University of Plymouth

PEARL **https://pearl.plymouth.ac.uk**

04 University of Plymouth Research Theses 01 Research Theses Main Collection

2010

Private Military Companies, Peacekeeping, and African States: A Critical Analysis of PMCs in Peacekeeping Operations in Africa

Murphy, Ian

http://hdl.handle.net/10026.1/880

http://dx.doi.org/10.24382/4570
University of Plymouth

All content in PEARL is protected by copyright law. Author manuscripts are made available in accordance with publisher policies. Please cite only the published version using the details provided on the item record or document. In the absence of an open licence (e.g. Creative Commons), permissions for further reuse of content should be sought from the publisher or author.

Copyright Statement

The copyright of this thesis rests with the author. This copy has been made available subject strictly to the condition that no information or quotation within it may be published in any form without the author's prior written consent.

Private Military Companies, Peacekeeping, and African States:

A Critical Analysis of PMCs in Peacekeeping Operations in Africa.

by

Ian Murphy

A thesis submitted to the University of Plymouth

in partial fulfillment for the degree of

Doctor of Philosophy

July 2010

Abstract

This thesis will analyse critically the hypothesis that Private Military Companies (PMCs) are a viable option for direct involvement in UN peacekeeping missions in African states. The involvement of PMCs in the affairs of states is a controversial and divisive issue, but since the end of the Cold War, they have become increasingly involved in the security structures of African states, and in post-conflict reform of such structures. They have also become involved in tasks related to commercial activities central to the political economies of African states. Indeed, Africa was the theatre in which PMCs evolved from an opportunist phenomenon that emerged in response to rapid change in the security situation, to become part of the emerging post-Cold War political economy. In the 1990s, PMCs undertook operations in Angola and Sierra Leone that brought about situations where warring factions were compelled to negotiate settlements. While the response of the international community was predominantly one of condemnation of their involvement, others pointed out that operations conducted by PMCs had been remarkably swift and inexpensive in bringing violent conflict to an end, in contrast to those conducted by the UN in African states. PMCs' involvement in peacekeeping operations is becoming increasingly relevant; they have been involved in every major UN peacekeeping mission since 1990, and have carried out tasks spanning a wide range of UN functions. In 1995, Christopher Bellamy speculated that the UN might augment their numbers with private soldiers. While this was dismissed at the time, it is a concept that continues to resurface when the UN has difficulty finding sufficient adequately trained troops for its peacekeeping missions. This thesis investigates the hypothesis that PMCs are a viable option, in practical, political, legal, economic and moral terms, for involvement in such missions.

Table of Contents

Copyright Statement i

Cover ii

Abstract iii

Table of Contents iv

Table of Figures ix

Glossary of Terms x

Acknowledgements xiii

Author's Declaration xiv

Chapter 1: Introduction 1

Chapter 2: Literature Review

2.1 Purpose 16
2.2 Literature – PMCs 17
2.3 Theoretical Considerations in Literature on PMCs 26
2.4 Literature – Political Context 27
2.5 Summary 35

Chapter 3: Political Context

3.1 Research Framework: The Post-colonial African State 37
3.2 Critical Aspects of the Creation of States in Africa 38
3.3 Theoretical Aspects of African statehood 41
3.4 Sovereignty in African States 47
3.5 Statehood and Legitimacy 50
3.6 Independence and the Post-colonial era 52
3.7 What follows the Post-colonial state? 54
3.8 Neopatrimonialism 57
3.9 External Involvement and the Advent of PMCs 61
3.10 Summary 75

Chapter 4: PMCs

4.1 Introduction 76
4.2 Background 77
4.3 Drivers of Demand and Supply 78
4.4 The Dynamics of Violence 83
4.5 PMCs and Corporations 84
4.6 The Problem of Definition 88
4.7 The Mercenary Question 89
4.8 The Anti-mercenary conventions 92
4.9 Mercenaries Defined 93
4.10 Defining PMCs 99
4.11 Summary 111

Chapter 5: Research

5.1 Introduction 113
5.2 Basis of Research 113
5.3 Research Method 114
5.3.1 Data Triangulation 116
5.4 Positionality 118
5.5 Ethics 119
5.5.1 Informed Consent 120
5.5.2 Openness and Honesty 121
5.5.3 The Right to Withdraw 121
5.5.4 Values and Beliefs 121
5.5.5 Protection from Harm 122
5.5.6 Ethnic Considerations 122
5.5.7 Debriefing 123
5.5.8 Confidentiality 123
5.6 Interviewing 123
5.6.1 Interview Preparation 134
5.6.2 Typology of Respondents 134
5.6.3 Research Subjects: Suitability of PMCs 136
5.6.4 Research Subjects: Capability of PMCs 137
5.6.5 Framing of Research Questions: Capability of PMCs 138
5.6.6 Framing of Research Questions: Suitability of PMCs 139
5.7 Data Sources 140
5.8 Analysis 142
5.8.1 Strategies for Analysis 144
5.9 Grounded theory 145
5.9.1 Open coding 146
5.9.2 Axial coding 150
5.9.3 Selective coding 152

5.10 Content Analysis 153
5.11 Narrative Analysis 158
5.12 Analytical Process 159
5.12.1 Coding 161
5.12.2 Categorization 161
5.12.3 Content Analysis 162
5.12.4 Narrative Analysis 162
5.13 Field Research 163
5.14 Emergent Themes 171
5.15 Framework for Fieldwork Analysis 172
5.15.1 Commonalities 172
5.15.2 Perceptions 172
5.15.3 External factors 173
5.16 Analytical Framework 173
5.16.1 Perceptions of PMCS as Mercenaries 174
5.16.2 Perceptions of the Use of PMCs 174
5.16.3 PMCs in Practice 174
5.16.4 The Prospect of PMCs as Peacekeepers 174

Chapter 6: Research Context

6.1 Introduction 175
6.2 Research Background 176
6.3 The Mano River 177
6.4 The Mano River Union 177
6.5 Liberia – Country Profile 180
6.5.1 Political Background 180
6.5.2 The Transformation from Oligarchy to Neopatrimonialism 183
6.5.3 The Beginning of Rebellion 189
6.5.4 Regional Intervention 191
6.5.5 ECOMOG and the Warlords 198
6.5.6 The Spread of Conflict to Sierra Leone 200
6.5.7 Summary – PMCs and the Liberian Conflict 201
6.6 Sierra Leone – Country Profile 203
6.6.1 Political Background and Independence 204
6.6.2 The Development of Neopatrimonialism 205
6.6.3 The Emergence of the Revolutionary United Front 207
6.6.4 Civil War in Sierra Leone 209
6.6.5 PMCs in the Sierra Leonean Civil War 211
6.6.6 Regional Intervention 214
6.6.7 Relative Successes of Intervention in Sierra Leone 215
6.6.8 The End of Civil War 217
6.7 Summary 218

Chapter 7: Perceptions I – PMCs or Mercenaries?

7.1 The PMC/Mercenary Issue 221
7.2 Perceptions of PMCs as Mercenaries 221
7.3 'Modern' mercenaries and PMCs 222
7.4 The Nature and Characteristics of PMCs. 228
7.5 The Issue of Legal Definition 234
7.6 Summary 241

Chapter 8: Perceptions II – Tasks and Activities of PMCs

8.1 Perceptions – Tasks and Activities of PMCs 242
8.2 Issues of primary concern 247
8.2.1 Undermining state sovereignty 247
8.2.2 PMCs as agents of 'economic recolonization' 252
8.2.3 PMCs as Foreign Policy Proxies 256
8.3 Summary 260

Chapter 9: PMCs in Practice

9.1 Introduction 262
9.2 Security Sector Reform 263
9.2.1 Task allocation in SSR 267
9.3 Support for State Institutions and Empowerment of the Weak State. 271
9.3.1 The PMC/State Institution balance 271
9.3.2 PMCs and 'Community Policing' 273
9.4 Securing the 'Humanitarian Space' 275
9.4.1 The Link between PMCs and Humanitarian Operations 276
9.4.2 The Legal Status of PMCs in Humanitarian Operations 281
9.4.3 Indirect Support to Humanitarian Organizations 283
9.5 Summary 284

Chapter 10: PMCs as Peacekeepers?

10.1 Introduction 286
10.2 Prospects for the Involvement of PMCs in UN Peacekeeping Operations 291
10.2.1 Support Functions 291
10.2.2 PMCs as Peacekeepers? 295
10.3 The Moral Dimension 301
10.4 Arguments against the use of PMCs 303
10.4.1 PMCs and Human Rights 303
10.4.2 The Threat to Human Rights 312
10.4.3 PMCs and State Authority 313
10.4.4 The Threat to the Authority of the State 318

10.4.5 PMCs – Legal Issues 318
10.4.6 Legal Status and Regulation 322
10.5 Summary 323

Chapter 11: Conclusions

11.1 Introduction 325
11.2 Comparison of Existing Literature with Field Research Findings 327
11.3 Capability 329
11.4 Suitability 331
11.4.1 Political Acceptability 331
11.4.2 Accountability 332
11.4.3 Legal Definition 333
11.4.4 Regulation 334
11.4.5 Summary – Suitability of PMCs 335
11.5 Economic Factors 335
11.6 The Balance between Effectiveness and Legitimacy 337
11.7 The Danger of Self-perpetuation 338
11.8 Conclusions 339
11.9 Recommendations - areas for future research 341

Bibliography 344

Table of Figures

Figure	Title	Page No.
1	Extract from semi-structured interview	128
2	Example of initial open-coding inductive category process	148
3	Example of matrices used for axial coding	151
4	Examples of core categories from the selective coding process	153
5	Key-word-in-context enumeration example (single interview)	156
6	Key-word-in-context enumeration example (multiple interview)	157
7	FCO advice for travel to/in Sierra Leone	163
8	FCO advice for travel to/in Liberia	164
9	Extract from field research notes	165
10	Map of Liberia	180
11	Map of Sierra Leone	203

Glossary of Terms

AFL	-	Armed Forces of Liberia
AFRC	-	Armed Forces Revolutionary Council
APC	-	All Peoples' Congress
AU	-	African Union
BAPSC	-	British Association of Private Security Companies
BMATT	-	British Military Advisory and Training Team
CDF	-	Civil Defence Force
CEMA	-	Convention for the Elimination of Mercenarism in Africa
CMP	-	Conflict Mapping Programme (see: SLCMP)
CPA	-	Comprehensive Peace Agreement (Accra Accord)
CSSP	-	Community Safety and Security Project
DDR	-	Disarmament, Demobilization and Reintegration
DFID	-	Department for International Development
DPKO	-	Department of Peacekeeping Operations (see UNDPKO)
DSL	-	Defence Systems Limited (British PMC, now part of ArmorGroup)
ECFR	-	European Council on Foreign Relations
ECOMOG	-	Economic Community of West African States Monitoring Group
ECOWAS	-	Economic Community of West African States
EO	-	Executive Outcomes (South African PMC)
ERU	-	Emergency Response Unit (unit of LNP)
FCO	-	Foreign and Commonwealth Office
GoSL	-	Government of Sierra Leone
GSG	-	Gurkha Security Guards (British PMC)
ICI	-	International Charter Incorporated (US PMC)
ICISS	-	International Commission on Intervention and State Sovereignty
ICRC	-	International Committee of the Red Cross
IMATT	-	International Military Advisory and Training Team
IMF	-	International Monetary Fund
INPFL	-	Independent National Patriotic Front of Liberia
IPOA	-	International Peace Operations Association
JSDP	-	Justice Sector Development Programme (Sierra Leone)
LDF	-	Lofa Defence Force (Liberian rebel group commanded by François Massaquoi)

LNP	-	Liberian National Police
LPC	-	Liberian Peace Council (rebel group commanded by George Boley)
LURD	-	Liberians United for Reconciliation and Democracy (rebel Group commanded by Sekou Conneh)
MIASS	-	Ministry of Internal Affairs, Local Government & Rural Affairs (Sierra Leone)
MINURCAT	-	UN Mission in Central African Republic and Chad (Mission des Nations Unies en République Centrafricaine et Tchad)
MNF	-	Multinational Force
MODEL	-	Movement for Democracy in Liberia (rebel group commanded by Thomas Nimely)
MONUC	-	UN Mission in the Democratic Republic of Congo (Mission de l'Organisation des Nations Unies en Congo)
MRU	-	Mano River Union
NPFL	-	National Patriotic Front of Liberia
NPRC	-	National Provisional Ruling Council
NTGL	-	National Transitional Government of Liberia
OAU	-	Organisation of African Unity
OSCE	-	Organisation for Security and Cooperation in Europe
OSD	-	Operational Support Department (unit of SLP)
PAE	-	Pacific Architects and Engineers (US PMC)
PMC	-	Private Military Company
PMSC	-	Private Military/Security Company
PRSP	-	Poverty Reduction Strategy Paper
PSC	-	Private Security Company
PSU	-	Professional Services Unit (unit of LNP)
ROE	-	Rules of Engagement
RPF	-	Rwandan Patriotic Front
RUF	-	Revolutionary United Front
RSLAF	-	Republic of Sierra Leone Armed Forces
RSLMF	-	Republic of Sierra Leone Military Forces
SBU	-	Small Boys Unit (of the RUF)
SHIRBRIG	-	Standby High Readiness Brigade
SILSEP	-	Sierra Leone Security Sector Reform Programme
SLA	-	Sierra Leone Army
SLCMP	-	Sierra Leone Conflict Mapping Programme

SLCU	-	Sierra Leone Command Unit
SLP	-	Sierra Leone Police
SLPP	-	Sierra Leone Peoples' Party
SLTRC	-	Sierra Leone Truth and Reconciliation Commission
SMC	-	Standing Mediation Committee
SOFA	-	Status of Forces Agreement
SRSG	-	Special Representative of the (UN) Secretary General
SSR	-	Security Sector Reform
TRC	-	Truth and Reconciliation Commission (see: SLTRC)
ULIMO	-	United Liberation Movement
ULIMO-J	-	Ethnic splinter group of ULIMO under Roosevelt Johnson
ULIMO-K	-	Ethnic splinter group of ULIMO under Alhaji Kromah
UN	-	United Nations
UNAMIR	-	UN Assistance Mission for Rwanda
UNCIVPOL	-	UN Civil Police
UNCTAD	-	UN Commission on Trade and Development
UNDAF	-	UN Development Assistance Framework
UNDP	-	UN Development Programme
UNDPKO	-	UN Department of Peacekeeping Operations
UNDSS	-	UN Department of Safety and Security
UNHCR	-	UN High Commission for Human Rights
UNICEF	-	UN Childrens' Fund
UNIOSIL	-	UN Integrated Office in Sierra Leone
UNIPSIL	-	UN Integrated Peacebuilding Office in Sierra Leone
UNMEE	-	UN Mission in Ethiopia and Eritrea
UNMIL	-	UN Mission in Liberia
UNMIS	-	UN Mission in Sudan
UNOHCR	-	UN Office of the High Commissioner for Human Rights
UNOMIL	-	UN Observer Mission in Liberia
UNOMSIL	-	UN Observer Mission in Sierra Leone
UNPOL	-	UN Police
UNSAS	-	UN Standby Arrangements System
UNWFP	-	UN World Food Programme
USAID	-	United States Agency for International Development
WFP	-	World Food Programme (see: UNWFP)

Acknowledgements

My most enduring memory of the time I have spent writing this thesis will be of the people who have contributed to its completion. There have been many, and there is insufficient space here to convey the full extent of my gratitude to all of them. Thanks must go first, and in equal part, to my Director of Studies, Richard Gibb, and my Supervisor, Jamie Gaskarth, both of whom are gifted with qualities of patience and good humour that I shall endeavour to emulate if ever I am in the position of having to supervise a PhD student as exasperating as I have surely been. Extra thanks must go to Jamie, for his role in providing social distraction on the many occasions I desperately needed it... and indeed on many when I didn't; it was always welcome. I have imposed heavily on your goodwill and support throughout, and you have become a true friend.

Particular thanks must go also to the following people: to Katie Gilkes, without whom this thesis would have died at an early stage, to Terence McNamee for helping me to get the ball rolling, to Andrew Bearpark and Sabrina Schulz for providing crucial insight into my field of study, to Paul Koulen for early advice that probably saved me from being robbed more times than I was, to Obi Sisay for familiarising me with important aspects of West African culture, and for helping me adopt a successful approach to my research in Sierra Leone, to Mark Bullock and Seymour Grann for their invaluable help with many difficult aspects of my field research trip to Liberia, to Christa Rader and Jennifer Rockliffe for allowing me to use the UN humanitarian flight service, to Joseph Kamara for his selfless assistance in getting me back to Freetown after I had been robbed of everything, to Jide Asode and Celia Otek, and my other generous fellow passengers on the journey from Jendema to Kenema, to Knox Chitiyo and Adrian Johnson of RUSI, to Reg Mills of the UNDSS, to Colin Rallings, James Sidaway, Karl Cordell, Karen Treasure and Rebecca Davies of the University of Plymouth, to Richard Stanley, Marit Fikke, Suzanne van Hulle, James Convery, Martyn Smith, Kim Smithers, Joe Skeff, Shona Nemples, Paul Thompson, John Allen, and to the many, many others in Liberia and Sierra Leone whose contributions have been invaluable.

Finally, I am ever grateful to my wonderful sister, Sheila, who inspired me to embark on this PhD the last time I saw her in South Africa, and who died tragically and needlessly while it was in progress. I know that she would want me to dedicate this thesis to those millions of Africans, both living and as yet unborn, who will suffer violent deaths for want of an international system that can bring help to people in direst need.

Author's Declaration

I certify that all material in this thesis which is not my own work has been identified and acknowledged, and that no material herein has previously been submitted for the award of a degree by this or any other University

Chapter 1

Introduction

The involvement of Private Military Companies (PMCs) in the affairs of states is a controversial and divisive issue. Yet, since the end of the Cold War, PMCs have become increasingly involved in the security structures of African states, in roles once regarded as the exclusive domain of the state, ranging from the provision of advice and security to intelligence-gathering and troop-training. Even more contentious is the prospect of PMC involvement in UN peacekeeping missions, but despite the sensitive nature of this issue, PMCs have been used to support every major UN peacekeeping operation since 1990,[1] in some cases performing tasks that were formerly restricted to UN personnel.[2] A suggestion put forward by Christopher Bellamy in 1995, that the UN might augment their numbers with private soldiers, was met with incredulity at the time,[3] and mainstream opinion has not strayed far from the view that the use of PMCs as peacekeepers is inconceivable. In the 1990s, PMCs undertook operations in Angola and Sierra Leone that brought about situations where warring factions were compelled to negotiate settlements. The response of the international community was predominantly one of condemnation of the involvement of PMCs, but some pointed out that these operations had been remarkably swift and inexpensive in bringing violent conflict to an end, in contrast to operations conducted by the UN in African states.[4]

The importance of the question as to whether PMCs should be involved in peacekeeping operations is emphasised by continuing difficulties experienced by the UN in its

[1] Avant, Deborah. 2005. The Market for Force: The Consequences of Privatizing Security. Cambridge: Cambridge University Press. p.7.

[2] For example, the disarmament and demobilization by the PMCs DynCorp and Pacific Architects and Engineers (PAE) of some 8,000 irregular troops in Liberia, support for the RUF disarmament programme in Sierra Leone by PAE and International Charter Incorporated (ICI), the provision of border monitors in Serbia by Military Professional Resources Incorporated (MPRI) in 1994, and that of weapons inspectors by DynCorp in Kosovo in 1998.

[3] Bellamy, Christopher. 1996. Knights in White Armour: The New Art of War and Peace. London: Hutchinson. p.203.

[4] For example, the cost of the 18-month PMC mission in Sierra Leone was US$35 Million; that of the UN was $265 Million in the first year, and a total of $2.7 Billion over a 10-year period.

peacekeeping missions.[5] It is a question that emanates largely from the need for a solution to the increasing difficulty faced by the UN in deploying, in sufficient time, enough adequately trained and equipped troops for these types of operations.[6] The UN's ongoing consideration of alternatives to the current method of raising troops for peacekeeping missions is a clear indicator of the need for the issue to be addressed.[7] A proposition put forward in a UK Government Green Paper to the effect that reputable, regulated PMCs might be suitable for peacekeeping roles,[8] and a softening of the UN Working Group on Mercenaries' stance towards recognition and regulation of PMCs, have once again brought this issue to the fore.[9]

There are, however, seemingly irreconcilable differences within the UN as a whole, with attitudes ranging from the view that PMCs should be proscribed on the grounds that they are mercenaries, to the diametrically opposed standpoint that they should be legitimized in order that they can be used to enhance the effectiveness of UN peacekeeping operations. Calls for the use of personnel from PMCs to augment UN missions have come from humanitarian organizations, a fact that many detractors of PMCs find difficult to understand, but many humanitarian actors employ PMCs to provide security for their missions, and have developed close working relationships with PMCs, and an

---

[5] See, for example: Jett, Dennis. 1999. Why Peacekeeping Fails. Basingstoke: Palgrave., p.5., Bratt, Duane. 1996. "Assessing the Success of UN Peacekeeping Operations." International Peacekeeping. Special Issue: The UN, Peace and Force 3(4):64-81., and: UN. 2000. "General Assembly 55th Session. UN Doc.A/55/305-S/2000/809. Report of the Panel on United Nations Peace Operations: Comprehensive Review of the question of peacekeeping operations in all their aspects (The Brahimi Report)."

[6] Of 39,300 troops mandated for the most recent UN peacekeeping operations in Africa (in Darfur and Congo), there is currently a shortfall of almost 8,000. See: UN. 2009b. "UN DPKO Current Operations." Accessed at: http://www.un.org/Depts/dpko/dpko/currentops.shtml/africa.

[7] See, for example: UN. 2000. "General Assembly 55th Session. UN Doc.A/55/305-S/2000/809. Report of the Panel on United Nations Peace Operations: Comprehensive Review of the question of peacekeeping operations in all their aspects (The Brahimi Report).", McCarthy, Patrick. 2000. "Building a Reliable Rapid-reaction Capability for the United Nations." International Peacekeeping 7(2):139-154., Roberts, Adam. 1995. "Proposal for UN Standing Forces: History, Task and Obstacles." In UN Rapid Reaction Capabilities: Requirements and Prospects, eds. David Cox and Albert Legault. Clementsport, NS: Canadian Peacekeeping Press., and Childers, Erskine and Brian Urquhart. 1994. "Renewing the United Nations System." In Development Dialogue 1994:1. Uppsala, Sweden: Dag Hammarskjöld Foundation. pp.112-115 and pp.198-200.

[8] HMSO. 2002. "House of Commons Green Paper. PMCs: Options for Regulation."p.4.

[9] The UN Working Group on Mercenaries has moved from opposition on the basis that this would be tantamount to legalizing the activities of mercenaries, to one suggesting that a regulatory framework could be a positive move. UN. 2004b. "E/CN.4/2005/14 - 61st Session of the United Nations Commission on Human Rights. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. Report of the Special Rapporteur, Shaista Shameem."

understanding as to how they can augment their operations.[10] Support from this unexpected quarter for the inclusion of PMCs in UN peacekeeping operations will be analysed in depth in this thesis, but in addition to the practicalities of the use of PMCs to support such missions, there are questions surrounding the political and economic implications of their involvement, their legality under international law, and the morality of profit-making organizations becoming an integral part of such operations. This thesis will analyse critically the hypothesis that PMCs are a suitable option, in practical, political, legal, economic and moral terms, for direct involvement in UN peacekeeping missions in Africa.

In order to allow a thorough analysis of the interaction between the three elements of the hypothesis – Africa, PMCs, and peacekeeping – the hypothesis needs to be deconstructed in order that each of these elements may be analysed individually, and then contextualized as they relate to each other. The thesis considers each of these constituent parts within a research framework based, firstly, on an in-depth analysis of existing literature,[11] and then on extensive qualitative field research. The latter focuses on input from key actors through a series of semi-structured interviews with representatives of the UN, of humanitarian organizations, of other NGOs and INGOs, of civil society, and of PMCs. As much of the debate on PMCs hinges around perceptions and attitudes toward them, subjects for primary research are drawn from groups involved in differing aspects of PMC operations and activities, with conflicting perceptions and viewpoints, from observers and analysts of the PMC phenomenon to members of populations affected by the actions of PMCs. The originality of this thesis lies in its primary research, which has focused on key areas of PMC activity relevant to peacekeeping operations, in order to compile a comprehensive picture as to the potential for the involvement these organizations, in terms of appropriacy and effectiveness, in peacekeeping missions. The data gathered in the course of the field research has been used to build up an accurate picture as to the current situation, and the potential for

[10] For example, CARE International, the ICRC, the International Rescue Committee and Refugees International, the latter of whom have called for PMCs to be used as peacekeeping troops. See: Gantz, Peter. 2003. "The Private Sector's Role in Peacekeeping and Peace Enforcement." Refugees International Bulletin, 18th November 2003., and UN. 2000. "General Assembly 55th Session. UN Doc.A/55/305-S/2000/809. Report of the Panel on United Nations Peace Operations: Comprehensive Review of the question of peacekeeping operations in all their aspects (The Brahimi Report)."

[11] The review of literature is carried out in Chapter 2.

future involvement of PMCs in peacekeeping. The selection of respondents and the depth of the research have produced sufficient consistent data to make a significant contribution to research into the nature of PMC activity in African states, into their capability and suitability for involvement in peacekeeping operations, and into where the future might realistically lie with regard to the direct participation of PMCs in UN peacekeeping missions.

The first of the three elements of the hypothesis, and the most critical to the central question, is the African state* – specifically, the extent to which the emergence and political development of African states have contributed to the proliferation of PMCs. As part of an investigation into the involvement of PMCs in peacekeeping, this thesis' focus on Africa is important for several reasons. Crucial to analysis of PMCs is the political background that has given rise to their emergence. It was Africa's distinctive colonial and socio-political history, explored in depth in Chapter 3 of this thesis, that brought about the conditions giving rise to widespread PMC activity in African states after the Cold War. Africa's perceived strategic importance to the superpowers during the Cold War, and the patronage of African states by the superpowers as a means of ensuring the continued alignment of those states, contributed greatly to the relative stability experienced by those states during the Cold War era. Among the major factors contributing to the emergence and proliferation of PMCs were the resurfacing of internal tensions that had been suppressed during the era of superpower patronage, and the downsizing of armies in African states that had been aligned with the superpowers. The shortcomings of many African governments and militaries had been masked during the Cold War, and the precipitous withdrawal of the superpowers thereafter was to expose underlying problems of poor governance, corruption, ethnic division, and social exclusion, all of which contributed to widespread unrest.[12]

Another reason for Africa's importance to the central hypothesis is that the activities of PMCs in African states in the 1990s, most notably those of Executive Outcomes,[13] have become paradigmatic in studies of these organizations. While operations of the nature

[12] Kaldor, Mary. 1999. New and Old Wars: Organized Violence in a Global Era. Cambridge: Blackwell/Polity Press. p.92.

