnel from the ranks. However, given the high level of attrition in the general ranks, 13.6 percent of recruits did not finish basic training and an even greater percentage quit the forces before the conclusion of their initial four year term, changes in policy were required.
20. Michelle Stanistreet, "SAS seeks new heroes as its soldiers leave for high-paid jobs and go private on parade," *The Express on Sunday* (3 March 2002), p. 20.
21. Marcia Triggs, "Army contracts out recruiting," *Officer 78* (1 April 2002), p. 39.

22. Tara Womersley and Michael Smith, "Army uses headhunters in crisis over recruitment," *The Telegraph* (13 March 2001), (www.telegraph.co.uk).
23. To counter the shortage of American personnel, one suggestion is the development by the United States of a foreign legion similar to that of France. Peter Schweizer, "A Foreign Legion Could Answer USA's Military Needs," *USA Today* (25 March 2002), p. 15.
24. The cost to recruit, train, and pay a new enlistee in his/her first year is US\$50,000. A new officer costs about \$90,000 for the first year. For further information on the American manpower shortage, see Ann Scott Tyson, "Wider Mission Stretches Military," *Christian Science Monitor* (2 May 2002), p. 1.
25. James Clark and Jonathon Carr-Brown, "Peacekeeping burden leaves army's defence ability 'in peril'," *The Sunday Times* (5 August 2001), (www.sunday-times.co.uk).
26. Marni McEntee, "High Civilian Salaries Lure Away Many Security Troops," *European Stars and Stripes* (3 February 2002), (www.estripes.com). There is also movement within the public sector as police forces are grabbing up military expertise, particularly to augment tactical capacity. See Scott Taylor, "Canuck Soldiers Recruited by Police, Security Job Market," *The Herald* (22 July 2002), (www.herald.ns.ca/stories/2002/07/22/f109.raw.html).
27. Stanistreet, "SAS seeks new heroes".
28. Amy Joyce, "A Mission to Remove Land Mines," *Washington Post* (4 January 2002), p. E5.
29. Michael Holden, "Planes still at risk from terrorists," *Reuters* (14 February 2002), (www.reuters.co.uk).
30. Cited in Ibid.
31. Deborah D. Avant, "Privatizing Military Training," *Foreign Policy in Focus* 7 (May 2002), (www.fpif.org); Bradley Graham and Vernon Loeb, "U.S. Special Forces Troops to Train Recruits for Afghan Army," *Washington Post* (26 March 2002), p. A16.
32. Esther Schrader, "U.S. Companies Hired to Train Foreign Armies," *Los Angeles Times* (14 April 2002), (latimes.com).
33. Paul Bedard, "Washington Whispers: A bounty hunt for bin Laden yields heads, ears," *U.S. News & World Report* (29 July 2002), (www.usnews.com); Philip Smucker, "Bounty Hunters Earn £28,000 To Capture Taliban," *London Daily Telegraph* (6 March 2002), (www.telegraph.co.uk); "Mercenaries home in on Osama bin Laden," (www.tehelka.com/channels/currentaffairs/2001/oct/17/ca101701kajall.htm).

34. James Dao, "U.S. Company To Take Over Karzai Safety," *New York Times* (19 September 2002), (www.nytimes.com).
35. "L-3 Communications Announces First Quarter 2002 Results," *Cambridge Telecom Report* (29 April 2002).
36. Lora Lumpe, *U.S. Foreign Military Training: Global Reach, Global Power, and Oversight Issues*. Foreign Policy In Focus Special Report, May 2002, p. 5.
37. Amnesty International, *US Training of Foreign Military and Police Forces: the Human Rights Dimensions*. May 2002.
38. See, for instance, United Nations, General Assembly, "Mercenaries Often A Presence In Terrorist Attacks, Special Rapporteur Tells Third Committee As It Begins Discussions On Self-determination," Fifty-sixth General Assembly, A/SHC/3650, Third Committee, 31 October 2001, 26th Meeting.
39. Lumpe, *U.S. Foreign Military Training*, p. iii.

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