[13] This is explored in depth in Chapters 5 and 6 of this thesis.

* See Chapter 3, Note 4.

and scale carried out by Executive Outcomes, involving direct, lead-actor participation in combat,[14] have not been repeated by PMCs, their activity in Africa is more widespread than ever.[15] Also of direct relevance to the hypothesis is that African states, as both contractors and recipients of the services of PMCs, are a central part of the debate surrounding them. This has a bearing on arguments against the use of PMCs based on their records in Iraq and Afghanistan, because the scenario in which PMC activity takes place in those states is very different to that in Africa. PMC operations in Iraq and Afghanistan arose from the need for direct support of large scale military operations, and expanded with the urgent need for security in stabilization and development operations. In African states, the involvement of PMCs came into being in a different way, and for different reasons. The activities of PMCs in Africa did not come about as an adjunct to invasion by foreign armies, but in fulfillment of contracts with governments, humanitarian organizations, private corporations and departments of the UN. This thesis will, where apt, consider whether there are scenarios in which the nature of PMC activity in African states is comparable with those elsewhere.[16]

As to the question of the aptness of Africa in a critical analysis of PMC activity relating directly to peacekeeping operations, not only are the majority of the UN's peacekeeping missions in Africa,[17] but those missions tie up more than 75% of currently deployed UN peacekeepers worldwide, and some 80% of the global peacekeeping budget.[18] For these reasons, the focus of this thesis on Africa is wholly relevant in the context both of PMCs and UN peacekeeping operations.

This thesis, therefore, conducts an extensive exploration of factors in the political development of African states. A critical analysis of those factors giving rise to conflict

[14] As opposed to unplanned involvement arising from situational need in support of another actor, notwithstanding the 1977 and 1994 UN Conventions (see 9.4.2).

[15] Among BAPSC (British Association of Private Security Companies), and IPOA (International Peace Operations Association) member organizations. Both associations agree that the number of registered member companies operating in Africa is likely to reflect a similar preponderance among non-members.

[16] See 10.4 and subsections.

[17] Eight of the fifteen current UN peacekeeping operations are in Africa.

[18] The number of peacekeepers deployed in Africa comprises some 60,000 of a total of 80,000 troops (excluding police and UN military observers), at a cost of $5.6 billion of a total budget of $7.2 billion. UN. 2009a. "DPI/1634/Rev.103 - United Nations Peacekeeping Operations." The number of troops is set to rise to approximately 85,000 with the expansion of the UN Missions in Congo (MONUC) and Darfur (UNAMID).

and the need for security, and thus to the emergence and proliferation of PMCs, is carried out in Chapter 3. Particular attention is given to systems of governance that have endured through independence and the post-colonial era – notably those from which a blurring of the divisions between state and private interests have emanated. Analysis of the conditions prevailing in African states after the post-Cold War withdrawal of the superpowers is also carried out. This considers the effects of the largest demobilization of armies ever seen, on a global scale, bringing about a further reduction in the already limited capacity of African states to exercise control within their territorial boundaries.

A key factor in the emergence of PMC activity in African states was the ensuing resurgence of ethnic tensions that had been suppressed by the presence of the superpowers, and the subsequent increase in intrastate conflict combined with the disintegration of government authority. This resurgence of tensions is analysed in the context of factors of demand and supply that contributed to the proliferation of PMCs. Particular attention, on the demand side, is given to power vacuums resulting from the decreased capacity of state institutions,[19] and the accompanying rise in demand for services offered by private security and quasi-military organizations.[20] On the supply side, the impact of the downsizing of armies and the concomitant surplus of military expertise, manpower, and the hardware of warfare is considered in depth.[21] Further analysis is carried out on factors linking the initial appearance of PMCs on the African political landscape with their continued proliferation – factors such as the employment of PMCs as adjuncts to institutions of state security, and their activities in support of departments of the UN and other humanitarian organizations – as this sheds light on their increasing involvement in peacekeeping operations.

Following analysis of the political background that has given rise to the widespread proliferation of PMC activity in Africa, the thesis moves on to the second element of the hypothesis. Chapter 4 aims to define PMCs, in the absence of an internationally-accepted definition, for the purpose of maintaining focus and accuracy in the research. It

[19] Kaldor, op. cit., p.92.

[20] Lock, Peter. 1999. "Africa, Military Downsizing and the Growth in the Security Industry." In Peace, Profit or Plunder? The Privatisation of Security in War-torn African Societies, eds. Jakkie Cilliers and Peggy Mason. Pretoria: Institute for International Studies. pp.13-17.

[21] Singer, Peter W. 2003. Corporate Warriors: The Rise of the Privatized Military Industry. London: Cornell University Press. p.53.

then carries out an in-depth analysis of PMCs and their activities for the purpose of contextualizing them in the African political landscape. It also seeks to establish the utility and impact of their activities on the wider political situation; i.e. the usefulness and impact of the activities of PMCs on governance and the economies of African states, and their impact on the populations of those states whether directly, through state institutions, or through support to the UN and other humanitarian organizations.

As the conceptual association of PMCs with mercenary organizations is fundamental to the debate surrounding them, the analysis of PMCs begins with an exploration of their origins, and into factors bringing about their evolution into the corporate bodies that now dominate the private military and security sectors. Perceptions of PMCs as mercenaries are explored in depth, and comparisons drawn between mercenary organizations and PMCs. Legal aspects of the private military sector are examined, and legal criteria from the conventions against mercenaries – the 1977 Convention for the Elimination of Mercenarism in Africa (CEMA),[22] the 1979 UNOHCR Additional Protocol to the Geneva Conventions,[23] and the 1989 International Convention[24] – are tested to evaluate their applicability to PMCs. In the absence of an internationally-accepted definition of PMCs, the thesis also seeks to expound the defining characteristics of these organizations in order to provide a clear basis for empirical focus and theoretical analysis of the PMC phenomenon.

Existing theoretical analyses are discussed in the review of literature, which is carried out in Chapter 2. In considering the theoretical bases that underpin the existing literature, it is evident that, with a few notable exceptions, the primary focus is on empirical aspects of the emergence and proliferation of PMCs, with little discussion taking place within theoretical structures.[25] Exceptions to this largely empirical approach are based on theories of Political Realism, encompassing the primacy of state

[22] OAU. 1977b. "Organization of African Unity Convention for the Elimination of Mercenarism in Africa (CEMA), Doc. CM/817 (XXIX) Annex II Rev.1 (Revision of 1972 Convention: Doc.CM/433/Rev. L.)."

[23] UNOHCR. 1977. "Article 47.2 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1)."

[24] UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

[25] See 2.2. Sarah Percy notes that a *"striking feature of the present literature… is its lack of theoretical analysis"* (in: Percy, Sarah. 2007a. Mercenaries: The History of a Norm in International Relations. Oxford: Oxford University Press. p.4.).

sovereignty, and of Liberal Internationalism, which highlights the part played by globalized cooperation.[26] Both theories account for much of the proliferation of PMCs in Africa, but neither takes into consideration the permeation of neoliberal orthodoxy into the politics of African states, or the effects of commercial actors, most notably multinational corporations involved in extraction of natural resources, and thus the maintenance of revenue streams to African governments. While the provision of services to extractive industries does not account for the full extent of PMC activities, it is a long-standing element of the political economy of African states, and one that fed the involvement of private security actors in African states before the end of the Cold War. It is also one of a number of interrelated factors of the political economy of African states that underpins the theoretical framework adopted by this thesis.

After the Cold War, the withdrawal of the superpowers, the downsizing of African armies, and the subsequent need for strengthening of state security mechanisms were perhaps the main drivers of the emergence of PMCs, but they were neither the only drivers nor the primary drivers of their continued proliferation. In the neoliberal orthodoxy that dominated after the Cold War, African governments came under pressure from expedients of neoliberalism that demanded smaller, more efficient armies and police forces, the liberalization of markets, and the consequent provision of services by the private rather than the public, leading inevitably to further outsourcing of non-strategic military and security functions to PMCs. Added to this was the need to protect states' income streams. The political economy of many African states still hinges around extraction of natural resources, and the provision of security to extractive industries is a staple of PMCs. Additionally, the commercial opportunities offered by the privatization of state functions enabled elites to strengthen their financial base, and thus to consolidate their political power base, through the personalization of government and the economy.[27]

The part played by political economy in developed states is also pertinent in that it accounts for growth in the private military sector external to Africa. The outsourcing to PMCs of diverse elements of military support operations to the armies of developed

[26] See 2.2.

[27] Reno, William. 2000. "Shadow States and the Political Economy of Civil Wars." In Greed and Grievance, eds. Mats Berdal and David Malone. Boulder, CO: Lynne Rienner. p.49.

states has enabled PMCs to develop expertise in a wide range of activities. These include intelligence-gathering, electronic warfare, the provision and maintenance of technical equipment, the training of troops in the use of such equipment, and the training of personnel in specialist support roles. This diversification of the PMC industry into such 'new' areas of expertise has enabled them to expand yet further their activities in Africa. The political economy of the developed world has thus fed the proliferation of PMCs in the developing political economies of African states.

Political Economic theory encompasses all of the aforementioned drivers; the neoliberal mantra of free markets was also embraced by the international financial institutions on which Africa had become so dependent,[28] and the subsequent rush to outsource provided a rich source of business for PMCs. In 1999, Cilliers and Cornwell suggested that growth of the private security sector would be: *"...central to the structural adjustment agenda, globalization, and the response to privatization by many post-colonial African élites.*[29] Their forecast has been borne out by recent political developments in many African states. The link between PMCs and the political economy of African states therefore underpins the theoretical approach adopted by this thesis.

A key focus of the field research, further to the wider involvement of PMCs and central to the narrower focus of their becoming directly involved in UN peacekeeping missions, is the question as to the morality of employing what many perceive as mercenaries to carry out the bidding of the international community. This thesis, particularly in the field research, investigates the extent to which judicious analysis of the issue may be obstructed by emotional responses to the label 'mercenary'. The question I seek to answer is whether PMCs are suitable to carry out missions mandated by the international community, in practical, political, legal, economic and moral terms. To that end, this thesis explores the scope and limitations of PMCs in all five respects – practical, political, legal, economic, and moral – and analyses critically the hypothesis that PMCs are a viable option for direct involvement in peacekeeping operations in Africa.

---

[28] Aning, Emmanuel. 2000. "Whither Africa's Security in the New Millennium: State or Mercenary Induced Stability?" Conflict Trends No. 1:149-171.

[29] Cilliers, Jakkie and Richard Cornwell. 1999. "Mercenaries and the Privatisation of Security in Africa." African Security Review 8(2).p.35.

The research seeks first to address questions regarding the use of PMCs in operations in support of peacekeeping, and their performance in such operations as training, logistics, security sector reform tasks, advice to government departments, and securing the 'humanitarian space' vis-à-vis the provision of security for aid agencies. The initial focus is on controversy surrounding the 'privatization' of military affairs and on the costs and benefits, practical, political, legal, economic, and moral, of the use of PMCs. Theoretical viewpoints and arguments as to the nature of PMCs and their capability and suitability to carry out such operations are explored, as is the scope of PMCs in terms of capabilities demonstrated in past and current operations. The main arguments opposing the use of PMCs – primarily that they are a threat to human rights, that their use undermines the authority of states, and that their status in international law is not clearly defined or regulated – are then deconstructed and analysed. In doing so, the thesis considers the suitability of PMCs for the direct performance of peacekeeping tasks, through analysis of the central arguments surrounding PMCs – primarily that they are mercenary operations, lacking *ipso facto* the 'primary loyalty to community' of national armies or intergovernmental organisations, that they face no accountability, and are a threat to stability. Opposing arguments are also analysed; those suggesting that the capabilities demonstrated by PMCs in past and current operations, coupled with their non-alignment to governments, offer scope for the effective handling of conflict situations mandated and directed by the international community, without prejudicing the integrity of such operations.

Analysis of the third element of the hypothesis – peacekeeping – has proved to be complex. Peacekeeping is broad as a concept, and is fluid and dynamic in nature. It is not clearly defined by the UN, for whom peacekeeping operations span activities as diverse as unarmed observation under Chapter VI of the UN Charter, which allows for the *"mediation of international disputes between states,"* to full participation in combat under Chapter VII of the Charter, where *"maintenance or restoration of international peace and security"* is required.[30] Adding further complexity is that these definitions were drawn up to deal with conflict *between* states – as evidenced by the word *'international'* in both definitions, and the Charter allows only for intervention in

[30] UN. 2003b. "Handbook on United Nations Multidimensional Peacekeeping Operations." United Nations Department of Peacekeeping Operations. pp.60-69.

intrastate conflicts where they pose a threat to international stability.[31] Dag Hammerskjöld, Secretary of the UN from 1953 to 1961, recognizing that UN peacekeeping took its mandate from neither category, coined the term 'Chapter Six and a Half' which became accepted as: *"…action borne of necessity and largely improvised."*[32] Every current peacekeeping operation in Africa has been authorized under this mandate, which has its origins in the geopolitical status quo that prevailed during the Cold War. Hence, 'peacekeeping' in its current form is a slippery concept, and the activities involved in its execution range from observation to demilitarization, from humanitarian relief to disarmament, and from training armies to supporting civil administrations.

Defining the term peacekeeping for the purposes of this research has, therefore, been a complicated process. UN approaches to articulating what is meant by 'peacekeeping' bring out a concept based on the compromise between 'traditional' peacekeeping – involving negotiation, mediation, and the peaceful resolution of disputes – to more forceful methods of containing or bringing conflict to an end. The UN's 'multidimensional peacekeeping' approach encompasses tasks ranging from disarming combatants to building sustainable institutions of state.[33] For the purposes of this research, therefore, the activities of 'peacekeeping' will be defined as any or all of those involving military-type operations aimed at containing or ending conflict, disarmament, demobilization and reintegration of combatants, observation and monitoring operations, security sector reform, training of police and armed forces personnel, and the building of fit-for-purpose institutions of security and governance. PMCs have carried out many of these activities in support of UN operations,[34] and have seen extensive involvement in post-conflict reconstruction and development.[35] This thesis will investigate the extent to which these PMC activities have contributed towards fulfillment of the aims of the peacekeeping missions they have supported, and will explore the potential for PMCs to carry out such operations as an integral part of UN peacekeeping missions.

---

[31] UN. 1945. "Charter of the United Nations." Article 2.1.

[32] UN. 1990. Blue Helmets: A Review of International Peacekeeping. New York: UN Publications. p.3.

[33] UN. 2003b. "Handbook on United Nations Multidimensional Peacekeeping Operations." United Nations Department of Peacekeeping Operations. pp.1-7

[34] Supra, Note 2.

[35] The involvement of PMCs in post-conflict reconstruction and development is explored in depth in Chapters 9 and 10.

Following analysis of the three elements of the hypothesis – Africa, PMCs and Peacekeeping, the location for field research for the thesis was decided upon. After lengthy investigation, it was decided that the primary research would be carried out in Liberia and Sierra Leone. In Chapter 6, the reasons these states were considered the most relevant for the collection of qualitative research data are outlined, as are the historical profiles of these states to the extent that they are pertinent to this thesis, and the prevailing political situations in both states. The involvement of PMCs, in both states, is also explored, as is that of the UN, of regional peacekeeping forces, and of foreign national armies that carried out interventions in Sierra Leone and Liberia in the 1990s.

The central themes emanating from data collected in the field are critically analysed in Chapters 7 to 10. The nature of post-conflict operations in both states involves a wide range of actors, with differing experiences and views of PMCs, from the fields of peacekeeping, humanitarian assistance, development, security sector reform, combatant reintegration, and also from the private military and security sectors,. The nature and range of respondents, including observers and analysts of the private military and security industries, senior representatives of UN departments and INGOs,[36] senior staff of organizations and NGOs working with PMCs, managers and staff of PMCs, and members of civil society, allowed for triangulation at every stage in the analysis of collected data. Many of the themes emerging from the field research were reflected in the available literature, which enabled further verification and triangulation of data.

One of the primary themes to emerge from the field research – perceptions of PMCs as mercenary organizations – was also a principal theme emanating from the literature reviewed in Chapter 2, and these perceptions are critically analysed in Chapter 7. Views as to the nature and characteristics of PMCs, from a wide range of respondents with widely differing opinions, are analysed against the actual make-up of these organizations, the nature and background of their personnel, their perceived status, and their actual status in law. This chapter takes into consideration arguments based on the international conventions against mercenarism – the 1977 Convention for the

[36] UNMIL, UNIOSIL/UNIPSIL, UNDP, IMATT and DFID

Elimination of Mercenarism in Africa (CEMA),[37] the 1979 UNOHCR Additional Protocol to the Geneva Conventions,[38] and the 1989 International Convention,[39] – used by advocates and opponents of PMCs to support or refute their respective positions. Following the analysis of perceptions of PMCs as mercenary organizations, another primary theme to emerge from the field research was perceptions of threats emanating from the tasks and activities they carry out. Views that the activities of PMCs are a threat to state sovereignty, that they are part of an 'economic recolonisation' of African states, and that PMCs are foreign policy proxies, are critically analysed in Chapter 8. Perceptions of PMC activity as part of a neoliberal consensus leading to the hollowing out of the African state are also analysed in depth.

Current, ongoing activities of PMCs, and the directions and trends of their involvement in African states – both as contractors to government departments and commercial organizations, and as adjuncts to UN departments and humanitarian organizations – are analysed critically in Chapter 9. The involvement of PMCs in Security Sector Reform (SSR) is explored in depth, and a comparison of their activities as part of structured SSR programmes, and those in ad hoc support of institutions of state, is carried out. This is particularly relevant to the central hypothesis that PMCs are suitable for direct involvement in peacekeeping operations, because SSR activities such as the training of police and armed forces personnel, and the building of fit-for-purpose institutions of security and governance are a central part of the UN multidimensional approach to peacekeeping.[40] The argument as to whether PMC support to state institutions empowers the weak state by providing a secure environment, or, in the longer term, disempowers it by masking the need for the state to invest in its own institutions of security, is also explored. The part played by PMCs in 'securing the humanitarian space' in areas of conflict or risk – i.e. their role as enablers of humanitarian activity – is also considered in depth in Chapter 9. This is relevant to consideration of the legal status of PMCs in

[37] OAU. 1977b. "Organization of African Unity Convention for the Elimination of Mercenarism in Africa (CEMA), Doc. CM/817 (XXIX) Annex II Rev.1 (Revision of 1972 Convention: Doc.CM/433/Rev. L.)."

[38] UNOHCR. 1977. "Article 47.2 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1)."

[39] UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

[40] UN. 2003b. "Handbook on United Nations Multidimensional Peacekeeping Operations." United Nations Department of Peacekeeping Operations. pp.2-4.

scenarios where they provide security for humanitarian organizations, because the UN and the International Committee of the Red Cross (ICRC) both support the legality of PMC personnel employed to provide protection to humanitarian workers.[41, 42] It is also relevant to the wider debate as to the use of PMCs in peacekeeping operations, as the record of PMCs in humanitarian operations might be considered indicative as to their suitability for direct involvement in UN peacekeeping missions; this is also explored in Chapter 9.

Having carried out critical analyses of perceptions of PMCs and their activities, and the nature and effect of PMC operations in African states, the thesis goes on to explore the final, principal theme to emerge from the field research – that of concerns surrounding prospects for the direct involvement of PMCs in UN peacekeeping operations. Foremost among these are considerations as to the moral dimension of the use of profit-driven organizations to pursue the ends of peace on behalf of the international community. A critical analysis of arguments against the use of PMCs in peacekeeping operations – chief among which are the potential for abuses of human rights, the threat to the primacy and authority of states, and the question as to the legality of PMCs – is also carried out. Particular consideration is given to situations in which PMCs have been involved that illustrate their past record in such situations. The chapter finally considers the prospect of regulation of PMCs, and the extent to which lack of a clear, internationally-accepted legal definition impedes progress towards a regulated PMC industry.

The concluding chapter starts with a comparative evaluation of the existing literature with the findings derived from analysis of the field research data, in order, firstly, to highlight changes and differences in the prevailing situation regarding PMCs and their activities, particularly in Africa, and secondly, to establish clearly the contribution made by this thesis to the study of PMCs. It then lays out the conclusions emanating from the research in practical, political, economic, legal and moral terms. The first of these relates, in practical terms, to the capability of PMCs to operate as an integral part of UN peacekeeping missions, and the potential effects, positive and negative, of such

[41] UN. 1994. "Convention on the Safety of United Nations and Associated Personnel."

[42] International Committee of the Red Cross. 2004. Proceedings of Expert Meeting. "Direct Participation in Hostilities under International Humanitarian Law." In Expert Meeting on Hostilities under IHL. ICRC: The Hague, Netherlands.

involvement. Conclusions are then drawn as to the political acceptability of the use of PMCs, both for the home and host states concerned, and at regional and international levels. Economic factors are then considered, including the potential negative effect the direct involvement of PMCs in the command structure of the UN might have on economic and other advantages currently gained from the use of PMCs as contractors. Conclusions are then drawn with regard to legal aspects of the use of PMCs as peacekeepers, with particular emphasis on the interlinked issues of legal definition, the issue of regulation at national and international levels, and the accountability of PMCs. Finally, conclusions are outlined regarding the moral dimension of the inclusion of profit-seeking actors in UN peacekeeping operations.

In summary, this thesis seeks to analyse critically the hypothesis that PMCs are a suitable option, in practical, political, legal, economic and moral terms, for direct involvement in UN peacekeeping missions in Africa. This analysis is carried out through a comprehensive review of existing literature on PMCs, an analysis of the political background of factors leading to the emergence and proliferation of PMCs in Africa, and extensive qualitative research into the activities of PMCs – both as independent organizations, and as adjuncts to peacekeeping operations conducted by regional forces and by the UN. The thesis aims to make an original and important contribution to research into PMC activities in African states, and into the potential benefits and effects of their involvement in UN peacekeeping missions, and offers recommendations for areas requiring further research.

Chapter 2

Literature Review

This literature review will establish the current position in academic thought and, where pertinent, in wider, informed contemporary thinking on PMCs and their activities. It will also consider the theoretical bases that underpin the existing literature. The focus will be primarily on PMC activity in African states, but their involvement elsewhere will be included where it is pertinent to the subject of this thesis. The review will also cover issues relating to the wider implications of the activities of PMCs. To that end, it will include literature on the political situation leading to the involvement of PMCs in African states, and will encompass pertinent issues such as the nature and causes of conflict in those states, the effects of a globalised neo-liberal consensus, and the general rise of non-state actors.

2.1 Purpose

PMCs are a relatively new phenomenon in International Relations, and there is comparatively little in the way of established literature on the subject, particularly in an African context. Most existing publications start with an in-depth historiography of mercenaries, on the basis that PMCs are an evolution of the former. Indeed, much of the literature, as will be shown in this chapter, assumes a continuation between mercenarism and the activities of PMCs, and progresses on that assumption. Elements of past mercenary activity – insofar as it is relevant to perceptions of PMCs – will be considered in this review of literature, but the purpose here is not to provide a history of mercenaries. The purpose of this literature review is to establish, first, where the literature is situated in terms of theoretical bases in respect of the emergence and proliferation of PMCs, then to determine where contemporary thought on their activities in African states is posited – to include theories on the effects and utility of such activity – and finally to establish the position on issues relating directly to the question of their use in peacekeeping operations.

As will be shown in this chapter, literature on the subject of PMCs has progressed from evaluations based on historical precedents and *a priori* assumptions, through descriptive accounts of PMC activity, to complex analyses of the industry. But even in much of the

latter, the focus is primarily on empirical aspects of the emergence of PMCs and their activities, with little of the published literature being posited within a theoretical framework. There is a general lacuna in terms of analysis as to what the proliferation of PMCs means in the field of International Relations, vis-à-vis the affairs of states.

This review will first consider literature relating directly to PMCs, and will appraise how approaches have progressed over time with regard to issues that have emerged with the spread of PMC activity. It will also, where theoretical underpinning is a feature of the literature, consider the theoretical framework in which it is posited. Also, in order to assess the implications of the activities of PMCs in the wider sphere of International Relations, literature pertaining to the political situation that has led to their proliferation in African states will be reviewed.

2.2 Literature – PMCs

One of the most seminal works on PMCs is Peter W. Singer's 'Corporate Warriors'. Singer adopts a practical approach to PMCs, and introduces the first typology of these organizations; one that is still much-used in later analyses. His classification of PMCs is based on an analogy as to how close they operate to the 'tip of the spear' in situations of conflict.[1] In Singer's illustration, the tip of the spear symbolizes direct involvement in combat, with activities such as battlefield support, training, and logistics placed progressively further down the shaft of the weapon.[2] A problem with Singer's analogy is that, given a viable opportunity, PMCs offering one type of service can invariably switch to another. Indeed, many offer multiple services ranging from logistics to battlefield support, so they could be placed, simultaneously, at several points along the shaft of Singer's metaphorical spear. This is symptomatic, as will be shown in this thesis, of attempts to categorize PMCs, and to classify their activities as static rather than a dynamic in terms of scope.

[1] Singer, Peter W. 2003. Corporate Warriors: The Rise of the Privatized Military Industry. London: Cornell University Press. p.93.

[2] Ibid. pp.91-100. Note: While the model is credited to Peter Singer, the analogy of the proximity of troops to what they term the 'tip of the spear', 'sharp end of the spear', 'pointy end of the stick', etc., has been used by soldiers for generations to describe those closest to the front line of combat. See, for example: Ellis, John. 1980. The Sharp End: The Fighting Man in World War II. London: Aurum Press. p.2.

While Singer's book addresses many issues of the debate, – including those of morality, political implications, and the contention that PMCs undermine the authority of the state – the author's discourse is situated primarily in historical and economic narrative rather than in wider theories of political economy. He does, however, make clear that his intention is to facilitate future research based on underlying theories relating to his work on PMCs which, other than a short historical account of mercenaries in Africa and the activities of Executive Outcomes and Sandline International, focuses on the US PMC industry. The book does, however, give a precise and comprehensive description of the market, and while there is little in-depth focus on distinctive elements of the emergence and proliferation of PMCs in Africa, many of the issues it covers remain extant, in an African context, in the PMC debate.

Mandel's 'Armies Without States' adopts a more theory-based approach, but it focuses primarily on the issue of the global privatization of security, rather than on PMCs *per se*.[3] Mandel regards this privatization as a challenge to the supremacy of the nation-state vis-à-vis notions of power, sovereignty and interdependence, recognizing the dilemma it poses to conventional theorists' view of the state as the sole provider of security within its borders; indeed, this he describes as *"a basic challenge to the structure of the entire international system."*[4] The author's approach is to deal conceptually with prevailing trends in the privatization of security, thus enabling them to be placed in theoretical context. Mandel considers first the effects of globalisation and interdependence: in an economically liberalised world, it is predictable that security will be privatised. In the post-Cold War world where no system has replaced the global order provided, paradoxically, by bipolar confrontation, the threat of anarchy in weak states is addressed through the use of privatised security, mostly by governments and multinational corporations. He also takes into account the rise of non-state groups and civil society in governance, and their use of non-state security providers, particularly in weak states. Mandel thus highlights a dilemma central to the question of the use of PMCs. Does their use by non-state actors involve a conflict between state interests and nongovernmental interests? The questions arising from this potential conflict can probably not be

[3] Mandel, Robert. 2002. Armies Without States: The Privatization of Security. London: Lynne Rienner.

[4] Ibid. p.2

summarised much better than has been done by Deborah Avant:[5]

> *"What is the relationship between state interests and non-governmental interests? Are issue-oriented non-governmental organizations that face security problems in a good position to ensure that a military firm will give them the appropriate services? Who is the nongovernmental organization ultimately accountable to? Is it their supporters, their donors, the country in which they are citizens, the country in which they operate, or is it some combination?"*[6]

These questions are at the crux of arguments that PMCs could disrupt a state-centric system. But Mandel balances the notion that PMCs might have an adverse effect on democracy (in situations where governments elected by the majority of electors are equitable in their treatment of all sectors of their populations),[7] with the concept that, in states where a high level of structural violence is present, the presence of private security actors can assist the functioning of even-handed democracy.[8] Mandel's approach can best be summed up as a reflection of the clash between political realism and liberal internationalism, vis-à-vis *"...realist emphases on state sovereignty and the liberal internationalist emphasis on globalized cooperation."*[9]

Recognizing the issue of PMCs as a comparatively new, still-emerging phenomenon, Mandel acknowledges that there has not been sufficient time for the development of a substantial, established body of literature on the subject. He does, however, make some adroit observations on what material has emerged, concluding that: *"Too many existing analyses seem to settle comfortably on one viewpoint – most commonly that of the*

---

[5] Avant's contribution to the literature on PMCs will be reviewed later in this chapter.

[6] Avant, Deborah. 1999. "The Market for Force: Exploring the Privatization of Military Services." In Paper presented to the Council on Foreign Relations, New York. Study Group on Arms Trade and Transnationalization of Defense.

[7] Mandel, op. cit., p.44.

[8] For an in-depth study of this concept, see: Bucy, Pamela. 1996. "Privatizing Law Enforcement." American Academy of Political and Social Science. Issue 543. p.149.

[9] Mandel, op. cit.

nation-state – and downplay the importance of others."[10] In an African context, this is important, because the authority of the state is challenged by elements of the populations of many African states,[11] and models of hybrid 'post-Westphalian' governance are beginning to emerge in weak African states.[12] This will be discussed further, relevant to the theoretical implications of the literature, in Section 3 of this chapter, and in greater depth in the following chapter, relevant to emerging forms of governance in post-colonial African states.

Preceding Mandel's work, Musah and Fayemis' 'Mercenaries: An African Security Dilemma', while largely a historic-descriptive account of mercenaries in Africa, serves to give context to the political situation giving rise to the phenomenon of PMCs. The emphasis is on what they consider the chief causes of conflict: *"...unresolved aspirations towards self determination... religious and ethnic differences... ownership and control of valuable resources."*[13] and on links between conflict and the involvement of mercenaries, with particular regard to the latter cause. These will be considered in reviews of literature on the wider African political landscape later in this chapter. It is worthy of note that the two former causes identified in Musah and Fayemis' work reinforce Mandel's points with regard to the use of PMCs as a foil against structural violence.

After an in-depth study of the history of mercenaries in Africa, the book gives descriptions of PMCs that have operated in Africa, with brief case studies assessing the nature of their involvement.[14] The chapter contributed by Kevin O'Brien, 'Private Military Companies and African Security 1990-98',[15] contextualises the rise of PMCs after the post-Cold War security situation in Africa in positive terms where conflict

[10] Ibid.

[11] See: Cornwell, Richard. 1999b. "The End of the Post-colonial State System in Africa?" African Security Review 8(2):82-96., and Young, Crawford. 2004. "The End of the Post-colonial State in Africa? Reflections on Changing African Political Dynamics." African Affairs 103:23-49.

[12] See, for example: Bryden, Alan and Marina Caparini eds. 2007. Report on Private Actors and Security Governance. DCAF: Geneva Centre for the Democratic Control of Armed Forces.

[13] Musah, Abdel-Fatau and J. 'Kayode Fayemi eds. 2000. Mercenaries: An African Security Dilemma. London: Pluto Press. p.viii.

[14] Ibid. pp.172-184.

[15] O'Brien, Kevin. 2000b. "Private Military Companies and African Security 1990-98." In Mercenaries: An African Security Dilemma, eds. Abdel-Fatau Musah and Kayode Fayemi. London: Pluto Press. pp. 43-75.

resolution in African states is concerned, suggesting that *"... international perceptions of PMCs... may not ring true when examining the continued rise of PMCs in Africa over the 1990s."*[16] This runs contrary to the book's general thrust, which is fiercely critical of PMCs. Musah and Fayemi consider the involvement of private military and security actors to be a result of the rolling back of the state through the neoliberal expediency of market expansion and private enterprise, driving the involvement of 'modern mercenaries' in a usurpation of state authority. While once again limited in terms of theoretical focus, this publication is a useful critical discussion of issues surrounding the proliferation of PMCs.[17]

Appearing some 5 years after Musah & Fayemi's work, Deborah Avant's 'The Market for Force' affords a more theoretically-based approach to what the author entitles *"Private security and the control of force."*[18] Avant contextualises the rise of the private security sector in terms of its correlation with the state's control over force in three areas. The first – functional control – considers the level of control exerted by a state's military, and seeks to establish whether this is more effective, or less so, when a private actor becomes involved. The second – political control – assesses the level to which political actors' control of force, vis-à-vis shifts in the relative power of individuals and organizations in the political sphere, is affected by the involvement of private actors. The third – social control – seeks to determine changes in the level to which security reflects societal needs and values in terms of democracy and human rights.

Avant highlights the fact that the term 'mercenary' is elastic in character; it is a term that does not travel well in a temporal sense, and perceptions as to its meaning have changed over time. As different users of the term can quite often be referring to differing conceptions,[19] the author prefers to situate her discourse in the context of the public/private divide, but points out that this divide only exists within the concept of sovereignty, where there is a domain of collective public good over which the state has exclusive authority. This is significant to this thesis' analysis of PMCs, because in

[16] Ibid. p.45.

[17] These issues will be discussed in depth in Chapter 4 of this thesis.

[18] Avant, Deborah. 2005. The Market for Force: The Consequences of Privatizing Security. Cambridge: Cambridge University Press. p.3.

[19] Ibid. p.22-23.

considering their activities against theoretical perspectives, account must be taken of diametrically opposed perceptions as to their legitimacy, or otherwise, in the state system. Are they mercenaries – enemies of statehood and a threat to the authority of the state? Or are they part of a solution to the inability of weak states to provide the public good of security to their populations?

Theoretical assumptions in much of the literature are coloured by perceptions as to the nature of PMCs. Differences in approach are evident when making comparisons within the literature, an example being the contrast between Musah and Fayemi's work and that of Deborah Avant. One could speculate that the former might reflect more of an African viewpoint than the latter, but with contributions from a number of eminent writers on the subject,[20] Musah and Fayemi's work encompasses a wide range of views. Kevin O'Brien and Eboe Hutchfuls' contributions,[21] in particular, reflect a global view of the situation, with the former laying solid foundations for understanding the emergence of PMCs in a political context.

Later works, such as those of Deborah Avant[22] and Christopher Kinsey,[23] accept that there are distinctions between PMCs and mercenaries, and acknowledge the need to conduct analysis of these 'new' entities against a theoretical framework. It is not that these later publications favour PMCs, but they move away from the emphasis on mercenarism that characterizes the atavistic nature of earlier literature, thus allowing more sophisticated, theoretically-based analysis. Kinsey's 'Corporate Soldiers and International Security' is a good example of this,[24] and of the progress in theoretically-based analysis mentioned in Section 2.1 of this chapter.

As suggested by the title, Kinsey situates his analysis of PMCs against wider theories of

[20] For example: Kevin O'Brien, Funmi Olonisakin, Eboe Hutchful, Alex Vines, Khareen Pech, Johan Peleman.

[21] Respectively: 'Private Military Companies and African Security 1990-98', and 'Understanding the African Security Crisis', in: Musah, Abdel-Fatau and J. 'Kayode Fayemi eds. 2000. Mercenaries: An African Security Dilemma. London: Pluto Press. O'Brien: pp. 43-75; Hutchful: pp. 210-232.

[22] Avant, op. cit.

[23] See: Kinsey, below.

[24] Kinsey, Christopher. 2006. Corporate Soldiers and International Security: The Rise of Private Military Companies. Abingdon: Routledge.

international security, and this is the first publication that moves away from US-centred studies, offering an in-depth analysis of the impact of British PMCs on the global market. He also goes further than previous researchers in his questioning of the reasons for the rise of PMCs; moving away from historicist narratives, the author adopts an approach of theoretical analysis and interpretation. This takes account of the changing nature of PMCs, and of changes in attitude based on assumptions *"... that PMCs are different to previous types of private violence."*[25] Kinsey's analysis maintains a rigorous and critical approach; while noting that PMCs are *"increasingly being recognized by governments, civil societies and international organizations as legitimate actors that can have a positive impact on international security",* he also acknowledges that *"while attitudes may be changing, PMCs still pose a real challenge for governments and international organizations."*[26] Kinsey is perhaps the first author to demonstrate that an underlying international norm against mercenaries – and thus against what many consider as their modern manifestation in the form of PMCs – has undergone a legitimising trend through increasing recognition by governments, civil society and NGOs as to the positive nature and utility of their activities.[27]

Published the same year, Chesterman and Lehnhardt's analysis of PMCs, 'From Mercenaries to Market',[28] addresses the interaction between the market-force expansion of the industry and the limitations, theoretical and actual, placed on such expansion by existing international law. It also analyses the activities and roles of PMCs in different contexts, and considers the potential for regulation of the industry. The book considers how the problems of potentially lethal force in the hands of unregulated, unaccountable actors can be reconciled with the interests of an increasing number of suppliers and consumers of a successful industry. James Cockayne's contribution, an analysis of principal-agent theory in governments' use of PMCs, leads to recognition that a broader understanding of the *"...changing organization of legitimate violence"*[29] is needed.

---

[25] Ibid. p.4.

[26] Ibid. p.29.

[27] Ibid.

[28] Chesterman, Simon and Chia Lehnardt eds. 2007. From Mercenaries to Market. Oxford: Oxford University Press. p.216.

[29] Cockayne, James. 2007. "Make or buy? Principal-agent theory and regulation of PMCs." In From Mercenaries to Market, eds. Simon Chesterman and Chia Lehnardt. Oxford: Oxford University Press. pp. 196-216.

Cockayne observes that, with existing literature on PMCs tending to focus on large, Western-based PMCs, it is of limited use in trying to predict future trends, as it omits those smaller companies emanating from, and working in, developing countries.[30]

Also published in 2007, Sarah Percy's 'Mercenaries: The History of a Norm in International Relations' is, as the title suggests, primarily a historical analysis of mercenaries. It does, however, hold some utility for the purposes of considering the analysis of PMCs against a theoretical framework, particularly in the latter part of the book, in the short section entitled "The Anti-Mercenary Norm and its Influence on the Provision of Private Force Today".[31] Percy also observes that a *"striking feature of the present literature on mercenaries…"* – in which she includes those by Singer and Avant outlined in this literature review –[32] *"… is its lack of theoretical analysis, particularly with respect to international relations."*[33]

Grounding her work in the theoretical background of an anti-mercenary norm in international relations, the author's analysis of mercenaries and their 'modern equivalents' is conducted within the framework of theories of statehood, vis-à-vis the nature of states, to what extent states need to monopolise force, or more pertinently, the *"control"* of force,[34] and the type of force they need to employ. Percy brings out a salient point in her analysis of the anti-mercenary norm against this theoretical background: normative objections to the use of mercenaries, even if they may be unwarranted where some aspects of PMC activity are concerned, have had a strong influence on the structure and prospects of the PMC industry. If, as demonstrated by Executive Outcomes and Sandline International in Angola and Sierra Leone, PMCs (those offering combat services) bring positive outcomes to states, why do those companies no longer exist, and why does no PMC offer services of the same nature as these two successful PMCs?[35] From the perspective of theories of Political Realism, the

[30] Ibid. p.197.

[31] Percy, Sarah. 2007a. Mercenaries: The History of a Norm in International Relations. Oxford: Oxford University Press. pp.232-237.

[32] Singer, op. cit.; Avant, op. cit.

[33] Percy, op. cit. p.4.

[34] Ibid.

[35] No PMC currently offers services involving the direct engagement of its employees in combat.

state should be concerned primarily about cultivating its relative power, regardless as to whether that power comes through citizen-soldiers or mercenaries. Percy puts forward a compelling argument that a major part in influencing state decision-making with regard to that choice is driven by the anti-mercenary norm.[36]

James Cockayne concurs with Percy's arguments; he posits that the subcontracting of security would be more widespread were it not for social aspects and attitudes towards the use of outsiders, and that the anti-mercenary norm encourages states to: *"produce their own security, rather than pay others to provide it, because the overall social costs of delegation… are seen as insupportable."*[37] But with the growing 'legitimisation' of PMCs through increasing recognition by governments, NGOs and civil society,[38] and the decreasing impact of the anti-mercenary norm, Cockayne's 'cost: benefit' equation is becoming less relevant. Opponents of PMCs argue that this legitimisation is the result of a 're-labelling' of mercenaries. Walter Gantz' seminal work on the *"movement of taboos"*[39] would suggest that dissociation of this kind might play a considerable part in breaking down the anti-mercenary norm, through a process of: *"re-labelling… with word-symbols which have neutral or positive connotations."*[40]

This argument is central to the debate surrounding PMCs. Two key factors influence those who use them, and the market approach adopted by the PMC industry. The first is the international norm against the use of mercenaries. This has a bearing on much of the literature about PMCs, and the effects of this are summed up succinctly by Sarah Percy: *"…accounts that take a particular position for or against the use of mercenaries make their judgements on PMCs based on an implicit comparison with 1960s mercenaries."*[41] As mentioned earlier, much of the literature on PMCs has emerged from that on mercenaries, and it was not until the publication of Christopher Kinsey's 'Corporate Soldiers and International Security' that the validity of this link was interrogated in any

[36] Percy, op. cit., pp.235-236.

[37] Cockayne, op. cit., p.198.

[38] Kinsey, op. cit., p.29.

[39] Gantz, Walter. 1978. Convention proceedings, AEA Annual Convention, Seattle, Washington. "The movement of taboos: a message-oriented approach." In Theory and Methodology Division, Association of Education Annual Convention. p.3.

[40] Ibid. p.17.

[41] Percy, op. cit., p.11.

depth. This thesis, in order to ensure a critical approach, must answer the crucial question as to whether PMCs are simply 're-labelled' mercenaries, or whether their constitution and activities differ tangibly from those of mercenaries in Africa in the 1960s. This will be dealt with as an issue in its own right in Chapter 4.

The second influencing factor is a preoccupation with PMCs as a threat to the authority of the state.[42] This raises a host of questions as to the use of PMCs. To what extent does the state lose its authority if it subcontracts to a PMC? Does a weak state – one that has already lost its monopoly over the use of force – lose authority when it subcontracts to a private actor? Or does it regain that authority? Further, and of central relevance to this thesis: Would the same questions regarding the threat to state authority apply if PMCs were employed by the UN? These questions can only be answered in the context of statehood. A striking commonality of much of the literature on PMCs is that it does not evaluate their activities against a political landscape of diminishing state capacity, where unrest and the prospect of conflict are pervasive, in states ill-equipped to deal with them. This thesis will explore the relationship between the political situation and the emergence of PMCs, and will critically evaluate the significance of the relationship between political circumstances and the proliferation of PMCs in African states.

2.3 Theoretical considerations in literature on PMCs

In the context of Westphalian-model statehood it is easy to draw the conclusion that PMCs are a threat to the state, but few analyses take into account the limitations of governance, particularly in weak African states.[43] Existing political and IR theories – even that of Neoliberal Institutionalism – do not lend themselves readily to the idea of non-state actors wielding potentially lethal force. But these theories are challenged by the emergence of new configurations of governance. The authority of the state is ignored, avoided, or challenged by elements of the populations of many African states.[44] The politics of exclusion, exacerbated by a globalised neoliberal orthodoxy and the

[42] Singer, op. cit.; Mandel, Robert. 2002. op. cit.; Kinsey, Christopher, op. cit.; Musah and Fayemi, op. cit.

[43] See, for example: Schneckener, Ulrich. 2006. "Fragile Statehood, Armed Non-State Actors and Security Governance." In Private Actors and Security Governance, eds. Alan Bryden and Marina Caparini. Geneva: DCAF. pp. 45-46.

[44] See: Cornwell, Richard. 1999b. "The End of the Post-colonial State System in Africa?" African Security Review 8(2):82-96., and Young, Crawford. 2004. "The End of the Post-colonial State in Africa? Reflections on Changing African Political Dynamics." African Affairs 103:23-49.

associated emergence of influential, financially persuasive, non-state actors, have brought about serious challenges to the primacy of the state. The neoliberal nature of drivers of political development, combined with persistent elements of the prevailing political situation in African states, are causal to the activities of PMCs in Africa.[45] The fundamental limitation of most literature on PMCs, as has been shown in this chapter, is the lack of theoretical analysis, and it is therefore necessary to examine the literature relevant to the wider African political landscape to analyse fully the emergence and proliferation of PMCs in African states.

2.4 Literature – Political Context

In contrast to the dearth of literature dealing directly with the issue of PMCs in Africa, there is a plethora on the politics of African states. Within this abundance of literature, there are several key publications addressing issues of direct relevance to the privatisation of security and the emergence of PMCs in Africa. Three of the most pertinent to the needs of this thesis, in terms of contextualising historical aspects of African states with their subsequent political development, are Fernand Braudel's 'A History of Civilizations', John Reader's 'Africa: A Biography of the Continent', and Guy Arnold's 'Africa: A Modern History'.[46] These three volumes, used in concert, enable accurate perspective to be placed on factors leading to the privatisation of security and the involvement of PMCs in African states, relevant to their historical and political emergence. Crucially, they outline commonalities in the political development of many African states in which the conditions giving rise to the involvement of PMCs are present, moving from the pre-colonial and colonial epochs to the post-independence era, their development as sovereign states, internal ethnic struggles, the disasters of structural adjustment and the global commodity crisis, the effects of superpower patronage during the Cold War, and those of the withdrawal of that patronage and the associated loss of strategic importance after the Cold War. More pertinently, these publications deal with the hollowing out and weakening of the state in the post-Cold War era, and the emergence of intrastate conflict. All three books lay crucial foundations towards understanding these aspects of the development of African states, and highlight

[45] This is analysed in depth in Chapter 4.

[46] Braudel, Fernand. 1993. A History of Civilizations. London: Penguin (reprint of 1963 volume)., Reader, John. 1997. Africa: A Biography of the Continent. London: Hamish Hamilton., and Arnold, Guy. 2005. Africa: A Modern History. London: Atlantic.

the significance of factors that have contributed to the emergence and proliferation of PMCs.

Expanding on the historical accounts of the three previous volumes, and of direct relevance to this thesis, Ricardo Laremont's edited book, 'The Causes of War and the Consequences of Peacekeeping in Africa' deals with aspects of political and security regimes in African states that have simultaneously contributed to conflict and weakened the state's ability to resolve it.[47] Laremont's primary thrust, having established the root causes of conflict, is the failure of international peacekeeping efforts in Africa, and the consideration of alternatives, particularly as *"Africa is not presently central to the geo-economic and geopolitical ordering of the world."*[48] Other contributors consider the lingering effects of the colonial powers and compare their assumption that, after independence, *"liberal democracy and its institutions would control problems encountered by the new African governments"* with the reality of the situation: *"Since decolonization, African foreign relations have been conducted either in the shadow of its former colonizers or in the shadow of the Cold War."*[49] The failure of liberal democracy and the pre-eminence of African militaries resulted in the military coup becoming the most common means of transfer of power, and the need, in the absence of external enemies, for militaries to create an internal 'other' – whether ethnic, regional, ideological, or simply anti-government in nature.[50] The result, according to contributing authors Mazrui and Ostergard, is an ongoing wave of political instability,[51] a conclusion that mirrors Mary Kaldor's extensive work on the subject.[52]

Crawford Young's contribution to Laremont's edited work considers the impact of three distinct aspects of the macropolitical process in African states, and the interaction

[47] Laremont, Ricardo René ed. 2002. The Causes of War and the Consequences of Peacekeeping in Africa. Portsmouth, NH: Heinemann.

[48] Ibid. p.8.

[49] Mazrui, Ali and Robert Ostergard Jr. 2002. "From Pax Europa to Pax Africana." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo René Laremont. Portsmouth, NH: Heinemann. p.32.

[50] Ibid.

[51] Ibid.

[52] Kaldor, Mary. 1999. New and Old Wars: Organized Violence in a Global Era. Cambridge: Blackwell/Polity Press. p.92.

between them. In 'Pluralism, Ethnicity, and Militarization', he first describes the milieu necessary for genuine pluralism – a liberalized political environment, combined usually with democratic governance.[53] He then considers ethnicity – an elastic term, but for the purposes of his analysis: *"... the subjective domain of collective consciousness, defined by... language, culture, shared historical narratives, kin metaphors of belonging, and beliefs."* Young's use of the word 'subjective' is apt. From the bulk of literature on Africa, it is clear that ethnicity is a dynamic concept, and he acknowledges that it is fluid, evolving, emotive, and, pertinent to many African conflicts, is *"instrumentally available for political activation."*[54] In the era of African nation-building, pluralism and ethnicity were seen as potential threats to national cohesion, and conflicting concepts of identity, interest, and ideology were marginalized. This coincided with the military's emergence – and indeed, that of the police – as protectors of the state from potential threats. As there was little in the way of external threat, the military looked to protect the state from the internal 'other' – a task that was pursued proactively by African armies. The public good of security was not only limited to certain elements of the population, but those elements who were denied it also found their security threatened by the forces of the state where, in their pre-nationhood polities, no such threats had existed.[55]

Active structural violence such as this was a primary driver of conflict, and with the ending of the Cold War, PMCs were to play a part in many of Africa's security structures, and in some cases, in conflict. The contributors' analyses are backed up demonstrably by case studies of, among others, Rwanda, Liberia, Sierra Leone, and Angola. These case studies are particularly relevant to this study, and the involvement of PMCs in some of these conflicts will be considered in later chapters of this thesis.

A publication that focuses on specific elements of such conflicts is 'Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa.'[56] This edited book goes

---

[53] Young, Crawford. 2002. "Pluralism, Ethnicity and Militarization." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo René Laremont. Portsmouth, NH: Heinemann. p.37.

[54] Ibid.

[55] See 3.3.

[56] Braathen, Einar, Morten Bøås and Gjermund Sæther eds. 2000a. Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa. Basingstoke: Macmillan Press. pp. 68-86 and 141-162.

further than the title suggests in giving context to factors that contribute to war – specifically intrastate conflict – in African states. The question mark in the title is well placed; the central theme is that many African conflicts perceived as ethnically-driven can be better understood when viewed against the wider socio-political context of statehood in the postcolonial African state. In states where extreme forms of structural violence exclude elements of the population from the political process, some groups have to resort increasingly to violence, both as a means of protection, and in order to fulfil their basic needs and interests. In the societal breakdown that follows, elements of the population align themselves with their traditional ethnic and familial support systems, and leaders of the conflicting groups resort to the politics of ethnicity to mobilize support. Thus, conflicts become characterized in ethnic terms.

This particular publication is notable for its depth as well as breadth; contributors from diverse academic disciplines re-emphasise the arguments from the viewpoints of anthropology, history, international relations, politics, and sociology. Central to arguments regarding the part played by ethnicity in conflict is the nature of power, and the effect of neopatrimonialism in postcolonial African states – a personalised means of wealth-building through the acquisition of resources, to the inclusion of some parts of the population and the exclusion of others, and a crucial factor in the involvement of private security actors in African states.

The contributors also use case studies to further analyse the roots of conflict, and the part played by external agents, i.e. the former colonial powers, international forces, multinational companies and PMCs. Morten Bøås posits that intervention by foreign states, and regional intervention in particular, has increased the level of strife in conflict-torn countries, an observation he demonstrates in the use of Liberia and Sierra Leone as case studies.[57] Pertinent to this thesis, Bøås also notes that in the case of Sierra Leone, the first communication between the rebels and the government towards genuine efforts at reaching a ceasefire, came about only after decisive action by a private military actor,[58] as did the first elections since the outset of the civil war.

[57] Bøås, Morten. 2000. "Nigeria and West Africa: from a Regional Security Complex to a Regional Security Community." In Ethnicity Kills? The Politics of War, Peace and Ethnicity in SubSaharan Africa, eds. Einar Braathen, Morten Bøås and Gjermund Sæther. Basingstoke: Macmillan. pp.153-156.

[58] Ibid. p.155.

Two sister-publications that enable a clear understanding of the political background that has seen the proliferation of PMCs in Africa are Chabal and Daloz' 'Africa Works: Disorder as a Political Instrument', and Bayart, Ellis and Hibous' 'The Criminalization of the State in Africa'.[59] Written in collaboration with the International African Institute and published simultaneously, both publications focus on the realities of political life – formal and informal – in African states. In the first of these, Patrick Chabal and Jean-Pascal Daloz consider the apparent disorder that reigns in many African states; the result of weak institutions. This, the authors argue, is less a state of *"disorder"* than one of *"different order"* – one that is the result of *"different rationalities and causalities."*[60] They posit that manipulation of the framework of weak institutions, the *"instrumentalization of disorder"* benefits a minority elite at the helm of government, and those in their networks:

> *"… in most African countries, the state is no more than a décor, a pseudo-Western façade masking the realities of deeply personalized political relations.…legitimacy is firmly embedded in the patrimonial practices of patrons and their networks."*[61]

Given the frequency of violent displacement of incumbents as a means of regime change in Africa, Braathen, Bøås and Sæthers' argument –[62] that conflict is not so much the result of conflicting dimensions of nationality and ethnicity, as of exclusion and marginalisation of ethnic groups resulting from the *"instrumentalization of disorder"*[63] – is all the more convincing. Chabal and Daloz argue that non-elites and their networks also gain benefit from neopatrimonial systems, though not to the extent of entrenched elites, through a process of *'asymmetrical reciprocity',*[64] whereby non-elites derive

[59] Chabal, Patrick and Jean-Pascal Daloz. 1999. Africa Works: Disorder as a Political Instrument. Oxford and Bloomington, IN: James Currey and Indiana University Press., and Bayart, Jean-François, Stephen Ellis and Béatrice Hibou. 1999. The Criminalization of the State in Africa. Oxford: James Currey.

[60] Chabal and Daloz, op. cit., p.155.

[61] Ibid. p.16.

[62] Braathen, Einar, Morten Bøås and Gjermund Sæther. 2000. Op. cit. pp.7-12.

[63] Chabal and Daloz, op. cit.

[64] Ibid. p.41.

benefit through munificence on the part of those entrenched in political networks. Central to this argument is the high level of communalism in African societies that drive this reciprocity. In the book's sister-publication, however, this view is contested by Jean-François Bayart: *"... contrary to what is often said, African societies are characterized less by their communalism than by ... frenetic individualism",*[65] a view also shared by Braathen, Bøås and Sæther, who see conflict as a struggle over distribution in society.[66] Combined with the conflicting dimensions of nationality and ethnicity, 'asymmetrical distribution' – a term that fails to convey the severity of the situation it represents, of mass exclusion, marginalization and grinding poverty on the one hand, and of detached privilege and opulence on the other – has contributed more to conflict in Africa than any other factor.[67] Further, the nature of African militaries, and of policing in African states, has traditionally prioritised the protection of the state rather than that of the individual. These institutions have, historically, been closely tied to the networks of the political elite, and are seen as instruments of state oppression among excluded groups. Both 'Africa Works', and its sister-publication, 'The Criminalization of the State in Africa', put the root causes of these phenomena into perspective, vis-à-vis the weakened military and policing institutions of post-Cold War African states. The decreasing connection of these institutions to high-level patronage networks has led to a burgeoning number of citizens' groups, an increasing need for extra-state security, and the growing involvement of private security firms and PMCs.[68]

Despite Bayart's contradiction of Chabal and Daloz' 'asymmetrical symmetry' argument,[69] Bayart, Ellis and Hibous' book also focuses on informal aspects of politics in Africa, and there are parallels throughout both publications. The authors go further than Chabal and Daloz in their expression of the African state as an instrument for the self-enrichment of elites and their networks. Their focus is on the 'shadow state', which they regard as more real and more relevant than the façade of the 'real state' whose official

---

[65] Bayart, Jean-François, Stephen Ellis and Béatrice Hibou. 1999. The Criminalization of the State in Africa. Oxford: James Currey. p.34.

[66] Braathen, Bøås and Sæther, op. cit., p.188.

[67] Ibid.

[68] See: Baker, Bruce. 2006. "Beyond the State Police in Urban Uganda and Sierra Leone." Afrika Spectrum 41(1):55-76., and Baker, Bruce. 2005. "Who Do People Turn to for Policing in Sierra Leone?" Journal of Contemporary African Studies 23(3):371-390.

[69] Bayart, Ellis and Hibou, op. cit., p.34

structures it has expropriated. It is this expropriation of the state that the authors refer to in the title. The choice of the word 'criminalization' has been criticized by a number of observers, notably Abdul Mustapha, who argues that the authors' description of African 'social capital' as consistent with the spirit of criminality is *"a short step from the genetic argument of a 'criminal gene' or the racist argument of a criminal race".*[70] While the book has not been welcomed in all circles, the authors' arguments are recognized as stripping bare a number of elements of political activity in African states that hold back progress and contribute to unrest and violence. Although Mustapha does not contend the latter point, his work highlights a contrast in conceptions of what constitutes 'criminal' activity. For the authors, it is *"the routinisation, at the very heart of political and governmental institutions and circuits, of practices whose criminal nature is patent."*[71] For others such as Mustapha, interpreting such practices as *"criminal"* does not paint an accurate picture of the nature of politics in African states, which reflects practices that have evolved from a combination of patrimonial systems and the effects of colonial administrations.[72] One might argue that Chabal and Daloz' description of the neopatrimonial African state: *"...a pseudo-Western façade masking the realities of deeply personalized political relations... [where] legitimacy is firmly embedded in the patrimonial practices of patrons and their networks",*[73] reflects Mustapha's interpretation quite accurately.

A critical point for this thesis brought out in the second of these publications is that, far from the idea that the Washington Consensus democratization of African states and liberalisation of their economies would reduce such criminal practices, the opposite is true:

> *"...contrary to the teachings of the neo-liberal rubric, measures of privatization and financial liberalization can lead to a plundering of the economy as widespread as did the processes on*

[70] Mustapha, Abdul Raufu. 2002. Conference Paper. "States, Predation and Violence: Reconceptualizing Political Action and Political Community in Africa." In Panel on State, Political Identity and Political Violence. 10th General Assembly of CODESRIA. Kampala, Uganda.

[71] Bayart, Ellis and Hibou, op. cit., p.16.

[72] Mustapha, op. cit.

[73] Chabal and Daloz, op. cit., pp.16-17.

nationalization, and perhaps in an even less orderly manner."[74]

The wholesale plunder of Liberia's assets was a case in point, as explored in depth by William Reno in 'Reinvention of an African patrimonial state: Charles Taylor's Liberia'.[75] Reno's analysis illustrates Taylor's almost total disdain for the presence of state institutions as a façade for patrimonial practices, with institutions of state existent in title but virtually emasculated in function. Taylor's exercise of this extreme form of neopatrimonialism, far from bringing the marginalisation and unsustainability predicted for regimes excluded from the Washington consensus,[76] developed new means of exploiting economic and political resources.[77] Kenneth Waltz's 'Man, the State, and War' shows us that the effectiveness of patrimonial systems that had been exercised long before independence was not lost on post-independence African leaders, who, like their predecessors, had: *"... scant regard for conventional institutional notions of state power based on…bureaucratic capacity and administrative autonomy"*[78], governing instead *"in ways compatible with rule through…non-bureaucratic elite networks."*[79]

Kalevi Holsti completes the picture for us in terms of conflict that emanates from such entrenched neopatrimonialism. In 'The State, War, and the State of War', Holsti demonstrates why weak states become the locale for post-Cold War conflict in Africa.[80] Holsti's connection of extreme forms of neopatrimonialism, the emergence of conflict, security vacuums and the appearance of private security actors is amplified compellingly by Morten Bøås in 'Liberia and Sierra Leone – Dead Ringers? The Logic of Neopatrimonial Rule'. The latter publication holds considerable importance for this thesis in determining the link between the African political landscape and the naissance and proliferation of PMCs in African states. Bøås recognises, firstly, that the civil wars in Liberia and Sierra Leone – as with civil wars elsewhere in Africa – were the result of

[74] Bayart, Ellis and Hibou, op. cit., p.71.

[75] Reno, William. 1995. "Reinvention of an African patrimonial state: Charles Taylor's Liberia." Third World Quarterly 16(1):109-120.

[76] Bayart, Ellis and Hibou, op. cit.

[77] Reno, op. cit.

[78] Waltz, Kenneth. 1959. Man, the State, and War. New York: Columbia University. p.95.

[79] Ibid.

[80] Holsti, Kalevi J. 1996. The State, War and the State of War. Cambridge: Cambridge University Press. pp.102-119.

political collapse and the recession of the state, brought about primarily by extreme forms of neopatrimonialism, and secondly that the situation could not be understood through Western conceptions, as politics in most African states *"...do not conform to an institutionalised Western political system."*[81] The article further conceptualises the African 'security dilemma' discussed by Musah and Fayemi, and puts the proliferation of private security actors into the context of the nature of statehood and the resulting fragility of many states in Africa. This thesis will further analyse the relationship between the political situation and the involvement of PMCs in African states.

2.5 Summary

The two sets of literature reviewed here – the first focusing on PMCs, their activities, and their potential effects on the security situation in African states, and the second on the historical and political backgrounds that have seen their emergence and proliferation – afford a solid starting point for this thesis. They provide indicators as to areas that need to be explored further in order to analyse critically the involvement of PMCs in African states, and the potential for their involvement in peacekeeping missions. This review of literature will form the basis for the following chapter, which will analyse in depth the background from which conflict has erupted in African states, those conflict and post-conflict situations in which PMCs have become involved, and the prevailing political and security situations in which they currently operate.

[81] Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

Chapter 3

Political Context

Fundamental to any analysis of PMCs in Africa is consideration of the political background that has given rise to their emergence. Analysis of Africa's political development brings out commonalities in many African states, but the question must be asked as to whether it is apt to deal with Africa as a geopolitical entity. Achille Mbembe posits that:

> *"Africa as an idea, a concept, has historically served, and continues to serve, as a polemical argument for the West's desperate desire to assert its difference from the rest of the world."*[1]

Mbembe's central argument is that Africa, with its diverse and disparate geographical, historical and ethnic characteristics, cannot realistically be dealt with as a single political entity.[2] His own use, however, of the term *"the West"* – arguably an even more disparate 'entity' – highlights difficulties in the analysis of any geopolitical grouping with commonalities relevant to a specific area of research. Chabal and Daloz observe:

> *"It serves no purpose to generalize excessively and to reduce all African political systems to their lowest common denominator. At the same time, however, let us avoid the opposite excess, which consists in arguing that no generalization is possible because there are in Africa fifty irredeemably different countries. Beyond the existing diversity, it is clear that any serious study of the state in Africa brings to light a number of analytically significant similarities."*[3]

---

[1] Mbembe, Achille. 2001. On the Postcolony. Berkeley: University of California Press. p.2.

[2] Ibid.

[3] Chabal, Patrick and Jean-Pascal Daloz. 1999. Africa Works: Disorder as a Political Instrument. Oxford and Bloomington, IN: James Currey and Indiana University Press. p.8

Indeed, the terms 'the African State', and 'African Statehood' are used by many eminent analysts of African politics to encompass shared characteristics of African states.[4] Their work illustrates clearly that many African states share common trajectories; in their creation, independence, emergence as sovereign states and post-colonial development, in the prevailing political situation during the Cold War era, in the effects on their economies of global commodity crises, in the withdrawal of superpower patronage, the emergence of intrastate conflict, and in subsequent crises of state failure. It also demonstrates a common tendency for African states to gravitate towards conflict as a means of addressing problems brought about by weak and failing state structures, ineffective state institutions, an inability of states to exercise control throughout their territories or to control their borders, an unfavourable global economic environment that conspires against export growth, and the exploitation of high-value natural resources.[5] In considering the political background that has given rise to the emergence and proliferation of PMCs in Africa, it is therefore apt – indeed it is important – to anlayse factors pertinent to their emergence in the broader African context, prior to analysis in the more focused context of case studies selected for their direct relevance to this thesis.

3.1 Research Framework: The Post-colonial African State

Central, then, to any discussion of private actors in the military and security sectors in Africa is the political background that has given rise to their presence. A clear understanding of the political context relevant to their emergence must be established in order to enable identification and analysis of factors leading to the involvement of these

[4] For example, Villalôn, in: Huxtable, Phillip and Leonardo Villalón eds. 1998. The African State at a Critical Juncture. London: Lynne Rienner.; Bayart, in: Bayart, Jean-François, Stephen Ellis and Béatrice Hibou. 1999. The Criminalization of the State in Africa. Oxford: James Currey.; Berman, in: Berman, Bruce J. 1998. "Ethnicity, Patronage and the African State: The Politics of Uncivil Nationalism." African Affairs 97(388):305-341.; Bøås, in: Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.; Musah, in: Musah, Abdel-Fatah. 2002. "Privatization of Security, Arms Proliferation and the Process of State Collapse in Africa." Development and Change 33(5):911-933.; Chabal, in: Chabal, Patrick. 2002. "The quest for good government and development in Africa: Is NEPAD the answer?" International Affairs 78(3):447-462.; Cornwell, in: Cornwell, Richard. 1999a. "The Collapse of the African State." In Peace, Profit or Plunder? The Privatization of Security in War-torn African Societies, eds. Jakkie Cilliers and Peggy Mason. Pretoria: Institute for Security Studies.

[5] Mills, Greg. 2004. "How to Intervene in Africa's Wars." In Crimes of War Project: Online Journal of Law and Armed Conflict. Oct., 2004. Accessed at: http : //www.crimesofwar.org/africa-mag/afr_03_ mills.html.

actors in tasks that were formerly the exclusive domain of the state.[6] Conceptions of the wider political landscape, and of the vagaries of statehood in post-colonial Africa, are essential to developing a clear picture as to the dynamics of the situation in which PMCs have emerged and proliferated. Critical to this analysis are the nature of politics and the structure of government mechanisms in states in which PMCs are active, particularly those where PMC activity has been commissioned by the state.

This chapter will explore elements of the emergence and current configuration of African states that have brought about the circumstances giving rise to the proliferation of PMCs. Key to this is the evolution of political systems in Africa, with particular regard to patrimonial and quasi-patrimonial systems of governance that have endured through independence and the post-colonial era.[7] These have resulted in a blurring of divisions between state, private, and individual interests, and the widespread personalization of politics in African states. The initial focus of this chapter will be on the period after 1956 in which the 'rush to independence' became a major factor in the shaping of statehood across much of Africa,[8] but aspects of colonial rule prior to that time, relevant to the nature of statehood in the post-colonial era will also be considered. The prevailing political situation will then be analysed against factors surrounding the political emergence of African states.

3.2 Critical aspects of the creation of states in Africa

Analysis of the essential roots of the current political landscape requires consideration of the putatively 'ordered' creation of states in Africa. From a European perspective, this 'order', originating at the Congo Conference and ensuing Treaty of Berlin in 1885, was clear insofar as it served the major European powers' economic and geopolitical

[6] The primary focus for analysis in this thesis is military and security tasks that were formerly carried out exclusively by organs of the state; tasks in this context are those forming part of government's 'monopoly of the legitimate use of force', as per the Weberian characterization of sovereignty and the modern state (see: Weber, Max. 1964. The Theory of Social and Economic Organization: The Free Press. p.154).

[7] Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

[8] Excluded from the period, but not from analysis for the purposes of this thesis, are those countries having gained independence prior to 1945; Liberia in 1847 (which is pertinent to this thesis, and whose unique formation, emergence, and political development will be discussed in Chapter 6), South Africa in 1910, Egypt in 1922, Ethiopia in 1941 (notwithstanding arguments that Italy's occupation prior to Haile Selassie's reclamation of the throne did not constitute a 'colonisation'), and Libya in 1951.

interests.[9] From an African viewpoint, however, the European paradigm of order was not so evident; contrived borders had, in many cases, placed territorial frontiers between established communities and 'tribal' societies.[10] The Bakongo, for example, found themselves divided between French, Belgian and Portuguese colonial territories in Congo and Angola; Burkina Faso's borders with Côte d'Ivoire, Ghana, Togo, Benin, Niger and Mali dissected no fewer than twenty-one ethnically cohesive societies.[11]

The concept of entrenched, ancestral traditions and social interaction among these societies was not a consideration in the colonial powers' slicing of the African cake. Other than the geography of enclaves established for trading purposes,[12] comparatively little was known of the African hinterland; maps of the time designate vast areas 'terra incognita'. Neither was much known of the human societies that inhabited its interior.[13] In all, no fewer than 177 ethno-cultural areas, socially and economically linked prior to colonization, were divided in the negotiation of Africa's colonial boundaries.[14] In other instances, these arbitrary units of political geography brought ethnic groups together

[9] Laremont, Ricardo René ed. 2002. The Causes of War and the Consequences of Peacekeeping in Africa. Portsmouth, NH: Heinemann. p.5.

[10] Aptness and acceptability of the term 'tribe' has long been the subject of discussion. According to Ekeh (in: Ekeh, Peter. 1990. "Social Anthropology and Two Contrasting Uses of Tribalism in Africa." Comparative Studies in Society and History 32(4):660-700.), this originates primarily from identification by anthropologists of issues relating to definition and application of the concept, combined with sensitivity as to the implication of 'primitiveness' on groups it has been used to describe. Subsequent rejection of the term and its comparatively recent abandonment in academic discussion – primarily on the basis that it is a non-African construct – remain subject to argument. Warren d'Azevedo (in: d'Azevedo, Warren. 1989. "Tribe and Chiefdom on the Windward Coast." Liberian Studies Journal XIV(2):90-116.), is among those who argue against use of the term on the basis that the Euro-American system of classification of 'tribes' was an over-simplification and distortion of ethnic groupings, while Peter Ekeh considers the negative implications of the abandonment of references to 'tribe' and 'tribalism', and the effect this has on the examination of the emergence of kinship-based groups in Africa (see also: Ekeh, Peter. 1992. "The Constitution of Civil Society in African History and Politics." In Proceedings of the Symposium on Democratic Transition in Africa, eds. Bernard Caron, 'Bade Gboyega and Eghosa Osaghae. Ibadan, Nigeria: Centre for Research, Documentation and University Exchange.). For the purposes of this thesis, the term is used in reference to situations where it has been applied historically, whereby the tribe was defined as a unit of socio-political organization in which a common ancestry and culture is shared by families, clans or kinship groups.

[11] Asiwaju, A. 1983. Partitioned Africans: Ethnic Relations across Africa's International Boundaries 1884-1984. London: Hurst. pp.252-255.

[12] Maps of the time accurately chart swathes of coastal land, some of whose names reflect the trading interests of colonizers, e.g. Ivory Coast, Gold Coast, Slave Coast (in: Cana, Frank. 1992. "Review of: The Dual Mandate in British Tropical Africa, The Right Hon. Sir F.D. Lugard." Geographical Journal 60(1):77-90.).

[13] Meredith, Martin. 2005. The State of Africa. London: The Free Press - Simon & Schuster.p.1.

[14] Reader, John. 1997. Africa: A Biography of the Continent. London: Hamish Hamilton. p. 601. Martin Meredith's estimate of the number of groups divided by colonial boundaries is 190 (Meredith, op. cit.).

within common borders,[15] the largest of which, Nigeria, is estimated to have contained over 250 ethnic groups, most of whom shared neither language nor history.[16] Cultural and political differences between Nigeria's largest ethnic groups – the Hausa, Igbo and Yoruba, who had, like other ethnic groups, co-existed in relative peace –[17] came to the surface when their 'nations' were brought into one political union. The political parties that emerged were based on ethnic divisions,[18] as was the case within the colonially-defined borders of many African states.[19]

The borders defined by the colonial powers would nevertheless, with few changes, remain after independence.[20] With the emergence in the 1950s and 1960s of thirty-eight colonially-delineated independent nations, closely followed, in the ensuing decade, by a further ten similarly defined territories, the 'order' created by erstwhile colonizers was to have a profound effect on the prevailing political situation in Africa.

While it is accepted comprehensively that the ethnic dimension of this emerging political situation, prefaced by the territorial diktats of the colonial powers, is of key relevance to the nature of intrastate conflict in Africa, analysis of the phenomenon has not previously been applied, directly and in-depth, to the activities of PMCs in Africa. The ethnic dimension of the emergence and current configuration of African states, and the nature of politics and government in relation to that ethnic dimension, is therefore critical to this thesis in the analysis of PMC activity in Africa.

---

[15] Laremont, op. cit.

[16] Meredith, op. cit., p.2.

[17] Mbembe, Achille. 1990. "Power, Violence and Accumulation." African Politics 39:7-24.

[18] Political party representation of ethnic groups immediately after Nigeria gained its independence in 1960 were, in the North, the Hausa and other, largely Islamic ethnic groups, by the Nigerian People's Congress (NPC). In the East, the Igbo and other ethnicities, predominantly Christian, were represented by the National Council of Nigeria and the Cameroons (NCNC), and in the West, representing the Yoruba and other ethnic communities in the western region, was the Action Group (AG), led by Obafemi Awolowo, a long-time campaigner against British colonial rule (see 3.5, and Note 83).

[19] Salih, Mohamed and Per Nordlund. 2007. "Political Parties in Africa: Challenges for Sustained Multiparty Democracy." International Institute for Democracy and Electoral Assistance. pp.22-36.

[20] Examples of the few changes that did take place were the merging of Tanganyika with Zanzibar, and that of part of eastern Nigeria with Cameroon.

3.3 Theoretical aspects of African statehood

Africa's political emergence must also be examined in the wider context of developments in the international system. Consideration in this respect must be given to conceptualizations of sovereignty and statehood, coupled with changes in the nature of conflict and of state power, particularly after World War II and the Cold War, and against the contemporary backdrop of an increasingly globalized world. Moreover, it is crucial to establish the fundamental characteristics of the evolution and current configuration of African states in order to highlight their essential differences from those falling into accepted, classic models of statehood, as these differences play a major part in the involvement of external actors, including that of PMCs.

A central feature of academic discussion of the rise of PMC activity in African states, and its potential effect on the sovereignty of those states, is the concept of the monopoly of the legitimate use of force as the defining attribute of sovereignty.[21] European history bears out the Political Realist hypothesis; the formation of states through conquest and alliance –[22] a process spanning more than 400 years, and reducing some 500 socio-economic units to 25 nation-states.[23] This brought about the concept of organized power as the primary political authority, with international law a secondary factor.[24] But African statehood was destined to emerge in a very different context. In Europe, it was the assimilation of weaker by stronger states followed by the emergence of international law that brought about balance-of-power politics giving rise to the primacy of the state and, therefore, to relations between states. Colonization put paid to any process of a similar emergence of states in Africa, and, while elements of that process are a cause of conflict in some African states,[25] a return to any form of 'pre-Westphalian' redefining of African boundaries, as contemporary politics show, is implausible.

---

[21] Paul, Darel. 1999. "Sovereignty, survival and the Westphalian blind alley in International Relations." Review of International Studies 25(2):217-231. See also: Weber, Max. 1968. Economy and Society. Los Angeles: University of California Press. pp.1009-1010.

[22] Tilly, Charles. 1975. "Reflections on the History of European State-making." In The Formation of National States in Western Europe, ed. Charles Tilly. Princeton: Princeton University Press. p.81.

[23] Ibid. p.15.

[24] Jackson, Robert and Carl Rosberg. 1986. "Sovereignty and Underdevelopment: Judicial Statehood in the African Crisis." Journal of Modern African Studies 24(1):1-31.

[25] Braathen, Einar, Morten Bøås and Gjermund Sæther eds. 2000a. Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa. Basingstoke: Macmillan Press. pp.3-21.

Further, academic thought on conflict relevant to the historical development of political systems in Africa, – and, within that body of thought, discussion on the activities of PMCs in conflict – revolves around concepts of state. Discussion of the emergence of the state in Africa pre-supposes that European notions of statehood can be applied in a context where no such conceptions existed prior to colonization. John Lonsdale, in the preface to his comprehensive survey of the subject, reflects on the absence of states in pre-colonial Africa:

> *"... the most distinctively African contribution to human history could be said to have been precisely the civilized art of living fairly peaceably together not in states"*[26]

This anarchic group of 'non-states' – anarchic in the sense that there was no central point of governance – interacted through a system of 'ethnic bargaining'.[27] The potential risks and costs of war were great, and large scale wars between ethnic groups, contrary to many conceptions of pre-colonial Africa, was rare, notable exceptions being the Songha empire in the 15th century, those of Ashanti and Dahomey in the late 1700s, and latterly the Zulu conquests of the early 1800s. Largely, the system of ethnic bargaining led to a peaceful co-existence, with mutual benefit through trade. Achille Mbembe contrasts the equilibrium produced by early ethnic interaction and the prevalence of inter-ethnic tension after independence.[28] Pre-colonial African polities could perhaps be compared with today's international system – an anarchic community of interacting states, co-existing in relative peace and deriving mutual benefit from trade. Lonsdale's analysis of social processes and 'states' in Africa brings out the point – as does Robert Smith's work on the subject, –[29] that European conceptions of state-making, notably Tilly's first condition of the 'elimination of external rivals',[30] was not a common feature of pre-colonial African societies. Neither, with the external arrangement of the continent's

[26] Lonsdale, John. 1981. "States and Social Processes in Africa: A Historiographical Survey." African Studies Review 24(2/3):139-225.

[27] Rothchild, Donald. 1970. "Ethnicity and Conflict Resolution." World Politics 22(4):597-616.

[28] Mbembe, op. cit.

[29] Smith, Robert. 1976. Warfare and Diplomacy in Pre-Colonial West Africa. 2nd Edition. Madison: University of Wisconsin Press. pp.141-142.

[30] Tilly, Charles. 1990. Coercion, Capital and European States. Oxford: Blackwell. p.97.

political boundaries, was it to be a feature of post-colonial African states.

Robert Jackson, also on the subject of pre-colonial polities in Africa, notes the repeated imposition of European perceptions in attempting to understand them, and questions the perceptions of outsiders as to African 'political space', against what really existed on the ground at the time:

> *"Africa was a continental archipelago of loosely-defined political systems: a world of societies rather than states and far more recognizable to anthropology than to international relations".*[31]

These political 'systems' – or at least ways in which pre-colonial African communities organized themselves – present difficulties for the use of the term 'state' in the context of Africa's emerging political architecture. Jeffrey Herbst argues that European preconceptions of 'state' have always obstructed understanding of the true nature of pre-colonial polities in Africa.[32] Robert Smith, similarly, challenges assumptions – based on accepted Weberian concepts and definitions of statehood – that territorial control was the fundamental determinant of the 'state' in pre-colonial Africa:

> *"International relations in peace and war were carried out in a more or less recognizable fashion, and… in a coherent and rational manner which showed itself capable under favourable conditions of leading to political, economic and technical improvements in society."*[33]

This view is actually strengthened by Weber's own argument as to the limitations of patrimonial rule,[34] particularly at the peripheries of pre-colonial African societies.[35]

---

[31] Jackson, Robert. 1990. Quasi-states: Sovereignty, International Relations and the Third World. Cambridge: Cambridge University Press. p.67.

[32] Herbst, Jeffrey. 2000. States and Power in Africa: Comparative Lessons in Authority and Control. Princeton: Princeton University Press. p.37.

[33] Smith, Robert. 1976. Warfare and Diplomacy in Pre-Colonial West Africa. 2nd Edition. Madison: University of Wisconsin Press. p141-142

[34] Characteristics of patrimonial power relevant to these hypotheses are discussed in a later section of this chapter, 'Neopatrimonialism'.

Smith's arguments are even more credible for the fact that – given the limitations on coercive power that pre-colonial African leaders could exert, combined with those of command and control that could be exercised on 'armies' stretched over expansive areas – power in pre-colonial African states diminished considerably over distance.[36] Jeffrey Herbst adds further support to this argument, concluding that *"broadcasting power over sparsely settled lands,"*[37] – the exercising of effective power in African 'political space'[38] – was the most fundamental problem for African leaders.

Pre-colonial political systems in Africa feature little in academic discussion relevant to the purpose of this thesis, either in assumptions of statehood in the context of international society, or in consideration of Africa's political emergence. Discussions on both of these aspects of African politics stem predominantly from Weberian concepts of sovereignty, specifically the monopoly over the legitimate use of force within defined borders. Significantly, in cases where groups who refuse to accept the legitimacy of their borders are able to establish control over large areas, – and the colonially-defined state fails to prevent, or is unable to control this – international recognition remains with the central government of the territory as the sovereign power, regardless of ability to exercise this fundamental tenet of sovereignty.[39] The ability of groups within the borders of African states to establish control over large swathes of territory is neither a new nor an uncommon phenomenon. Given the growing trend – a global tendency, rather than one unique to Africa – of the weakening of state structures and the increasing difficulties experienced by governments in the maintenance of authority within borders,[40] neither is that phenomenon set to become a diminishing one.

> *"Globally there has been a trend for state governments to lose power… in many states, including those in the developed world,*

---

[35] Weber, Max. 1968. Economy and Society. Los Angeles: University of California Press. pp.1009-1010.

[36] Herbst, Jeffrey. 2000. States and Power in Africa: Comparative Lessons in Authority and Control. Princeton: Princeton University Press. p.56.

[37] Ibid. p.56.

[38] Jackson, Robert and Carl Rosberg. 1982. "Why Africa's Weak States Persist: The Empirical and the Judicial in Statehood." World Politics 35(1):1-24.

[39] Ibid.

[40] Strange, Susan. 1996. The Retreat of the State: The Diffusion of Power in the World Economy. Cambridge: Cambridge University Press. p.14.

regional movements exist promoting substantial autonomy or secession…"[41]

This bears particular relevance to the study of private actors in the military and security sectors in Africa. PMC involvement in African states has arisen partly from the need to bolster state institutions, but also relevant, in the same vein, is the phenomenon of territorial enclaves and enclave economies. These are key factors in the proliferation of private actors in the military and security sectors, and are central to this thesis' analysis of African states relevant to the involvement of PMCs. Enclaves in African states, now a central part of contemporary thinking in political economy and developmental issues,[42] are not new in concept. Strongholds established by traders on the African coast, long before the first European forays into the continent, such as that of Zanzibar in the 8th century, were set up to facilitate trade – or at least the extraction and transportation of resources. The 'modern' enclave, in essence, mirrors this model as the latter-day instrument of economic development and control, but in collaboration with the government of the territory.[43] This is an integral part of the political economy of a number of African states,[44] and is central to the causes of conflict, the need for security beyond the capabilities of state institutions, and thus to the involvement of PMCs.

The political economy of these states is therefore central to understanding the relationship between 'enclavity',[45] security, and conflict. Narratives on enclavity in Africa stress the dualist structure of enclave economies, in terms of the sharp contrast between the state's modern and traditional sectors.[46] Clear examples of this dualism are seen in the economies of Nigeria and Zambia vis-à-vis comparison of both countries'

[41] Huntington, Samuel. 1996. The Clash of Civilizations and the Remaking of World Order. New York: Touchstone. p.35.

[42] See, for example, Mhone, Guy. 2001. "Enclavity and Constrained Labour Absorptive Capacity in Southern African Economies." In United Nations Research Institute for Social Development Meeting: 'The Need to Rethink Development Economies'. Cape Town: UN Research Institute.

[43] Olukoshi, Adebayo. 2006. "Enclavity." In The Colloquium on Economy, Society and Nature. University of Kwazulu-Natal Centre for Civil Society, Durban.

[44] Ibid.

[45] The term 'enclavity' was coined by Guy Mhone (in: Mhone, Guy. 2001. "Enclavity and Constrained Labour Absorptive Capacity in Southern African Economies." In United Nations Research Institute for Social Development Meeting: 'The Need to Rethink Development Economies'. Cape Town: UN Research Institute.), to encompass the wide-ranging effect of enclaves on development in African economies.

[46] Olukoshi, op. cit.

low-capital, low-yield, traditional economies, with the modern, capital-intensive oil economy in the case of the former, and the latter's similarly intensive copper sector. Paradoxically, most countries with resources driving these dualist economies experience comparably poor overall economic and development performance,[47] with the majority of the labour force – those not engaged in the enclave economy – involved in informal, low level economic activities hinging on the needs of subsistence and survival.[48]

This paradox, centered on the extraction and upward movement of resources from the informal-traditional sector to the modern sector, – from country at large to enclave, and thence from enclave to external, global economy –[49] pits the efforts of local primary commodity producers against the redoubtable might of corporations and their pervasive influence on the host state, and excludes all but those members of the population involved in the economy of the enclave. For the state's part, the need for security in enclaves takes precedence over that, largely, for the rest of the country, and the proliferation of PMCs is a manifestation of this situation.

In this allocation of the control of coercive force according to economic criteria – regardless as to whether the actual provision of that security is carried out by the state or is delegated to the corporate occupants of enclaves – a division is created and the politics of exclusion are brought into play. This is indicative of the gulf between what Jean-François Bayart terms *'l'Afrique utile'* – that part of Africa that is useful, in terms of contribution to the global economy – and *'l'Afrique inutile'*, which has insufficient potential for usefulness or profit in terms of political economy.[50] William Reno sees the political fragility of many African states more as a symptom of this element of enclavity – of the exclusion of elements of the population *by* the state, rather than their 'opting out' of involvement with the state.[51] Reno argues that, from the point of view of the state, monopoly over the use of violence is neither, necessarily, the most effective means of control, – particularly where the equation is driven by commerce, rather than territory

[47] Ibid.

[48] Mhone, op. cit.

[49] Olukoshi, op. cit.

[50] Bayart, Jean-François, Stephen Ellis and Béatrice Hibou. 1999. The Criminalization of the State in Africa. Oxford: James Currey. pp.17-54.

[51] Reno, William. 1998a. Warlord Politics and African States. Boulder: Lynne Rienner. p.10.

– nor the most appropriate.[52] By relying on the corporate occupants of enclaves to provide their own security, or by turning to PMCs as providers, the state's need to build and maintain effective police forces and armies – the most basic institutions of statehood –[53] is diminished, the net result of which is a reliance on private actors for the basic need of a secure environment.

Thus, consideration of statehood in the African context reveals a number of issues critical to this thesis. Foremost of these, the central tenet of sovereignty in International Relations – the monopoly over the use of coercive force within defined territorial boundaries – has never been as entrenched a feature in African states as it has in the developed world. Neither have concepts of nationhood or statehood, nor attitudes towards them, among many communities within African states. Further, the concentration of the security apparatus of many states in Africa in areas of administration and wealth – cities, resource-rich areas, and economic enclaves – leads to the exclusion of many elements of the population, and the development of power vacuums. This combination, the politics of exclusion and a weak state security framework, in a political climate that engenders discontent and fuels the potential for conflict, serves to make the state yet more fragile, driving the need for the involvement of non-state actors and fuelling the proliferation of PMCs.

3.4 Sovereignty in African States

Fundamental to questions of international recognition and external sovereignty of African states is the level to which they conform to accepted models of statehood. As statehood is determined by territorial power, sovereignty is a manifestation of this power, and international recognition is an effect rather than a foundation of statehood,[54] it follows that the legitimacy afforded to African states by colonial powers was always dependent upon those powers' grip on the monopoly of the legitimate use of force. The relevance of this point to the post-colonial sovereignty of African states hinges not least around the practicability of transfer of this monopoly – leaving aside questions of intent on the part of departing colonial powers, and of the precipitous nature of the changeover.

---

[52] Ibid. p.72.

[53] Duffield, Mark. 1998. "Post-modern Conflict: Warlords, Post-adjustment States and Private Protection." Civil Wars 1(1):56-102.

[54] Jackson and Rosberg, 1982., op. cit.

The emergence of African states after independence, through the transfer of power from colonial administrators to members of emergent elites,[55] was a process neither of evolution nor of revolution. The legitimacy of statehood in many African states, rather than being obtained through a historical process of internal political evolution, was bestowed upon these elites regardless of the existence of any intrinsic capability to maintain that legitimacy. Having lacked organized force sufficient to oust their colonial masters, African states were yet further removed from the Weberian definition of states prior to their independence.[56] Moreover, they were not afforded sufficient resources thereafter, in terms of power, to facilitate effective state-building.[57] Lacking sufficient power-resources at the dawn of their independence, and already deficient in the capacity to provide security, these would emerge as fragile units of statehood, with limited capacity to ensure survival against internal challenges.[58] Essentially, where the state is not a true embodiment of the 'collective national will', its legitimacy will be questioned and challenged by elements of the population,[59] and if statehood in Africa is considered against Holsti's 'vertical' and 'horizontal' principles of legitimacy,[60] then many African states fall short in both respects. Holsti's principles are used here for two reasons: his analysis of 'The State, War, and the state of War' is clearly relevant to the nature of politics and conflict in African states, and the principles he uses are perhaps the most objective approach to determining whether the state is an embodiment of the collective national will. These principles are particularly relevant to analyses of statehood and sovereignty because the fundamental element that transforms private control of a defined territory into state sovereignty is public legitimacy.[61]

---

[55] Reader, op. cit. p.663

[56] Jackson, Robert and Carl Rosberg. 1998. "The Marginality of African States." In African Independence: The First Twenty-Five Years, eds. Gwendolen Carter and Patrick O'Meara. London: Indiana University Press. p.49.

[57] Migdal, Joel. 1988. Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World. Princeton: Princeton University Press. pp.270-275

[58] Ibid.

[59] Holsti, Kalevi J. 1996. The State, War and the State of War. Cambridge: Cambridge University Press. p.75.

[60] Ibid.

[61] Gerth, Hans and C. Wright Mills eds. 1958. Max Weber: Essays in Sociology. Oxford: Oxford University Press. p.78

The first of these principles, the 'horizontal dimension of legitimacy', *"upon which the 'right to rule' is based",*[62] is interpreted by Englebert as the presence of a consensus on the content of the social contract.[63] The most fundamental elements of this contract – even where positions of leadership have evolved other than from popular consensus – are the intent and endeavour of the state to provide physical security and the most basic of public goods for its people. When this 'social contract' is considered in conjunction with Holsti's second principle, the 'vertical' principle of legitimacy vis-à-vis a *"definition of the community over which rule is to be exercised",*[64] – i.e. the people for whom the state provides the fundamental element of physical security – the reciprocal relationship between the state and its people is completed; the crucial link between 'horizontal' and 'vertical' legitimacy is determined.[65] From European perspectives, this link is central to the legitimacy of rule, for it encompasses, as key to both dimensions, the 'democratic unit':[66] that from which legitimacy is derived, and over which it is exercised. And, from a European perspective, this 'democratic unit' had only one definition: a territorially defined sovereign state.[67] After independence, the head of state had political domain over the entire population within the colonially-defined territory, regardless of socio-cultural or historic differences, or of horizontal or vertical dimensions of legitimacy vis-à-vis any element of that population.

Wide variations existed – in both dimensions – among African states at the time of independence,[68] and this has been a primary factor in shaping their development, in both political and economic terms, as is demonstrated in the ensuing sections of this chapter. Pierre Englebert concludes that it was variations in degrees of state legitimacy that determined the *"strategies of power"*[69] adopted by the ruling elite, who had inherited

---

[62] Holsti, op. cit., p.75.

[63] Englebert, Pierre. 2000. State Legitimacy and Development in Africa. Boulder: Lynne Rienner. p.8.

[64] Holsti, op. cit.

[65] Englebert, op. cit.

[66] Dahl, Robert. A. 1989. Democracy and its Critics. New Haven: Yale University Press. p.207

[67] Ibid.

[68] Further to Holsti's observations, the level of these variations continues to fluctuate among African states; perceived legitimacy has in many cases declined – particularly 'horizontal' legitimacy – primarily due to the communal bases of the authority of leaders, and the exclusion of other ethno-social groups since independence (see: Kaufmann, Daniel, Aart Kraay and Massimo Mastruzzi. 2003. "World Bank Policy Research Working Paper 3106. Governance Matters III: Governance Indicators for 1996-2006.").

[69] Englebert, op. cit., p.68.

from their departing colonial powers the machinations of statehood. These strategies of power – the policy choices adopted by the ruling elite – were, for the most part, a function of payoffs for elites; an adoption of neopatrimonial systems and, ultimately, an impingement on the legitimacy of the state.[70] These policy choices were determinant of factors shaping the political landscape in Africa, – factors that would determine the nature of politics in post-colonial Africa, and bring PMCs into the power equation in many African states. These factors are considered in the following sections.

3.5 Statehood and legitimacy

Consideration of African statehood against this background illustrates the extent to which the process of early state formation in Africa took place, not through internal political evolution, but through external imposition and enforcement. And it is enforcement – the monopoly over the use of coercive force – that is the accepted, central tenet of sovereignty. African states emerged neither through a process of agreement among their constituent groups nor as a result of power acquisition through the use of force by factions within or around their geographical territories. They were instead created through externally-imposed arrangements, subsequently written into international law.[71] The external legitimacy of African states came not from within; it was bestowed upon them by external powers. Similarly, internal legitimacy and authority did not evolve internally, but were passed from colonial ruler to incumbent. Thus, the historical basis, in African states, of the vital prerequisites of legitimacy, authority, and capacity to govern was little more than a colonial legacy.

Rather than emerging as primal *nation-states*, as in Buzan's definition,[72] with the nation *preceding* the state, providing it with its identity and affording a basis for domestic legitimacy, the emergence in Africa was of *state-nations* (with the exceptions of Lesotho and Swaziland), with the state playing the role of creating the nation. In postcolonial Africa, the state – ostensibly strong in terms of statehood, with control at the centre – was created first, with the ideal of building the nation. To achieve this, the state had either to absorb or to subordinate the indigenous 'nations' that made up its population.

---

[70] Ibid

[71] UN. 1960. "General Assembly Resolution 1514 (XV). Declaration on the Granting of Independence to Colonial Countries and Peoples."

[72] Buzan, Barry. 1991. People, States & Fear. Hemel Hempstead: Harvester Wheatsheaf. pp.72-74.

The options were either to suppress existing identities – in order to create an all-inclusive, 'new' nationality – or to encompass existing identities with the creation of a layer, at national level, of collective identity. While Europe's national identities were supposedly created before the state, an example given by Buzan of British nationals falling into categories of English, Scottish or Welsh, highlights the nature of ethnic identity and the underlying emotions and tensions that accompany it, even in stable, egalitarian societies.

This application 'in reverse' of the Westphalian model of statehood to these new African states on the part of the departing colonial powers,[73] was compounded by questions of legitimacy, authority, and efficacy of government in the new African states. *De facto* elements of statehood – legal, financial and administrative – are contingent to Weber's hypothesis; these elements of statehood in Africa were held exclusively by the colonial masters of African states prior to independence, as was the organization of force necessary to enforce them.

De jure statehood, having been bestowed upon these states, was established on the basis of their colonial rulers' mechanisms of government, leaving them, post-independence, neither the *de facto* framework necessary for maintenance of government nor the force necessary to defend it.[74] Furthermore, government and administrative mechanisms were not necessarily replicas of those of the colonial master and were often shadows, in respect of efficiency, of those of the 'mother nation'.[75] With subsequent administrative frameworks based on the remnants of those in place on the eve of independence, the initial hangover experienced by many African governments was a struggle to maintain effective governance. This, resulting largely from the weak institutionalization of African states,[76] was yet another contributor to the informalization of politics and the emergence of neopatrimonialism as the predominant form of political organization in

[73] Jackson and Rosberg, op. cit., p.50.

[74] Ibid.

[75] Cornwell, Richard. 1999a. "The Collapse of the African State." In Peace, Profit or Plunder? The Privatization of Security in War-torn African Societies, eds. Jakkie Cilliers and Peggy Mason. Pretoria: Institute for Security Studies. p.63.

[76] Chabal, Patrick and Jean-Pascal Daloz. 1999. Africa Works: Disorder as a Political Instrument. Oxford and Bloomington, IN: James Currey and Indiana University Press. p.31.

African states.[77]

Important to this thesis are elements of this political organization that contributed to instability and the need for the involvement of external actors in African states. The externally-driven creation of states portrayed in the above section, combined with the speed of the advent of independence and the precipitous departure of the colonial powers, gave rise to a continuing extraordinary evolution of the state system in Africa. These factors, and the legacy of colonial systems – particularly the underpinning of colonial governance through alliances with local elites –[78] were significant elements of the framework on which African nation-building took place, and contributed substantially to the instability of nation-states,[79] to the exclusion of elements of the population, to conflict, and to the involvement of external actors. The inclusion of PMCs in that involvement was further precipitated by factors that took root in the post-colonial era.

3.6 Independence and the Post-colonial era

The rubber-stamping of the borders bequeathed to Africa by its former colonial powers, by the Organization of African Unity (OAU) in 1963,[80] gave recognition to the fragility of the newly-independent states and the need to ensure stability among the new nations of Africa.[81] Julius Nyerere's declaration, *"The boundaries which divide African states are so nonsensical, that without our sense of unity they would be a cause of friction"*[82] was an accurate reflection of the sentiments of the thirty heads of state present at the ensuing occasion. For many, the acceptance of these borders was a volte-face; rejection of externally-imposed boundaries was at the heart of anti-colonial movements, echoing Obafemi Awolowo's sentiments, voiced in his speech against British colonial rule:

---

[77] Ibid.

[78] Berman, Bruce J. 1998. "Ethnicity, Patronage and the African State: The Politics of Uncivil Nationalism." African Affairs 97(388):305-341.

[79] Laremont, Ricardo René ed. 2002. The Causes of War and the Consequences of Peacekeeping in Africa. Portsmouth, NH: Heinemann. p5

[80] OAU. 1963. "Charter of the Organization of African Unity." Addis Ababa.

[81] Laremont, op. cit.

[82] Reader, op. cit. p.706.

> *"Nigeria is not a nation, it is a mere geographical expression. There are no 'Nigerians' in the same sense as there are 'English,' 'Welsh,' or 'French.' The word 'Nigerian' is merely a distinctive appellation to distinguish those who live within the boundaries of Nigeria and those who do not."*[83]

But, consolidating the state was, understandably, the priority. The Charter of African Unity's formalization of the acceptance of boundaries drawn by the former colonizers committed its signatories to uphold the *"territorial integrity of every state and its inalienable right to an independent existence",*[84] thus endorsing Africa's acceptance of her colonially-drawn boundaries. And, since that endorsement, African leaders have pointedly supported the territorial integrity of their inherited borders.[85]

But once again a 'reversal' of the Westphalian process of nation-building – the creation of state before nation, was to be the root cause of many security crises in African states.[86] Nationalist movements, comprising a united front of diverse ethnic and multiethnic groups, had come together in the drive for independence, but once that independence was imminent, many of the groups comprising these movements split from the greater order, opting instead for the familiar security afforded by their own ethnic societies – a security not afforded by the state. The sheer scale of 'nation-state project' in Africa – the concept that the ancestral values of shared origins, kinship and traditions, as the bases for society among hundreds of diverse, geographically-spread ethnic groups, would be replaced by conceptual, intangible ideas of statehood for all – was, more than the imposition of arbitrary borders, the root of many problems in the new, independent Africa. Key to the emergence of PMC activity was the subsequent vying for power that occurred between these groups – a major contributing factor to the later emergence of

---

[83] Awolowo's declaration *"Nigeria is not a nation, it is a mere geographical expression",* was made in a 1947 campaign speech against British colonial rule, and became a focus for the anti-colonial movement. Cited in: Abegunrin, Olayiwola. 2009. Africa in Global Politics in the Twenty-First Century: A Pan-African Perspective. New York: Palgrave-Macmillan. p.86.

[84] OAU. 1963. "Charter of the Organization of African Unity." Addis Ababa.

[85] Mazrui, Ali and Robert Ostergard Jr. 2002. "From Pax Europa to Pax Africana." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo René Laremont. Portsmouth, NH: Heinemann.

[86] Jackson and Rosberg, 1986., op.cit.

warlordism, particularly in weak African states.[87]

Further, conflict among those groups that had previously united in the struggle for independence had the double effect of relegating national issues to the sidelines of a struggle for power, and polarizing economic and social issues along ethnic lines.[88] Nyerere's 'sense of unity' may have been present among the state representatives at the OAU, but it was not so evident *within* many of their states. The exclusion of many ethnic communities from the nation-building project, in some cases by their governments, and in others a desire on their own part to distance themselves from the state, led to the perception of these groups as the 'other' – a threat to the state.[89] The post-independence re-emergence of quasi-patrimonial practices, in the form of neopatrimonial political systems, would further exclude many of these groups, exacerbating the situation in the longer term, leading to security vacuums and the involvement of PMCs.

3.7 What follows the post-colonial state?

The permanence of the state – and of its role – in Africa, is little-challenged in contemporary political thought. But there exist, in great measure in Africa, many of the socio-economic factors that contribute to the erosion of state power from within. Much of this is driven, or exacerbated, by the impingement of external factors, compounded by the way in which these factors are sanctioned or manipulated by the state – and vice versa. In some cases, elements of the population are excluded by the state; in others, state authority is ignored, avoided or challenged by elements of the population. Belief in state legitimacy, and loyalty that should, in a legitimate state, radiate downwards *to* its citizens as well as upwards *from* them, are weakened in such climates of social inequality, marginalization and exclusion.

The African nation-state project – the forging of a 'national identity' – did not succeed in supplanting the identities and allegiances of traditional ethnic groups,[90] nor did it manage

[87] Ibid.

[88] Reader, op. cit., p.671

[89] Mazrui and Ostergard, op. cit., p.32.

[90] Cornwell, Richard. 1999b. "The End of the Post-colonial State System in Africa?" African Security Review 8(2):82-96.

the huge increase in political scale required to make the project work. The failure of rulers to build their capacity to govern at state level, and to eliminate the contradictory processes that emerged at ground-level from the remnants of colonial systems, resulted in erosion, rather than consolidation, of the authority of state.[91] This brought about the emergence of numerous non-state actors operating in parallel with, in place of, or in contention with state bodies. Many of these interacted with agents of the state, and with non-governmental organizations involved in state processes.[92] These included smugglers, informal 'black-market' traders, local associations, militias, arms traffickers and warlords – the latter most often driving all of the former.

Consideration of the future of the state in Africa has therefore to encompass non-conventional, particularist forms of civil society. They are considered non-conventional because African politics do not share the constructs of statehood that feature in much of the body of literature relating to PMC involvement in Africa,[93] or in the wider sphere of modern political thought. Most of this literature is centered on paradigms of statehood, as shared between the state, political organizations and civil society. Contrary to this archetype, the associated respect for liberty of the individual is not a widely-embedded feature of most African states, and the means employed by individuals seeking to redress this do not fall easily into conventional narratives or paradigms of political thought.[94] Christopher Clapham makes a pertinent point on European assumptions as to the nature of statehood in Africa in identifying that the welfare of those in the state, and even the survival of the state, are secondary to the security and well-being of those in power. The state 'machine' is therefore designed primarily to serve the needs of the latter.[95]

In situations where the authority of the state is marginalized, a tactic used by rulers is to create 'shadow states', whereby parallel authority is built up, using networks of personal contacts to replace the failed machinery of statehood. By manipulating what remains of

[91] Young, Crawford. 2004. "The End of the Post-colonial State in Africa? Reflections on Changing African Political Dynamics." African Affairs 103:23-49.

[92] Ibid.

[93] See 2.2.

[94] Ekeh, Peter. 1992. "The Constitution of Civil Society in African History and Politics." In Proceedings of the Symposium on Democratic Transition in Africa, eds. Bernard Caron, 'Bade Gboyega and Eghosa Osaghae. Ibadan, Nigeria: Centre for Research, Documentation and University Exchange.

[95] Cornwell, Richard. 1999. Op. cit.

state power, – or at least what is perceived to exist – those holding the vestiges of power can manipulate the efforts and remittances of the international community and other donor agencies to their own ends. The destabilizing consequences of these abuses – in effect 'the criminalization of the state'[96] – bring about many of the conditions and circumstances leading to unrest, activity on the part of weakened security institutions of state to contain such unrest, and the subsequent use of PMCs, and it is against this background that the marginalization of state authority must be analysed.

Essentially, the 'criminalization' of the state, and the manipulation of disorder as an instrument in its political economy,[97] are instruments for control of resources in African states. Richard Cornwell suggests that, in countries where the interests of individuals, societies and the rule of law count for little against this background, we must adjust to the fact that they have become pseudo-states,[98] and that a crisis exists – one for which the diplomatic and security architecture of the international community is ill-equipped to handle.[99] Cornwell concludes that the current fixation of the international community, on the state as the primary actor in international affairs, is simply no longer applicable to many African states. In a political climate where external actors are reluctant to become involved,[100] and transparently lack the political will to back up, with any measure of force, what few instruments of foreign policy can be used to exert political pressure, the prospects for external influence or intervention are simply not credible. Civil society cannot realistically hope to bring about order other than at local levels, and, with a scarcity of resources and a need for people to ensure their own security, conflict is a reality in the future of weak African states, as is the involvement of private actors in the military and security sectors.

---

[96] From: Bayart, Jean-François, Stephen Ellis and Béatrice Hibou. 1999. The Criminalization of the State in Africa. Oxford: James Currey. p.79. The term 'criminalization of the state' refers to illegal economic activities brought about by self-enrichment strategies encouraged by structural adjustment. These, the authors claim, transcend ordinary corruption, and involve international syndicates dealing in large scale smuggling and money-laundering. One such syndicate was discovered in Sierra Leone, leading to the arrest of some 50 Sierra Leoneans and 11 foreign nationals, and the seizure of some 600 Kilograms of cocaine: AFP, 21st July. 2008. "Sierra Leone drug bust of Venezuelan plane with Red Cross markings."

[97] Chabal, Patrick and Jean-Pascal Daloz. 1999. Op. cit. p.79 and pp.141-162.

[98] Cornwell, Richard. 1999. Op. cit.

[99] Cornwell, Richard. 1999b. "The End of the Post-colonial State System in Africa?" African Security Review 8(2):82-96.

[100] Mandelbaum, Michael. 1994. "The Reluctance to Intervene." Foreign Policy(95):3-18.

It is against this background that conceptions as to what might come after the post-colonial African state must be considered. Key to this is the nature of political systems that have emerged in the post-colonial era. The most prevalent of these has evolved from a combination of patrimonial systems that predominated before the colonial era and those inherited from the colonial powers thereafter. Christopher Clapham describes it succinctly: *"... a form of organization in which relationships of a broadly patrimonial type pervade a political and administrative system which is formally constructed on rational-legal lines."*[101] This combination of the patrimonial and the rational-legal – the 'neopatrimonial' – has become the predominant political system in African states.

3.8 Neopatrimonialism

While neopatrimonialism has emerged in a wide range of academic works as the dominant paradigm in contemporary research on African statehood, it is not, in relative terms, a new concept. Eisenstadt's coining of the term, in 1973,[102] draws comparison with traditional patrimonialism,[103] outlining changes that had arisen from the need for a broader political framework – one with the capacity to incorporate new elites, socio-ethnic groups and societal strata.[104] Paradoxically, despite the propensity of neopatrimonial practices toward the favouring of some ethnic groups and the exclusion of others,[105] these changes in the political framework are also identified as having stemmed from the need to accommodate a broader dimension of collective identity.[106] The building of the nation-state required the gathering of diverse peoples,[107] with societal values based on assumptions of common origins, traditions and ethnic kinship, under this umbrella of collective identity. Further, in contrast to colonial practices of leaving traditional customs undisturbed, these values were now to be replaced – for those not

[101] Clapham, Christopher. 1985. Third World Politics. London: Helm. p.48.

[102] First use of the term is accredited to Samuel Eisenstadt in 1973 by: Erdmann, Gero and Ulf Engel. 2002. "Neopatrimonialism Revisited - Beyond a Catch-All Concept." In 45th annual meeting of the African Studies Association. Washington DC.

[103] Eisenstadt, Samuel. 1973. Traditional Patrimonialism and Modern Neopatrimonialism. London: Sage.

[104] Eisenstadt, Samuel and Louis Roniger. 1980. "Patron-Client Relations as a Model of Structuring Social Exchange." Comparative Studies in Society and History 22(1):42-77.

[105] Berman, Bruce J. 1998. "Ethnicity, Patronage and the African State: The Politics of Uncivil Nationalism." African Affairs 97(388):305-341.

[106] Eisenstadt and Roniger, op. cit.

[107] In Africa, insofar as this process involved the state playing the role of building the nation, this would fall into Buzan's *'state-nation'* model (in: Buzan, Barry. 1991. People, States & Fear. Hemel Hempstead: Harvester Wheatsheaf. p.73).

familiar with them – with abstract, conceptual ideas of statehood.

Weber's conception of patriarchy – the driver of patrimonial systems – as the natural basis of political authority in familial or 'tribal' groups, based on a continuum of *"age-old rules and powers",*[108] leads him to regard it as *"the formally most consistent authority structure".*[109] In the context of cohesive social groups, patrimonialism is highly effective as a form of governance, in fact contributing to the cohesiveness of ethnic societies,[110] but in systems of *"differentiated patriarchal power"*[111] – those that exist where a state of wider patrimonial domination is necessary to accommodate larger, less cohesive or widely-spread groups – the 'reach' of the patrimonial network is stretched.[112]

Where patrimonial systems are of particular relevance to this thesis is that, in larger societies – those where ethno-social links are stretched or fragmented – the likelihood of resistance on the peripheries of society is increased. In these cases, the patrimonial ruler has to be mindful as to the limits of power – *"how far master and staff can go in view of the subjects' traditional compliance without arousing their resistance"*[113] – and must consider ways in which power can be wielded to ensure the acquiescence of those on the 'fringes' of society, in both geographical and social terms. So, while patrimonial systems can be seen to be effective in the context of closely tied ethno-social groups,[114] it was their manifest inappropriateness for governance on a 'national' scale that brought about the need for those wider political frameworks outlined by Eisenstadt and Roniger,[115] whereby new elites, socio-ethnic groups and societal strata could be incorporated into a national identity. This accommodation of the ethnic and the societal

[108] Weber, Max. 1968. Economy and Society. Los Angeles: University of California Press. p.226

[109] Ibid. p.1009

[110] Theobald, Robin. 1982. "Patrimonialism." World Politics 34:548-559.

[111] Weber, op. cit., p.1010.

[112] Herbst, Jeffrey. 2000. States and Power in Africa: Comparative Lessons in Authority and Control. Princeton: Princeton University Press. p.56. See also: Weber, Max. 1968. Economy and Society. Los Angeles: University of California Press. pp.1009-1010.

[113] Weber, op. cit., p.227

[114] Theobald, Robin. 1982. "Patrimonialism." World Politics 34:548-559.

[115] Eisenstadt and Roniger, op. cit.

– the 'horizontal' and 'vertical' elements of the population respectively –[116] was regarded as vital to eliminating resistance from peripheral groups, and to achieving control on a national scale. Where it failed, private actors would step in to fill the vacuum. But this must be analysed against the situation that existed prior to colonization; patrimonial systems based on ethnic groupings.

The effectiveness of these patrimonial systems in African societies was not wasted on the colonizing powers. Britain, in particular, recognized at a very early stage the potential for 'tribal' groups and identities to further colonial administrative efficacy through a system of indirect rule,[117] essentially involving the cultivation and use of *'native authority'*.[118] In effect, the colonial administrators used a different set of laws for each tribal group, based on the existing customs and traditions of respective groups, and bestowed authority – together with the instruments of judicial, legislative, executive and administrative power – for the maintenance of these laws upon the communal leader or traditional 'chief'.[119] This system of indirect rule preserved the culture and tradition of indigenous groups, allowing them to govern locally under the umbrella of colonial administration. It also had the further effect, most notably in the case of British administrations – by whom the policy was conceived and most widely implemented – of 'maintaining distance', by keeping colonial rulers and settlers largely separated from indigenous populations.[120]

---

[116] Ibid.

[117] The policy of indirect rule was first developed and employed by Lord Lugard during his governership of Nigeria from 1912 to 1919 (see: Lugard, The Right Hon. Sir Frederick John Dealtry. 1919. "Political Memoranda: revision of instructions to Political Officers on subjects chiefly political and administrative: 1913-1918.", and: Lugard, The Right Hon. Sir Frederick John Dealtry. 1922. The Dual Mandate in British Tropical Africa. Edinburgh and London: Blackwood. pp.193-196). Lugard's 'Political Memoranda' was used subsequently as a guide to the administration of British colonies in Africa, and became known as the "District Officers' Bible". It formed part of his 'Dual Mandate' to derive benefit both from and for Britain's African colonies through their social, political and economic development, and was hailed as an authoritative statement of British policy in Africa. Both publications are valuable indicators as to attitudes and approaches adopted by Britain in Africa at the time.

[118] Braathen, Einar, Morten Bøås and Gjermund Sæther. 2000b. "Social Struggles for Power, Resources and Identities in the Neo-patrimonial State." In Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa, eds. Einar Braathen, Morten Bøås and Gjermund Sæther. Basingstoke: Macmillan Press. p.6.

[119] Ibid.

[120] Mazrui, Ali. 1977. Africa's International Relations: The Diplomacy of Dependency and Change. London: Heinemann. p.103.

Of significance to the post-colonial emergence of African political systems in the former colonies was that in the adoption of this strategy, and, importantly, in affording greater privilege to groups with patriarchal and authoritarian traditions of rule,[121] colonial administrations were the first to remove the customary restraints[122] that had previously been a characteristic of 'native authority'.[123] These restraints required the chiefs and leaders of many pre-colonial African societies to hold widespread consultation among their people before making decisions on matters of major societal impact.[124]

In Britain's case, the policy of indirect rule made its disengagement from Africa – and the ability to distance itself subsequently from its former colonies –[125] a less complicated affair than that experienced by other colonial powers.[126] The French approach, which conformed to the foreign policy surrounding 'Francophonie' – vis-à-vis the embedding of French language, politics and culture in their colonial territories, and the accompanying 'absorption' of the populations of those colonies into the wider French community –[127] made disengagement from Africa a more difficult and prolonged affair than that experienced by the British.[128] The latter, having made use of co-opted groups for the exercise of power, had allowed indigenous practices such as chieftaincy and ancestral law to remain in parallel with colonial administrative law. While this created difficulties for the postcolonial state in creating uniform political and legal systems that would be accepted by all groups, it conferred a modicum of autonomy on most groups within the umbrella of the state. It also helped to minimize the impression of the naissance of a pressurizing state, particularly in the initial period of the blanket of state law being brought to bear. This is important to this thesis in terms of the extent to which

[121] Mamdami, Mahmood. 1996. Citizen and Subject. Contemporary Africa and the Legacy of Late Colonialism. Princeton, N.J: Princeton University Press. p.22.

[122] Makumbe, John. 1998. "Is there a civil society in Africa?" International Affairs 74(2):305-317.

[123] Mamdami, op. cit.

[124] Makumbe, op. cit.

[125] This was notably so in the case of France's disengagement from Africa (see: Mazrui, Ali and Robert Ostergard Jr. 2002. "From Pax Europa to Pax Africana." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo René Laremont. Portsmouth, NH: Heinemann. pp.19-22).

[126] Laremont, op. cit., p.21.

[127] Coined originally by geographer Onésime Reclus in 1880 to refer to the community of French-speaking peoples and countries and, subsequently, nations with a prevalence of French culture; now an international organization – *Organisation Internationale de la Francophonie (OIF)* – comprising 55 member states.

[128] Laremont, op. cit., p.22.

systems of governance employed by the colonial powers affected their involvement in conflict-handling, after independence, in their respective colonies, and subsequent levels of involvement of private actors in the security and military sectors. The emergence of PMCs was closely tied to levels of external involvement, as will be discussed in the following section.

3.9 External involvement and the advent of PMCs

Even during the period that started with the handover of its African colonies, and ended with Britain's acceptance that its passage from global hegemon to regional power had run its course, there was little direct British military involvement in Africa. Britain's first intervention, in 1964 – albeit across three of her former colonies – was the only one to compare in scale with the many interventions carried out by France.[129] Britain's policy towards Africa at this time – in the shadow of World War II and the vital role played in that conflict by her former colonies – was driven by the combined, perceived needs of protecting the integrity of the Commonwealth, preserving influence in her former colonies, and maintaining a strong global presence.[130] Contingency for intervention to those ends was always a latent feature of this policy, but once Britain's foreign policy drivers had changed to those of a regional power, her former colonies were no longer of strategic importance, and her interest in Africa quickly diminished.[131] In effect, the transition from global to regional power had reduced Britain's need to maintain influence on a global scale; this is pertinent in subsequent analysis of external involvement and intervention in African conflict relevant to the activities of PMCs.

France, in contrast, in keeping with policy related to application of the principles surrounding 'Francophonie' in her former overseas territories, sought to maintain her presence – and influence – by maintaining a strong troop presence. This was formalized in agreements with her former colonies in 1960 and 1961. Driven primarily as a result of the political and military fallout resulting from her disastrous experience in Algeria, France perceived a pressing need to maintain a dominant military presence in all of her former African territories. The fear was that the loss of influence over France's former

[129] This was in response to requests for assistance to put down army mutinies that had begun in Tanganyika and spread, in a chain reaction, to Uganda and Kenyas' armed forces.

[130] Mazrui and Ostergard, op. cit., p.20.

[131] Ibid.

colonies in Africa would severely reduce her sphere of influence in the rest of the world, a sentiment echoed by François Mitterrand, who in 1957 remarked: *"Sans l'Afrique il n'y aura pas d'histoire de France au 21e siècle."*[132]

As with Britain, however, the drivers of this foreign policy became diluted over time, both with changes in France's position in the international sphere, and with the cost of this policy eventually outweighing political expediency. Within a decade of these troop-level agreements being signed, a presence of nearly 60,000 troops had been reduced to less than 6,500,[133] and the concept of a permanent military presence in Africa was all but abandoned, in favour of a reaction force – *La Force Intarmies d'Intervention*.[134] Paradoxically, it was in the period between 1977 and 1995 that most of France's interventions took place. Prior to 1977, those French forces based in Africa undertook only three major operations, in Senegal, Gabon and Chad,[135] and disturbances in her other former colonies, during the period of her security presence, were relatively minor. Thereafter, France's *Force Intarmies d'Intervention* took part in some 17 interventions of an overt nature,[136] as well as other, less public operations in support of heads of state.[137] France's strategy of providing an implicit security pledge – an 'over the horizon guarantee', in current parlance – had reduced the occurrence of civil war in her former colonies to less than half of that experienced in countries with similar characteristics.[138]

If there was a need to illustrate the urgency for African states to have reliable security forces,[139] it was manifestly demonstrated by chain-reaction mutinies in the former British

---

[132] *"Without Africa, France will no longer have a history in the twenty-first century"*. Printed originally in Paris, in Tribune Libre, 1957; cited by: Andrew, Christopher. 1984. "France: Adjustment to Change." In The Expansion of International Society, ed. Hedley Bull. Oxford: Clarendon Press. p.337.

[133] Chipman, John. 1989. French Power in Africa. Cambridge: Blackwell. p.121.

[134] Ibid.

[135] Young, Crawford. 1995. "The Heritage of Colonialism." In Africa in World Politics: Post-Cold War Challenges, eds. John Harbeson and Donald Rothchild. Boulder: Westview Press. p.32

[136] France deployed troops in 1977 (Mauretania), 1978 (Chad, Zaire), 1979 (Central African Republic), 1983 (Chad), 1986 (Togo, Chad), 1989 (Comoros), 1990 (Gabon, Rwanda), 1991 (Benin, Djibouti, Zaire), 1992 (Sierra Leone), 1994 (Rwanda) and 1995 (Comoros).

[137] Crawford Young discusses further interventions, covert in nature, undertaken by France in support of African leaders, in: Young, Crawford. 1995. "The Heritage of Colonialism." In Africa in World Politics: Post-Cold War Challenges, eds. John Harbeson and Donald Rothchild. Boulder: Westview Press. p.33.

[138] Collier, Paul. 2006. "African Security: What the Statistics Suggest." RUSI Whitehall Report 4-06:6-12.

[139]Young, Crawford. 2002. "Pluralism, Ethnicity and Militarization." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo René Laremont. Portsmouth, NH: Heinemann. p.46.

colonies of Tanganyika, Uganda and Kenya in 1964, and by the many intrastate conflicts requiring French intervention in her own former colonies. Without recourse to the former colonizer, the international community, or to neighbouring states for military assistance, a state has no external options; where the threat comes from its own security forces, neither does it have expedient internal options. Even among those nations that have had the latter option, the most common outcome, whether through weakness, recalcitrance, or corruption, is an inability to cope with the threat. In a political climate of discord, where the *coup d'état* is the default means for regime change, and the underlying causes of friction have been allowed to deteriorate, the options open to the incumbent ruler are severely limited; where assistance cannot be obtained through political manoeuvering, the only option left is to buy it in the form of PMCs, as was the case in Angola, and in Sierra Leone.

Relevant to the development of this situation in many African states, and in contrast to differences between Britain and France in terms of the extent of their involvement after independence, I believe there are three important elements of the interventions, carried out by both, that are analogous. Firstly, the purpose and nature of intervention was driven by the foreign policy – and the self-interest – of the external power. Secondly, settlements were driven by the external power, again placing strategic self-interest over the socio-political needs of the state concerned. Thirdly, and most importantly, neither the response – i.e. the physical handling of the problem – nor the subsequently-imposed settlement, sought to address the underlying cause of the problem. Notwithstanding the differences in approach to governing their colonies, and the subsequent extent of their involvement after independence, the colonial powers had pursued a common policy of entrenching their authority through alliances with local 'Big Men'.[140] This meant the incorporation of ethnically-defined administrative units – most often through European perceptions and assumptions of what constituted 'tribal' homogeneity –[141] as a means of exercising control. The departing powers also shared the common interest of maintaining influence after independence and, in most African states, 'favoured elites' would emerge from the umbrella of their former colonial administrators. Many of these, as products of colonial systems, had little, if any, accepted tradition of power in pre-

[140] Berman, Bruce J. 1998. "Ethnicity, Patronage and the African State: The Politics of Uncivil Nationalism." African Affairs 97(388):305-341.

[141] Ibid.

colonial societies and therefore lacked established power foundations after independence.[142] While there were some exceptions to this pattern of 'favoured elites', most notably in the Portuguese colonies, the vast majority of positions of power on the eve of independence were held by those having enjoyed privilege and favour from their colonial administrators.

The administrative structures left in place by the former colonizing powers, combined with the patrimonial systems exercised by those holding power after independence, formed the basis for the neopatrimonial systems that emerged in post-colonial African states.[143] As Braudel observed in 1963, *"To rule, in Black Africa, necessarily means to reign."*[144] These systems, based on discretionary power, featured a blurring of the lines between persons and positions, and held little distinction between the personal and the public. The central tenets of rational-legal politics, in contrast, comprising ordered hierarchies of personnel and procedures, incorporate an inherent, institutional separation of the *'private'* and the *'official'*.[145] The combination of these contradictory systems – the co-existence of rational-legal and patrimonial systems in the form of neopatrimonialism – consititutes a paradox that has become central to the political situation in Africa. This combination, and its subsequent corollaries for the conduct of the political affairs of African states, is defined succinctly by Clapham as:

> *"... a form of organization in which relationships of a broadly patrimonial type pervade a political and administrative system which is formally constructed on rational-legal lines. Officials hold positions in bureaucratic organizations with powers which are not formally defined, but exercise those powers, as far as they can, as a form not of public service, but of private property. Relationships with other[s] likewise fall into the patrimonial pattern... and behaviour is correspondingly devised to display a*

[142] Engelbert, Pierre. 2000. "Pre-Colonial Institutions, Post-Colonial States, and Economic Development in Tropical Africa." Political Research Quarterly 53(1):7-36.

[143] Berman, op. cit.

[144] Braudel, Fernand. 1993. A History of Civilizations. London: Penguin (reprint of 1963 volume). p.142.

[145] Weber, op. cit., pp.1028-1030

personal status, rather than to perform an official function."[146]

This interpretation also encompasses Weber's primary concepts of *domination* and *legitimacy,* vis-à-vis the duality of patrimonialism and rational-legal elements of government, further emphasizing the neopatrimonial aspect of political systems in African states through the relationship between personal power and rational-legal authority.[147] The view of this relationship as the modernization of a traditional form of African rule has had the effect, internally, of bestowing an implicit conferral of acceptability on neopatrimonialism as a modern form of governance, in contrast to a widely-held external view that that a system based on legal 'order' has been subverted by patrimonial logic,[148] vis-à-vis the 'personalization' of politics.

Academic discussion as to the part played by colonial administrative systems – and by the modus operandi of erstwhile colonial powers – on the preeminence of personalism in post-colonial political systems in Africa, is extensive. And there is a clear consensus as to the historical roots of personalized neopatrimonial systems stemming from the colonial legacy. The main thrust of this body of academic thought is reflected by Victor le Vine in his perspective on African patrimonial regimes:

> *"What is novel about 'neopatrimonial' regimes is the extent to which personalism plays a significant role, a development that owes as much to the introduction of imported political structures, ideologies, and behaviours, as anything else"*[149]

At the core of this legacy was the colonial African state. This had never evolved into the 'modern state' that was seen across Europe.[150] Largely, it retained the characteristics of a traditional outpost of empire, whereby power was confined to the centre, with legal-

[146] Clapham, Christopher. 1985. Op. cit. p.48.

[147] Weber, Max. 1968. Op. cit. pp.1028-1030

[148] Chabal, Patrick and Jean-Pascal Daloz. 1999. Op. cit. p.16.

[149] le Vine, Victor. 1980. "African Patrimonial Regimes in Perspective." Journal of Modern African Studies 18:657-673.

[150] Erdmann, Gero and Ulf Engel. 2002. "Neopatrimonialism Revisited - Beyond a Catch-All Concept." In 45th annual meeting of the African Studies Association. Washington DC. p.19.

rational elements exercised only on and by expatriate members of the population, those of expatriate descent, and a few other, non-indigenous, immigrant groups.[151] Late efforts, post-World War II, to extend this legal-rational governance to indigenous populations in an effort to move toward the 'modern state' in the run-up to independence, were of no consequence. After independence, the legal-rational bureaucracy at the core of the state was quickly infused with informal relationships.[152] The 'hybrid' structures that emerged – this political arrangement of legal-rational domination pervaded by patrimonial rule – became the basis for neopatrimonial political systems still in place in 48 of Africa's 53 states.[153]

The concept of neopatrimonialism has been instrumental as an analytical tool in the commission of numerous studies: Patrick Chabal and Jean-Pascal Daloz use it as a lens to analyse the underlying causes of economic failure.[154] William Reno explores insurgency in collapsing states,[155] examining the monopolization of economic opportunities, through patronage networks, as a means of controlling elements of the population – a key element leading to governments' employment of the services of PMCs. Morten Bøås analyses the civil wars in Liberia and Sierra Leone on the backdrop of extreme versions of neopatrimonialism that developed in both states, – [156] again, of key significance in the use of a PMC by the latter state's government. Ian Taylor investigates the attitudes of African leaders with regard to 'good governance' and democracy in the context of Zimbabwe's 2002 presidential elections, and considers problems, many related to personalized politics, for the New Partnership for Africa's Development (NEPAD).[157] Charles Gore and David Pratten investigate the interaction between state authority and a number of social movements in Nigeria, presenting a case

[151] Ibid.

[152] Low, D.A and John Lonsdale. 1976. "Towards the New Order 1943-1963." In History of East Africa Vol.III, eds. D.A Low and Alison Smith. Oxford: Clarendon Press. p.12.

[153] Gibb, Prof. Richard, 2007. Inaugural Lecture, University of Plymouth.

[154] Chabal, Patrick and Jean-Pascal Daloz. 1999. Op. cit. pp.101-109.

[155] Reno, William. 2002. "The Politics of Insurgency in Collapsing States." Development and Change 33(5):837-858.

[156] Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

[157] Taylor, Ian. 2002. "Zimbabwe's Debacle, Africa's Response and the Implications for the New Partnership for Africa's Development (NEPAD)." In Zimbabwe's Presidential Elections 2002: Evidence, Lessons and Implications, ed. Henning Melber. Uppsala: Nordiska Afrikainstitutet.

that complicity in the control of resources and community security are a response to the 'politics of plunder' endemic in the country, particularly since the 1990s.[158] Roger Tangri and Andrew Mwenda highlight the placing of personal and political matters over those of public interest in neopatrimonial regimes, vis-à-vis what they term the *"abuse of power in situations of weak transparency and limited accountability in public institutions.*[159]

However, while widely used and accepted as a valuable analytical tool for the study of African political issues, the concept has not previously been analysed in relation to the activities and operations of PMCs in African states. This thesis will argue that features of neopatrimonial politics have been among the most significant contributors to conflict and the proliferation of PMC activity in Africa.

Neopatrimonial systems are susceptible to the modus operandi of corporate actors; these engage ruling elites as willing partners, in order to circumvent restrictions on their activities and to facilitate direct, external trade, often through the use of enclaves. In weak states, many corporations provide not only security for their own operations, but also their own infrastructure.[160] In circumstances where the state is no longer able to exert control over areas vital to the operations of these corporations, they may deal with factions opposed to the state in order to safeguard the continuance of their operations, or may seek to assist the state in regaining control.[161, 162] Their interest is one of commercial gain, and is driven by the need for maximum advantage in terms of their operations, rather than by singular loyalty to the host government.

Hypotheses on neopatrimonialism as it applies to African political analysis proffer views

---

[158] Gore, Charles and David Pratten. 2003. "The Politics of Plunder: The Rhetoric of Order and Disorder in Southern Nigeria." African Affairs 102:211-240.

[159] Tangri, Roger and Andrew M Mwenda. 2005. "Patronage Politics, Donor Reforms, and Regime Consolidation in Uganda." Ibid. 104(416):449-467.

[160] Cilliers, Jakkie. 1998. "Private security in war-torn African states." In Peace, Profit or Plunder: The Privatisation of Security in War-torn African Societies, eds. Jakkie Cilliers and Peggy Mason. Pretoria: Institute for Security Studies. p.6.

[161] Howe, Herbert. 1998. "Private security forces and African Stability: the case of Executive Outcomes." Journal of Modern African Studies 36(2):307-331.

[162] Vines, Alex. 1999. "Mercenaries and the Privatization of Force in Africa." In The Privatization of Security in Africa, eds. Greg Mills and John Stremlau. Johannesburg: South African Institute of International Affairs. p.53.

varying from endorsement of the concept as the implicitly-accepted bedrock of political legitimacy,[163] repudiation of its place in academic thought on the bases of fallacy, misconception and flawed methodologies,[164] and its outright rejection on the primary basis that it is part of a tendentious rationalization for neo-liberal attacks on the state.[165]

These contrasting arguments on neopatrimonialism – primarily as a concept in itself, but also with regard to its value an analytical tool – are important to this thesis if it is to base, upon that concept, a high degree of responsibility for the causes of conflict and a related rise in the activities of PMCs in African states. Furthermore, analysis of neopatrimonialism relative to the causes of conflict in Africa requires that the potential pitfalls and limitations of its use in the broader analysis of politics in African states are also considered.

The analyses considered above, through which these characteristics are examined, have been identified for their pertinence to this thesis in terms of their analysis of relevant elements of African statehood, particularly the fundamentally important part played by patrimonial practices within rational-legal political frameworks. Particularly relevant are the contrasting stances and conflicting views put forward by three of these works, all of which are considered here. In the first of these, Patrick Chabal and Jean-Pascal Daloz regard legal-rational mechanisms in African states as grossly subordinate to patrimonial practices:

> *"... in most African countries, the state is no more than a décor, a pseudo-Western façade masking the realities of deeply personalized political relations....legitimacy is firmly embedded in the*

[163] In addition to specific references of neopatrimonialism as the bedrock of political legitimacy in Africa (for example, Chabal and Daloz. 1999. Op. cit.), this accepted primacy of the concept is evident in numerous other works, particularly that of Pierre Englebert (2000. Op. cit.), and those cited in footnotes 36 to 50 (notably Herbst, 2000; Jackson & Rosberg, 1982; Strange, 1996; Mhone, 2001; Olukoshi, 2006; Bayart, Ellis & Hibou, 1999).

[164] Mustapha, Abdul Raufu. 2002. Conference Paper. "States, Predation and Violence: Reconceptualizing Political Action and Political Community in Africa." In Panel on State, Political Identity and Political Violence. 10th General Assembly of CODESRIA. Kampala, Uganda.

[165] Olukoshi, Adebayo ed. 1998. The Politics of Opposition in Contemporary Africa. Uppsala: Nordiska Afrikainstitutet. p17.

patrimonial practices of patrons and their networks."[166]

Importantly for this thesis, the exploitation of disorder is considered – against this neopatrimonial backdrop – as a politically-expedient instrument, in parallel with the inherent inability of the system to deliver benefit to anything wider than a proximate group of beneficiaries, therefore precluding benefit to the wider community and the greater national good.[167] Focus is maintained on one of the primary characteristics of neopatrimonial regimes, vis-à-vis the systematic appropriation of public wealth. Specifically, the perceived acceptability of neopatrimonialism is questioned and the basis of the concept – the subversion of a system that is based ostensibly on legal 'order', by patrimonial logic – is highlighted. This is a crucial consideration for this thesis, for if the failure of the state to provide basic resources to its people is a fundamental causes of unrest,[168] then the state's failure to provide one of the most basic public goods – that of physical security –[169] will inevitably give rise to popular resentment toward the state, and one that, as van Creveld concludes, could lead to its downfall.

> *"The most important single demand that any political community must meet is the demand for protection. A community which cannot safeguard the lives of its members, subjects, citizens, comrades, brothers, or whatever they are called is unlikely either to command their loyalty or to survive for very long…"*[170]

Van Creveld's conclusion is perhaps borne out by the number of coup attempts that occurred in Africa in just the first twenty years of independence, some forty of which – among innumerable failed attempts – succeeded in toppling the incumbents.[171]

---

[166] Chabal, Patrick and Jean-Pascal Daloz. 1999. Africa Works: Disorder as a Political Instrument. Oxford and Bloomington, IN: James Currey and Indiana University Press. p.16.

[167] Bayart, Jean-François, Stephen Ellis and Béatrice Hibou. 1999. The Criminalization of the State in Africa. Oxford: James Currey. p161.

[168] Tilly, Charles. 1975. "Reflections on the History of European State-making." In The Formation of National States in Western Europe, ed. Charles Tilly. Princeton: Princeton University Press.. p.42.

[169] van Creveld, Martin. 1991. The Transformation of War. New York: Free Press. p.199.

[170] Ibid.

[171] Meredith, Martin. 2005. The State of Africa. London: The Free Press - Simon & Schuster. p.218.

In states where there is effective demarcation between the private and public domains, the latter works as the medium for the provision of public goods to every citizen. This includes the right to physical protection, from arbitrary actions of those in power at state level – i.e. the state itself – as well as from other citizens. Where this demarcation is ineffective – as is the case in neopatrimonial systems where, while legally defined, it is not actually observed, – the provision of this public good is compromised. Whether threatened by the actions of other citizens or those of the state, there is only one course of action open to ethnic communities excluded from this basic public good; physical security can emanate only from action within their communities and the formation and mobilization of extra-state groups.

> *"... once violence (or the abuse of state power by one group that controls it) reaches the point that ethnic communities cannot rely on the state to protect them, each community must mobilize to take responsibility for its own security"*[172]

Whether or not these groups emerge as a response to actions by the state, or as a result of a weak state's inability to protect it from others, they constitute a threat to the state. While they may not seek to threaten the state directly, their existence is a challenge to its authority, in terms both of the legitimate right and the ability to hold a monopoly over the use of coercive force within its boundaries. If left unchecked, their continued existence poses potential threats through their physical expansion and their effects on the views of increasing numbers of citizens on the power – and therefore the credibility – of the state.

In Chabal and Daloz' analyses of the exploitation of disorder for political expediency, it is clear that the situation is one, not merely of states' failure to provide for the physical security of elements of their populations, but of a positive, insidious use of fear – of the latent possibility of coercive violence – as a means of control. If unrest among elements of the population is a feature of neopatrimonial systems, then these systems must feature

[172] Kaufmann, Chaim. 1996. "Possible and Impossible Solutions to Ethnic Civil Wars." International Security 20(4):136-175.

a strong element of control. Whether or not in response to a direct threat, action to ensure domination of the political space is therefore an imperative. This element of the political equation is directly relevant to the analysis, in this thesis, of the emergence of PMCs.

Insofar as they draw from contemporary situations in African politics, Chabal and Daloz' arguments are convincing in their analysis of the effects of neopatrimonial practices on the prevailing situation. However, the notion of neopatrimonialism as *condicio sine qua non* is called into question in the second of the analyses I examine here.

Abdul Mustapha, while accepting the state of crisis in African political systems since the 1970s, contends that conclusions as to the nature of the state and of conflict in Africa are characterized by reductionist approaches and flawed methodologies, and are over-reliant on neopatrimonialism as a 'catch-all' concept. Less convincingly, but relevant to the former argument, he questions the postures, *a priori* views and prejudices of the authors of a number of works, and their general fixation on elite politics as a lens for enabling full comprehension of politics in African states.[173]

The last of the three analyses relates specifically to political practices in neopatrimonial systems that are aimed at disabling opposition to ruling parties. It calls for political reform, citing defections of opposition members to the ruling party as an example,[174] which results in the further disenfranchisement of elements of the population previously represented by those opposition members. John Ssenkumba makes clear the relevance of patron-client relationships in neopatrimonial systems when he voices his sentiments on defectors to the ruling party in Uganda: *"their stomach has dictated their minds and*

[173] The paper (Mustapha, Abdul Raufu. 2002. Conference Paper. "States, Predation and Violence: Reconceptualizing Political Action and Political Community in Africa." In Panel on State, Political Identity and Political Violence. 10th General Assembly of CODESRIA. Kampala, Uganda.) deals primarily with works by Bayart (Bayart, Jean-François, Stephen Ellis and Béatrice Hibou. 1999. The Criminalization of the State in Africa. Oxford: James Currey.), Engelbert (Englebert, Pierre. 2000. State Legitimacy and Development in Africa. Boulder: Lynne Rienner.) and Reno (Reno, William. 1998a. Warlord Politics and African States. Boulder: Lynne Rienner.).

[174] Olukoshi, op. cit., p188.

erased their principles."[175] But once again, the analysis challenges reductionist approaches that use *"rent-seeking, neopatrimonialist logic"* as a catch-all for comprehension of African states' internal politics, *"particularly among those working within the neo-liberal 'political economy'/public choice approach",*[176] and calls for a more dynamic, less simplistic means of developing understanding of the African political landscape.

The relevance of these arguments to the application of neopatrimonialism to this thesis – as an analytical tool in considering the relationship between African politics, conflict and the activities of PMCs – demands that a critical approach be maintained and that other contributory factors, lying outside the political framework, are considered.[177] This notwithstanding, the effect of neopatrimonial practices on the augmentation of conflict between ethnic groups must also be considered in depth. Conflict in multi-ethnic African societies – and most African states since the colonial division of Africa must be considered as such – is rarely the result of cultural differences *per se*;[178] it is more often the case that these differences become a factor in states with neopatrimonial systems, or are intensified by the political machinations of those regimes.[179]

One of the inevitable outcomes of neopatrimonialism is an imbalance in wealth and influence on the part of those groups excluded from patron-client relationships in the political network. This exclusion from the political process brings isolation, to some degree, from the distribution of scarce resources and from involvement from interaction in political life at any level, resulting in exclusion not only from the patron-client chain, but from full participation in wider society. This, combined with the manipulation of cultural differences – their politicization and use as an instrument of disorder, an inherent characteristic of neopatrimonialism harnessed for the furtherance of political ends –[180] brings ethnic identity and loyalty into the sphere of political conflict.[181] This

[175] Ssenkumba, John. 1996. "The Crisis of Opposition Politics in Uganda." UNISA Journal for Political Science and Political Administration 15(3).

[176] Olukoshi, op. cit.

[177] These are considered in the following chapter.

[178] Sandbrook, Richard. 1972. "Patrons, Clients and Factions: New Dimensions of Conflict Analysis in Africa." Canadian Journal of Political Science 62(1).

[179] Ibid.

[180] Bayart, Ellis and Hibou, op. cit., p161.

analysis must, however, be considered against the extent to which inter-ethnic coexistence and cooperation is a feature of African societies, and to which this feature was embedded prior to the entrenchment of neopatrimonialism at state level. John Makumbe maintains that many pre-colonial African societies had a consensual system requiring widespread consultation among the people before any decision of major societal impact could be made.[182] Studies conducted in the first ten years of independence concluded that the majority of constituent ethnic groups were engaged in activities conducive to continuing coexistence,[183] through established processes of 'ethnic bargaining', but these have receded with the entrenchment of neopatrimonial systems.[184] Post-independence, much of the demise of existing civic groups, particularly those founded on ethnic lines, was the result of the recognition – or at least the suspicion – that these were potential vehicles for the mobilization of revolutionary elements of the population.[185] Milton Obote's drive for national unity in Uganda, and his belief that ethnic groups would disrupt this unity, led him to declare:

> *"...if the pull of the tribal force is allowed to develop, the unity of the country will be endangered....the tribal force does not accept Uganda as one country, does not accept the people of Uganda as belonging to one country, does not accept the National Assembly as a national institution but as a ...body of umpires in some curious game of "Tribal Development Monopoly"."*[186]

Even today, there remain examples of the prohibition of political movements driven by ethnic or religious interests, notably in Nigeria and Tanzania.[187]

Parallels can, however, be drawn in the levels of participation enjoyed by these societies;

---

[181] Sandbrook, op. cit.

[182] Makumbe, op. cit.

[183] Rothchild, Donald. 1970. "Ethnicity and Conflict Resolution." World Politics 22(4):597-616.

[184] Ibid.

[185] Makumbe, op. cit.

[186] Cited in: Kasfir, Nelson. 1976. The Shrinking Political Arena: Participation and Ethnicity in African Politics. Berkeley: University of California Press. p.209.

[187] Young, Crawford. 2002. "Pluralism, Ethnicity and Militarization." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo René Laremont. Portsmouth, NH: Heinemann. p.44.

the factor that had the greatest effect on conflict in post-colonial African states was the widening of the sphere of those in power to national boundaries, and their exercise of that power over all peoples within the territorial construct of the state.[188] However, in many African states, control over territory, let alone control over the legitimate use of force, has not always been a feature of sovereignty.[189] Further, the hollowing out of the state, vis-à-vis the precedents of a globalized neoliberal orthodoxy, and the effects of intra-state conflict combined with extreme forms of neopatrimonialism, has resulted in a vacuum that is inevitably filled by non-state actors. That part of the vacuum comprising the basic need for security is increasingly filled by PMCs, and this is a key factor in their continued proliferation in African states.

[188] Braathen, Einar, Morten Bøås and Gjermund Sæther. 2000b. "Social Struggles for Power, Resources and Identities in the Neo-patrimonial State." In Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa, eds. Einar Braathen, Morten Bøås and Gjermund Sæther. Basingstoke: Macmillan Press.

[189] See, for example, Reno, William. 2001. "How Sovereignty Matters: International Markets and the Political Economy of Local Politics in Weak States." In Interventionism and Transnationalism in Africa: Global-Local Networks of Power, eds. Thomas Callaghy, Ronald Kassimir and Robert Latham: Cambridge University Press., and Ferguson, James. 2006. Global Shadows: Africa in the Neoliberal World Order. Durham, NC: Duke University Press. pp.207-210

3.10 Summary

Analysis of Africa's political development demonstrates the complexity of circumstances that have led to the emergence of PMCs in African states, and that of the environments in which they operate. The analysis carried out in this chapter highlights a number of factors that are key to understanding the circumstances that underpin the involvement of PMCs in African states, and those contributing to their continued proliferation. Foremost among these is the weak institutional capacity that characterizes so many states in Africa, particularly in the sphere of security. The privatization of security in African states was not the sole result of a wider neoliberal move from the public to the private, but existed as a prior function of weak state capacity. The continued inability of many states to deliver the public good of security to all of their citizens has created security vacuums that are increasingly filled by private actors. The monopoly over the use of coercive force – i.e. the ability of the state to exercise firm control over its army and police forces, while eliminating threats from non-state groups – has never been a strong feature of many post-colonial African states, and the resultant security vacuums continue to feed the proliferation of PMCs.

A further factor in the increased involvement of PMCs is the need for security in areas where high-value resources are concentrated. The reliance of many African states on income streams from natural resources has resulted in the involvement of private actors in the provision of security in such areas. This is a contentious area, particularly so where PMCs are involved in enclave economies, and where security of resources takes precedence over that of local populations, as discussed in section 6.2 of this chapter. A further driver of PMC proliferation, and one of critical importance to the subject of this thesis, is that of external involvement in African states on the part of the UN and other IGOs, and of humanitarian organizations and aid agencies. PMCs are increasingly involved with these organizations, in the provision of advice, security, and training, in Security Sector Reform roles, and in support of UN peacekeeping missions.

Following on from this chapter's analysis of the drivers of PMC proliferation in Africa, Chapter 4 will explore the nature and characteristics of these organizations, their legal status, and the wider implications of their involvement in African states.

Chapter 4

PMCs

4.1 Introduction

The previous chapter put into context those factors in Africa's political development that gave rise to the emergence and proliferation of PMCs in African states, and the prevailing conditions in which they operate. The aim of this chapter is to consider the attributes and characteristics of PMCs, and to compare tangible features of these organizations with external perceptions as to their nature. The type and extent of their operations will also be considered against external perceptions as to the nature of their activities. This chapter will also contextualize the operations of PMCs in terms of impact and utility with regard to the wider political situation; i.e. the effects and usefulness of their activities where stability and development in African states is concerned.

The chapter will begin with an exploration of the origins of PMCs, and of factors bringing about their evolution into the corporate bodies that now dominate the private military and security sectors. Factors of demand and supply leading to their initial emergence and continued proliferation will be explored, and situations in which PMCs have become involved directly in conflict, in conflict-handling, and in post-conflict roles will be analysed against the wider dynamics of violence in African states. Elements of their operations in support of departments of the UN, humanitarian organizations, and NGOs will be considered separately to operations carried out by PMCs as contractors to institutions of state, and those in support of commercial entities.

Crucial to this thesis is consideration of the legal situation surrounding PMCs and their activities, and this will be analysed critically. The question as to whether PMCs are, in legal terms, mercenaries, will be explored through in-depth analysis of the 1977 Convention for the Elimination of Mercenarism in Africa (CEMA),[1] the 1979 UNOHCR

[1] OAU. 1977b. "Organization of African Unity Convention for the Elimination of Mercenarism in Africa (CEMA), Doc. CM/817 (XXIX) Annex II Rev.1 (Revision of 1972 Convention: Doc.CM/433/Rev. L.)."

Additional Protocol to the Geneva Conventions,[2] and the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[3] together with consideration of reports issued by the United Nations Commission on Human Rights' Special Rapporteur on the question of the use of mercenaries. Also, in the absence of an accepted legal definition for PMCs, this chapter will consider descriptions and categorizations applied to these actors, and will formulate clear definitions for the purpose of analysis.

4.2 Background

Central to the emergence of PMCs in Africa was the end of the Cold War and the ensuing downsizing of armies aligned with the superpowers,[4] coupled with instability and conflict that surfaced after the withdrawal of superpower patronage from African states. As discussed at length in Chapter 3, underlying tensions in the state-building project had been masked and suppressed during the era of superpower patronage, and were not by any means a new development. Anthony Parsons, in his analysis of post-Cold War peacekeeping describes conflict in African states as: *"a continuum rather than a break with the past."*[5]

> *"The new agenda is littered with the debris of this last decolonization and the release of the periphery from the old sphere of influence – conflicts arising out of ethnic, sectarian and religious hostilities; separatist tendencies within states artificially created by the imperial power, some purely domestic, others spilling across internationally recognized borders."*[6]

In Africa, the promulgation, through military downsizing, of former military personnel and the tools of war across most of the continent, was not accompanied by disarmament,

[2] UNOHCR. 1977. "Article 47.2 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1)."

[3] UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

[4] These being the superpowers engaged in the Cold War – the USA and USSR.

[5] Parsons, Anthony. 1995. From Cold War to Hot Peace: UN Interventions 1947-1995. London: Penguin. pp.245-246.

[6] Ibid.

demobilization and reintegration (DDR) processes,[7] now universally accepted as vital to ensure stability following any instance of demilitarization.[8] This was to bring about factors of demand and supply, both creating the conditions conducive to the emergence of private actors in the security and military spheres, and feeding the growth of these organizations. In that they were registered companies with clear chains of management and hierarchy, these organizations were distinct from the mercenaries of the 1960s and 1970s. But the concept of the PMC was not new. The British government, in response to the Yemeni rebellion of 1962, had used organized groups of former special forces troops to provide support to the Imam, to whom they could not openly be seen to be giving support. The first PMC, WatchGuard International, was founded specifically as a means of capitalizing on, as well as formalizing and legalizing, the use of former members of HM Forces to carry out such tasks.[9] Their success led to the creation of the type of corporate PMC that now dominates the market for security and military-related services in Africa.

4.3 Drivers of demand and supply

Against the political and economic circumstances prevailing in most African countries after the Cold War, the availability of men and military equipment was to become one of the most significant contributing factors to instability, particularly in weaker states, and to a concomitant rise in the need for private security and quasi-military organizations.[10] In the previous chapter, the extent to which the era of superpower patronage suppressed difficulties within many African states and concealed the shortcomings of many of their governments and militaries was explored in depth. The precipitous withdrawal of this patronage after the end of the Cold War was to bring to the surface problems of ethnic division and rivalry, poor governance, and corruption, each of which contributed to an

[7] Disarmament, demobilization and reintegration (DDR) processes are central to transitions from conflict to peace through the integration of former combatants into civil society. While disarmament and the constructive demobilization of armed groups are vital to preclude the security dilemma that can arise in cases where rival factions have been involved in conflict, the multiethnic dimension of most of Africa's armies poses similar potential problems through the singular process of military downsizing.

[8] Knight, Mark. 2004. "Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in Transitions from War to Peace." Journal of Peace Research 41(4):499-516.

[9] See: Smith, Simon. 2000. "Revolution and Reaction: South Arabia in the Aftermath of the Yemeni Revolution." Journal of Imperial and Commonwealth History 28(3):193-208.

[10] Lock, Peter. 1999. "Africa, Military Downsizing and the Growth in the Security Industry." In Peace, Profit or Plunder? The Privatisation of Security in War-torn African Societies, eds. Jakkie Cilliers and Peggy Mason. Pretoria: Institute for International Studies.

increase in violence.[11] Thus, demand was quickly created in post-Cold War Africa for the nature of services offered by PMCs.[12] Coupled with the downsizing of armies in the former NATO and Warsaw Pact countries, and, subsequently, in post-apartheid South Africa, a corresponding supply of military expertise, manpower and weaponry was assured from developed countries as well as from within the African continent.[13] Also significant in this equation, were the political effects of the ending of the Cold War, not only in Africa, but also in developed nations. The most relevant of these were diminished military capacity and – manifestly in the case of Africa – greatly reduced strategic interest, bringing about an increased reluctance to intervene in countries experiencing conflict and instability.[14]

The dependence of many African countries on Cold War powers was more fundamental simply than reliance on those powers for their military apparatus. Withdrawal of explicit external support resulted in three major factors relevant to the emergence of conflict: a reduction in states' control over their respective territories, the disintegration of structures of government authority, and the creation of power vacuums that were quickly and hotly contended and capitalized upon by ethnic leaders and warlords.[15] For African states, the monopoly of legitimate force was never absolute, and many could not provide the basic public good of security required to maintain stability. Even in postcolonial African states that have remained relatively stable – at least in terms of an absence of major conflict – the ability of governments to provide effective security has, with few exceptions, been limited.[16] Security is also a vital precursor to development;[17] while the

---

[11] Kaldor, Mary. 1999. New and Old Wars: Organized Violence in a Global Era. Cambridge: Blackwell/Polity Press. p.92.

[12] Shearer, David. 1998. "Private Armies and Military Intervention." Adelphi Papers 316, Oxford University Press for International Institute for Strategic Studies: London. p.23.

[13] Singer, Peter W. 2003. Corporate Warriors: The Rise of the Privatized Military Industry. London: Cornell University Press. p.53.

[14] Abrahamson, Rita. 2007. "The Privatization and Globalization of Security in Africa." International Relations 21(2):131-141.

[15] Reno, William. 1997. "War, Markets, and the Reconfiguration of West Africa's Weak States." Comparative Politics 29(4):493-510.

[16] Notable exceptions are Botswana, Gambia, South Africa and, latterly, Mozambique. While objective indicators as to levels of security in African states are not available prior to the mid 1990s, the relative stability of these countries in the lead-up to that period is evident from the earliest objective indicators of political stability and lack of violence (in Kaufmann, Daniel, Aart Kraay and Massimo Mastruzzi. 2003. "World Bank Policy Research Working Paper 3106. Governance Matters III: Governance Indicators for 1996-2006.").

military dimension of security is the primary focus of discussion surrounding PMCs, security as a broader issue of governance must also be borne in mind. A major factor contributing to the rise of PMCs is the central nature of privatization of the public sector to the neoliberal consensus. The privatization of security provision at all levels has provided a foundation for the entrance of private military and security companies into the public sphere, and into activities that were once the exclusive domain of the state and its armed forces.

The level of effectiveness of a state's armed forces is fundamental to its ability to provide security. Reductions in military expenditure were the norm after the Cold War; the development of security through the creation of capable and well-equipped military forces was not an element of the agenda for Africa driven by the 'Washington Consensus'. But these reductions were also driven by internal expediencies; the multiethnic nature of national armies, the 'de-institutionalization' of armed forces – resulting in preying on the civil population as a means of income derivation – and the frequency of the coup d'état in Africa as a means of 'political reform' were all factors resulting from the reduction in size and power of rulers' armed forces.[18] African leaders attempting to overhaul their national armies faced the prospect of protest, typically from the area of greatest potential danger to them. The rebellion in Côte d'Ivoire in 2002 was sparked by the mutiny of some 750 troops in response to President Gbagbo's plans to create a smaller, more efficient national army.[19] One of the characteristics of protest by a country's armed forces is the speed at which it can expand and escalate, – bringing about situations of destabilization and rebellion, not only at national level, but across borders –

[17] Stewart, Francis. 2004. "Development and Security." In Fifth Annual Global Development Conference Oxford: Centre for Research on Inequality, Human Security and Ethnicity.; The Commission for Africa. 2005. The Need for Peace and Security: Report of the Commission.; UN. 2004a. "E/CN.4/2004/15 - 60th Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of right of the peoples to self-determination." p.viii.

[18] See, for example: Lock, Peter. 1999. "Africa, Military Downsizing and the Growth in the Security Industry." In Peace, Profit or Plunder? The Privatisation of Security in War-torn African Societies, eds. Jakkie Cilliers and Peggy Mason. Pretoria: Institute for International Studies. p.22.; UN. 2003a. "E/CN.4/2003/16 - 59th Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur 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."; de Waal, Alexander. 1996. "Contemporary Warfare in Africa." IDS Bulletin 27(3). p.7.; Desch, Michael. 1996. "War and State Strength." International Organization 50(2):237-268.

[19] UN. 2003a. "E/CN.4/2003/16 - 59th Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur 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."

as demonstrated by the precipitous spread of mutiny through Tanganyika, Uganda and Kenya in 1964.[20]

Thus, loyalty of security forces to the ruling regime was to take precedence over their effectiveness as national armies.[21] African rulers turned instead, for their own security, to specially formed army and police units. These were better equipped, better paid, and invariably picked from members of the ruler's ethnic group, the archetypal example being the Zairean army,[22] described as being under the patronage, rather than the command, of President Mobutu Sese Seko.[23] Many of these forces were, however, limited in size, and narrowly specialized in roles centered on 'presidential' protection, and on the monitoring, investigation and suppression of subversive groups and individuals regarded as a threat to the ruling elite. In effect, they operated like private militias,[24] and were neither conceived, nor able, to deal with security on a wider basis, let alone at national level.[25] This is borne out strongly in Arie Kacowicz's research, which comes to the convincing and interesting argument that the inability of African armies to carry out operations at national level was the most significant factor in the relative absence of interstate wars in sub-Saharan Africa.[26]

A question that arises regarding the militaries of many African states – and it is relevant to this thesis' analysis of PMCs operating within these states – is the extent to which they are under state control, and in accord with national and social needs and values. Armies that are unable to exert control are ineffective in fulfilling these needs, and are

---

[20] See 3.9.

[21] International Alert. 1999. "The Privatisation of Security: Framing a Conflict Prevention and Peacebuilding Policy Agenda." In Wilton Park Conference, 19-21 November.

[22] Meditz, Sarah and Timothy Merill eds. 1994. Zaire: A Country Study. Washington DC: Federal Library of Congress. Ch.5.

[23] Cilliers, Jakkie. 1998. "Private security in war-torn African states." In Peace, Profit or Plunder: The Privatisation of Security in War-torn African Societies, eds. Jakkie Cilliers and Peggy Mason. Pretoria: Institute for Security Studies. p.5.

[24] International Alert. 1999. "The Privatisation of Security: Framing a Conflict Prevention and Peacebuilding Policy Agenda." In Wilton Park Conference, 19-21 November.

[25] Lock, op. cit., p.15.

[26] Kacowicz, Arie. 1997. "Negative International Peace and Domestic Conflicts: West Africa 1957-96." Journal of Modern African Studies 35(3):367-385.

primary contributors to instability.[27] But they are a preferable option – for African governments as well as for proponents of the Washington consensus approach – to effective armies that abuse their power over elements of the population, and become potential instruments of precipitous, non-democratic political change. In the relatively stable interstate climate that predominates throughout most of African continent, large armies, formed around the purpose of national defence, are without a role. Paul Klein's comment, *"Armies sit around playing cards and plotting coups"*,[28] is more a truism than his dry observation suggests. Where relations between the government and its military commanders deteriorates to a point where there is dissatisfaction in the armed forces, the situation most often culminates in a coup d'état.[29]

Kenneth Grundy's formula for control of the state: *"a military formed of one's own citizens, loyal to the state, with an interest in national unity and in keeping the current government in power"*[30] becomes weakened when the spoils of power become too diluted to secure the continued loyalty of all of the armed forces, and notably so in those states where the politics of ethnic division are manifest. As highlighted in Chapter 3, the exclusion of elements of the population by the state is a feature of many African states, as is the 'opting out' of involvement with the state by many ethnic groups. William Reno regards this element of politics in African states as one of the main drivers of conflict.[31]

Most pertinent to the subject of this thesis is that the situation resulting from weak national armies is invariably one where the military forces of the state lack the ability to deal effectively with anti-government forces pitted against them. With the state unable to gain the upper hand through the use of its military forces, and lacking tangible external support from the international community, the use of PMCs is a logical progression towards tilting the balance of power. Indeed, the conditions placed on states receiving assistance through the IMF and World Banks' structural adjustment

[27] Kaldor, op. cit., p.92.

[28] UN, News Centre. 2003c. "Press Briefing by Jacques Klein, US Special Representative in Liberia, 5 November 2003. From UN webcast archive: http//www.un.org/webcast/PB2003a.htm."

[29] Desch, op. cit.

[30] Grundy, Kenneth. 1968. "On Machiavelli and the Mercenaries." Journal of Modern African Studies 6(3):295-310.

[31] Reno, William. 1998a. Warlord Politics and African States. Boulder: Lynne Rienner. p.10.

programmes have weakened their military capabilities.[32] While it is generally accepted that state actors, justified by their legitimate right to defend the state, are most likely to resort to the use of PMCs, we must keep in mind that non-state actors with the necessary financial wherewithal could also turn to PMCs to augment their warfighting capacity, assuming that there were PMCs willing to act for factions not recognized as legitimate in the eyes of the international community. This point is particularly relevant to discussions in this chapter as to definitions, legitimacy and the potential impact of PMCs on the wider security situation.

4.4 The Dynamics of Violence

The economic stakes and corresponding rewards – and the opportunities to capitalize on them – gave ample incentive for the pursuit of power in post-Cold War Africa. In the absence of working mechanisms of democracy in most African states as a medium for this pursuit, it was to take place through what had become the virtually traditional manner in Africa – the use of force, if not with the aim of a full-scale coup d'etat,[33] then to establish power over a given area. With the availability of the means to pursue this agenda, and the weakening of the state's means to combat it, this was to become a familiar feature of many post-Cold War African states.

The currency sought by those in the pursuit of power to fund their activities is that of high-value natural resources in areas over which they can gain control. The capacity to wage war against government forces, and to dominate vast areas within the territory of a state, increases dramatically for those factions able to effect control over areas endowed with these resources; more so when extractive facilities form part of the spoils. But even in the pursuit of these commodities, and even when unsuccessful, the quest for them is invariably accompanied by lower-level means of funding for these factions and their fighting units – destructive, destabilizing activities that include looting, plundering, the illegal trade of arms and drugs, the products of poaching and the theft of any readily available, saleable resource.

---

[32] Sellars, Kirsten. 1997. "Old dogs of war learn new tricks." In New Statesman.

[33] In terms of violence at state level, there have since 2000 (excluding the thwarted coup attempt in Equatorial Guinea) been ten attempted coups d'etat in Africa, of which four have succeeded in ousting the ruling regime.

The violence accompanying these activities results in relentless pressure on governments, through loss of revenue, authority, legitimacy, and the capacity to control or to respond effectively to growing disorder. These are classic characteristics of a failing state, central to which is fragmentation of the instruments of physical coercion.[34] Ethnic dimensions of this conflict – such that they are, in effect, sub-national civil wars – take this violence to even higher levels, involving mass killings, torture and amputations, the use of child-soldiers, ethnic cleansing, human trafficking, and mass refugee movements, all of which further reduce the elemental stability of the state, reversing its development, and bringing inconceivable suffering and misery to its people. In response to violence against their peoples, some ethnic groups form civil militias. While regarded as a threat to the state's monopoly of the use of force,[35] these militias are limited in capacity, with a few exceptions. The Kamajors, for example, a combination of civil militias from Eastern Sierra Leone, were trained by the PMC Executive Outcomes to assist in fighting rebel forces, and subsequently used by the Economic Community of West African States Monitoring Group (ECOMOG) to fight against the Revolutionary United Front (RUF).[36] The greatest perceived threat from civil militias in African states is their use to occupy and dominate areas rich in natural resources, thereby denying income streams to the state. Protection against this contingency is an area in which PMCs have become widely involved in African states, being contracted to safeguard the assets and employees of corporations extracting such resources.

4.5 PMCs and Corporations

Where a state is unable to deal with factions whose aims are to capitalize on natural resources in parts of its territory, then those extracting the resources – predominantly overseas contractors and multi-national corporations (MNCs) – are left to consolidate and upgrade arrangements for the security and protection of their own facilities. In this respect, much of the narrative on PMCs hinges around the relationship between these organizations and the companies to which they provide their services. The upsurge in

[34] Kaldor, op. cit., p.92.

[35] During the era of superpower patronage, some civil militias were formed as auxiliaries to state armies and received limited amounts of equipment and training. The post-Cold War weakening of security structures and exclusion of ethnic groups generated civil militias whose existence was based on protection of their communities from government forces, or in some cases on challenging the state's monopoly of the use of force. See: Francis, David. 2005. Civil Militia: Africa's Intractable Security Menace. Aldershot: Ashgate. pp.15-16.

[36] The training and deployment of the Kamajors is covered in depth in Chapter 6 of this thesis.

PMC activity linked to the activities of international companies is indicative of the value, in global market terms, of the commodities in which these companies deal, and reflects the enormity of their importance to African states.

Where a state's economic assets are threatened, the aim of a government is to defeat the threat and maintain its grip on economic and political power; the aim of an MNC involved in the extraction of those same assets is to protect its financial interests. From a less skeptical viewpoint, these aims equate to the common interest of promoting stability, an aim shared by foreign governments seeking stable countries and economies,[37] and by the international community as a whole. The use of PMCs as a means of promoting this stability, whether in the provision of an effective security deterrent, or to regain control of areas taken over by insurgents where the former provision was either absent or has failed, is the subject of acrimonious debate. Central to this debate are the economic aspects of the equation. The benefits that rulers gain from revenue streams provided by MNCs are free from the political intricacies involved in the collection of revenues from local actors, and bypass networks that complicate and deplete revenue sources that are local in nature. This gives rise to three major areas of concern. The first is that, while African states with natural resources benefit from revenues derived from their extraction and export, little of this benefit is passed on to members of the populations of those states.[38] The second concern is that unrest, resulting from the exclusion of local actors and the local populace, fuels conflict, the end result being that much of the revenue derived from MNCs is likely to be spent on arms.[39] Pursuant to this – and the third concern – is that the presence of MNCs, and the financial benefits derived therefrom, provide support – and the associated diplomatic backing that invariably accompanies overseas investment – to host states, regardless of their legitimacy in the eyes of the state's citizens.[40, 41] Thus, in some states, lesser importance

[37] Reno, William. 1999. "Private Security Companies and Multinational Corporations." In International Alert Conference, November 19-21. Wilton Park.

[38] Solheim, Eric. 2006. "African Security, Commodities and Development." RUSI Whitehall Report 4-06:22-27.

[39] Reno, op. cit.

[40] Reno, William. 1999. "Private Security Companies and Multinational Corporations." In International Alert Conference, November 19-21. Wilton Park.

[41] This is outlined by Eric Solheim, in his consideration of oil-derived revenues and their benefits to governments lacking in transparency and accountability, in:Solheim, Eric. 2006. "African Security, Commodities and Development." RUSI Whitehall Report 4-06:22-27.

is placed – by foreign investors, governments, and MNCs – on democracy than on stability, and little concern is exhibited as to how stability is maintained.

Given that government accountability and reciprocity between the state and the citizen are essential to the development of strong states, serious consideration must be given as to whether the current state of relations between governments and MNCs strengthen or weaken the state in the longer term. As much of the work carried out by PMCs in African states hinges around the dual needs of the security of MNCs and the protection of state resources, the question arises as to whether PMCs are a solution to the problem of security in weak African states, or whether they are a contributor to the hollowing out of such states.

In the bulk of the literature on PMCs, analysis of this issue focuses on two case studies involving the operations of two closely related companies, Executive Outcomes (EO) in Angola and Sierra Leone, and Sandline International, also in Sierra Leone. Significantly, these cases – in the context of Africa as a model in terms of the privatization of security – are regarded as paradigmatic in the wider study of PMCs.[42] Most of the discourses on the first of these cases –[43] that of the activities of EO in Angola – have, as their focus, EO's commercial ties,[44] and the much-contested allegation, that part of the payment for its services was in the form of mining concessions to Heritage Oil and Gas.[45] Similarly, in the case of Sierra Leone, whose government – prompted by EO's success in Angola – procured their services to tip the balance in its failing campaign against the Revolutionary United Front (RUF), the focus in the bulk of

[42] Abrahamson, Rita. 2007. "The Privatization and Globalization of Security in Africa." International Relations 21(2):131-141.

[43] The cases of Executive Outcomes and Sandline International in Angola and Sierra Leone are fully analyzed, to the extent that relate to the purpose of this thesis, in a later chapter.

[44] EO was commercially linked to the Branch Group, a British multinational holding company, with interests in mining, minerals and energy. The Branch Group, in turn, was linked, through another holding company, the Plaza Group, to other companies with stakes in Angola – DiamondWorks and Heritage Oil. See: Howe, Herbert. 1998. "Private security forces and African Stability: the case of Executive Outcomes." Journal of Modern African Studies 36(2):307-331.

[45] Heritage Oil and Gas was one of the companies in the holding group that had first introduced EO to Angola's MPLA government. See: Vines, Alex. 1999. "Mercenaries and the Privatization of Force in Africa." In The Privatization of Security in Africa, eds. Greg Mills and John Stremlau. Johannesburg: South African Institute of International Affairs. p.53.

literature on the subject is whether concessions formed part of the payment,[46] and the implications of this with regard to wider agendas of PMCs, and of the actors contracting them. Little space is given to the fact that in both cases, EO's intervention was instrumental in bringing an end to conflict, in putting in place conditions that allowed for ceasefires to be negotiated, and, in the latter case, in stabilizing the situation such that elections could be held. Their success, and the fact that human rights abuses fell demonstrably after their deployment to Sierra Leone in 1995 – from some 5,000 cases to less than 2,000 in 1996 –[47] features less than postulation as to the implications of the financing of these operations, despite the direness of the situation, and the lack of alternatives available to the government.[48] Similarly, Sandline International's involvement in Sierra Leone – sought by President Ahmed Kabbah following coup, intervention by ECOMOG, and counter-coup – to regain Freetown, are analysed against of their links to the private mining sector.[49] The level of Sandline's influence in the conflict is arguable, as there is no doubt that its arms were seized by ECOMOG on their arrival in Sierra Leone.[50]

In neither of these cases is there sufficient discussion of the crucial needs of the governments concerned, in terms both of security, and of the revenues provided by the mining companies whose association with PMCs was inextricably linked to their own security needs in the first instance. It is clear, therefore, that central to discourses on PMCs is the relationship between commercial companies and the organizations they employ for protection of their assets, and the wider implication of the use of these organizations on the internal politics of states. While it would seem that there is a pattern in these 'paradigmatic' examples of PMC activity, analysis of the bulk of non-

[46] The Sierra-Leonean government's inability to pay the demanded $2 million per month resulted in agreement that payment would be in the form of 50% of tax revenues from the Sierra Rutile mine once it was re-opened. See: Avant, Deborah. 2005. The Market for Force: The Consequences of Privatizing Security. Cambridge: Cambridge University Press. p.86.

[47] Sierra Leone Truth and Reconciliation Commission. 2004. "Statistical Appendix - Sierra Leone TRC Report." p.10.

[48] EO's operations in Sierra Leone commenced in May 1995; elections were held in March 1996.

[49] In this case, the Jupiter Mining Company agreed to underwrite the costs of employing Sandline International in return for concessions once Kabbah's government had been restored.

[50] It is also alleged that the weapons purchased by Sandline International arrived at Lungi Airport after the rebels had been defeated. See: Jonah, James - Finance Minister of Sierra Leone 1998-2001. 2007. "From Mercenaries to Market: The Rise and Regulation of Private Military Companies." eds. Simon Chesterman and Chia Lehnardt. Oxford: Oxford University Press. p.viii., and Avant, Deborah. 2005. The Market for Force: The Consequences of Privatizing Security. Cambridge: Cambridge University Press. p.94.

combat PMCs – those providing security, logistics, training, intelligence and other support to weak African states – is lacking. The use of inductive logic, based on this very limited number of cases,[51] should not therefore be accepted without extensive analysis against the wider background of PMC activity in Africa. Such analysis will be carried out in Chapters 9 and 10 of this thesis.

4.6 The problem of definition

A problem evident in the debate on PMCs is the lack of definitional clarity that applies to these organizations. The term 'mercenary' – which is clearly defined under International Humanitarian Law –[52] is applied loosely to PMCs, but the question arises as to whether this definition, and the broad basis on which it is applied, is correct, or at least justifiable. No universally accepted definition exists for PMCs; there is no convention or international law that deals specifically with them, and there are few states or regional organizations that feature them in their articles and legislations. This has the effect of limiting both the empirical focus and theoretical analysis of debate on PMCs. Empirically, the debate on PMCs is still predominantly centered on international conventions drawn up in a climate of unconstrained mercenary activity in Africa some 45 years ago.[53] Elements of debate that address the activities of PMCs in African states in the 1990s fail to address pervasive developments in the security situation globally, as well as that in Africa, resulting in neglect of the implications of wider political and economic transformations that colour these developments.[54]

4.7 The mercenary question

The early conventions against mercenarism – Article 47 of Protocol 1 to the Geneva Conventions, and the OAU Convention for the Elimination of Mercenarism in Africa

[51] This limited number of case studies would hold little credibility against the prerequisites of inductive logic as propounded by eminent theorists on the subject, notably those of Karl Popper. See: Popper, Karl. 1959. The Logic of Scientific Discovery. London: Hutchinson/Routledge. pp.27-31

[52] The term 'mercenary' is defined in Article 47, paragraph 2 of Additional Protocol 1 to the Geneva Conventions.

[53] See 4.7 below.

[54] Abrahamson, op. cit.

(CEMA) –[55] were primarily a response to mercenary activity in Africa in the 1960s and 1970s, notably in the Congo from 1960 to 1966, Nigeria from 1967 to 1970, and Angola from 1975 to 1976.[56] These early mercenary operations were a manifestation of opposition to decolonization, and labeled the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.[57] Guy Arnold highlights the contempt held towards mercenaries in Africa in the late 1970s, by which time they had become *"familiar and generally despised figures in Africa."*,[58] and summarizes the negative effect they had on the government and non-government actors employing them, on the populations of countries in which they operated, and on the general security situation:

> *"Mercenaries in Africa… have done great damage… with one or two exceptions the combatants would have been better off without using them."*[59]

The abhorrence of mercenaries and their activities at the time is reflected in Arnold's typecasting of them as *"little better than killer psychopaths"*,[60] although whether this is an apt description or an unfair generalization is a well-argued discourse. It can be argued that the title *"… the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination"* is too narrow in that it fails to consider mercenary activity that may *not* violate human rights or impede self-determination – nor activity that might contribute positively to either. But Arnold's sentiments are, without doubt, an accurate reflection as to feelings, in the political time and space of Africa in the 1960s and 1970s, towards mercenaries, both from within

[55] 'CEMA' is the term by which the convention is commonly known. This 1977 convention was the culmination of several prior OAU declarations; of particular relevance, and reflective of the zeitgeist are: OAU Resolution on the Activities of Mercenaries, AHG/Res.49 (IV), 1967 and OAU Convention for the Elimination of Mercenaries in Africa, OAU Doc.CM/433/Rev. L. Annex I, 1972.

[56] Other areas of intense Mercenary activity in the 1970s were Benin and Guinea; mercenaries also backed a successful coup d'etat in Comoros in 1978 and an unsuccessful one in the Seychelles in 1981.

[57] Reports of the UN Commission on Human Rights relating to mercenaries still retain the title: *"Report of the Special Rapporteur 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"*

[58] Arnold, Guy. 1999. Mercenaries: The Scourge of the Third World. London: Macmillan. p.164.

[59] Ibid.

[60] Ibid. p.168

Africa and from the wider international community.

Consideration of situations as they may have occurred, had mercenaries not been involved, is near impossible, and notwithstanding the perceived morality of their activities, mercenaries did, in many cases, contribute significantly to the causes of the combatants for whom they fought. In most analyses, the capabilities and effects of mercenaries employed in conflict is not separated from the negative aspects of their impact on aspects of internal sovereignty. The view that the combatants – regardless of perceptions as to the validity of their cause – would have been better off without their mercenary collaborators, other than in *'one or two exceptions',*[61] is not reflected in the results they achieved in many cases,[62] both in the use of mercenaries to train and enhance the capabilities of their armies, and in combat action. Nor is it a view that encompassed the sentiments of many who benefited from their presence. Moise Tshombe and the mining companies in Katanga in the early 1960s would not have been able to protect their selfish interests over a protracted period without the mercenary assistance brought in to train and assist Tshombe's small army. Similarly, in the early stages of Tshombe's subsequent return to the Congo in 1964, operations carried out by mercenaries limited the actions of Simba rebels, seizing areas and re-opening roads that had been under rebel control. These early mercenary operations enabled commerce to continue in several areas, released hundreds of hostages, and brought a semblance of stability and normality to areas of war-torn Congo, even gaining the mercenaries praise from the media of the time.[63]

While mercenaries were successful in proving their ability as a stabilizing force in limited areas, Arnold's emphasis on their inability to affect the long term situation is an accurate reflection of the prevailing situation. No mercenary force was able to make any substantial difference to the destabilization brought about by continuing revolutions and counter-revolutions, coups d'etat and counter-coups, or to the accompanying atrocities and havoc wrought by unremitting conflict. In failing to affect positively the overall situation in which they were embroiled, mercenaries were seen as prime agents in

[61] Ibid. p.164

[62] Lanning, Michael. 2005. Mercenaries. New York: Random House. p.159

[63] Ibid. pp.158-162

contributing to this continuing havoc.

Arnold's *"killer psychopath"* description, and much of the ensuing condemnation of mercenaries from the West, stemmed primarily from evidence provided by a mercenary officer returning from the Congo in 1965, of atrocities carried out by a group of his mercenaries on their prisoners.[64] The story, published in the British press,[65] tilted public and international opinion. Much of the press, until then, had been roundly criticized for its failure to condemn mercenary activity, which had in some cases been represented as part of a process of restoring order in lawless post-colonial African states. Other accounts put the blame for most atrocities on the Congolese Army and Katangan gendarmes – the latter having been recalled from exile in Angola and subsequently reintegrated into the Congolese armed forces – both of which, on the back of military operations led and carried out by mercenaries, were responsible for wreaking widespread terror and slaughter on members of the Congolese population.[66]

Derek 'Brummie' Barker, a mercenary in Northern Angola in the mid-1970s, and an advocate of many mercenary actions as having saved innocent civilians from murderous persecution, voiced the views of many 'indignant' mercenaries returning from the Congo, insisting that they were focused on the job in hand and took no part in aggression against the civilian population, nor in unnecessary acts of violence or torture.[67] Barker maintained that mercenaries in the Congo and elsewhere were judged, after August 1965, on the basis of atrocities carried out by a small number of 'renegades', comparing it later to the way the British Army's handling of crowd protests in Northern Ireland – having been lauded by governments and police forces worldwide – was judged subsequently on the basis of one action, by members of his own former regiment in 1972.[68] Barker's choice of comparison is relevant when it comes to considering commonalities and distinctions between mercenaries and PMCs, insofar as there was no central entity that could be held responsible for the actions of the group of mercenaries

[64] Arnold, op. cit., p.91.

[65] Arnold, Guy. 2005. Africa: A Modern History. London: Atlantic.

[66] Ibid. p.88.

[67] John Barker was sentenced to death in Luanda for his role as a mercenary leader in Northern Angola in 1976, and was executed by firing squad on 10th July of the same year.

[68] It was members of Barker's former British Army regiment, 1st Battalion The Parachute Regiment, who shot and killed 13 people on 30th January 1972, in the incident that became known as 'Bloody Sunday'.

involved in the atrocities, whereas PMCs, being legal corporate entities, are accountable for the actions of their employees, just as the British Army, as an entity, was accountable for the actions of its soldiers on 'Bloody Sunday'.

The nature of mercenaries and mercenary operations forms one of the major objections to PMCs, vis-à-vis accountability for actions of their personnel, but in respect of accountability, there are significant differences between PMCs and mercenaries. The former are registered business entities; this is a necessity for them to attract a share of the lucrative market in which they operate. They are, as a result, answerable to their own government, and to their contractor, which could also be their government, or that of another state, or a private entity; usually a corporation in the latter case. All three of these 'contractors' are accountable in their own right, and the concept of employing mercenaries as policy proxies, with the risks this would expose them to, is hardly conceivable. PMCs have clear corporate hierarchies and areas of responsibility; their corporate nature sits them within the public domain, affording scrutiny, and keeping these organizations outside the definitions laid down in the 1989 International Convention,[69] as to what constitutes mercenaries and mercenary activity. They, and their employees, are also accountable under the laws of the countries in which they operate. Yet, perceptions that PMCs and mercenaries are one and the same persist, and the definitions in the anti-mercenary conventions of the 1970s and 1980s are still regarded as the legal bases for defining PMCs.

4.8 The anti-mercenary conventions

The definitions laid down in the anti-mercenary conventions date back to the 1970s, when the involvement of mercenaries in conflict in Africa had brought most African governments together with one voice, with international backing, as to the need for action to counter their influence on the continent.[70] The conventions related to mercenary activity were eventually drafted in 1977, in the form of Article 47 of Additional Protocol 1 to the Geneva Conventions, and, supplementary to the provisions of that UN protocol, The OAU Convention for the Elimination of Mercenarism in

[69] UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

[70] Francis, David. 1999. "Mercenary Intervention in Sierra Leone: Providing National Security or International Exploitation." Third World Quarterly 20(2):319-338.

Africa. Article 47 was eventually supplemented by the 1989 International Convention,[71] which covered *"Recruitment, Use, Financing and Training"* of mercenaries,[72] but Additional Protocol 1 remains the authoritative document in dealing with combatants in international humanitarian law. Central to the Protocol is that, while Articles 44 to 46 detail the humanitarian norms to be observed in armed conflict by *all* combatants, they make no exceptions based on the nature or validity of a combatant's cause, or on the behavior of combatants. Even those who have violated the norms of Additional Protocol 1, such that they are in breach of international humanitarian law, have the right to remain combatants or prisoners of war, provided they are not mercenaries. Thus, the rights of combatants are protected regardless of the nature of any atrocity they might commit. Insofar as there is no *a priori* reason to assume that the behavior of a mercenary will differ from that of other participants in conflict, the first paragraph of Article 47 *"A mercenary shall not have the right to be a combatant or prisoner of war"* indicates the strength of feeling held against mercenaries and mercenary activity, and the seriousness of the problem perceived by the OAU and the UN in the 1970s.

4.9 Mercenaries defined

Paragraph 1 of Article 47 – as mentioned above – which essentially outlaws mercenaries, is subject to their falling clearly into the definition outlined at Paragraph 2 of the same Article, which defines a mercenary as '*any person who...'*:

> *(a) is specially recruited locally or abroad in order to fight in an armed conflict:*
> *(b) does, in fact, take a direct part in the hostilities;*[73]
> *(c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions*

[71] UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

[72] The International Convention, adopted for ratification on 4th December 1989, was not fully ratified for some 12 years, entering into force on 20th October 2001

[73] Part (b) of Paragraph 2 is omitted in the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

in the armed forces of that Party;

(d) is neither a national of a Party to the conflict nor a resident of the territory controlled by a Party to the conflict;

(e) is not a member of the armed forces of a Party to the conflict; and

(f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.[74]

While the requirements of paragraph 2 of the Article seem clear as to what defines a mercenary, there are differing opinions as to the effectiveness and the applicability of the definition under law. The phrase *"any person who…"* immediately limits the definition to individuals. It cannot therefore be applied to those organizing and perpetrating mercenary activity but not taking part. But even applied to individuals, there are severe limitations within the conventions. Françoise Hampson, an independent expert member of the UN Sub-Commission on the Promotion and Protection of Human Rights from 1998 to 2007, describes it as: *"so framed as to ensure that no one but the most foolish or unlucky will come within it."*[75] Professor Geoffrey Best's conclusion – that should any person be convicted of an offence under the Convention, both he and his lawyer should be shot –[76] gives some idea as to how it has come to be regarded as ineffectual, and relating to a time and space in global politics that is no longer germane. It is easy to see how elements of the definition cannot but prove problematic under the law. Part *(c)* of the definition in particular – which requires that the party concerned is motivated to take part for private gain – is subjective; as Ingrid Detter points out, *"only those who… join forces for 'personal gain' are held to be mercenaries. But who will decide what motivates a man?"*[77] Detter considers this part of the Article a 'double-edged sword', insofar as there is a danger that:

> *"...parties to a conflict will assume that a soldier is motivated… by personal gain, when he is not, and therefore exempt an entitled*

[74] Paragraph 2 of Article 47 of Additional Protocol 1 to the Geneva Conventions, 1977.

[75] Cited in: International Alert. 1999. "The Privatisation of Security: Framing a Conflict Prevention and Peacebuilding Policy Agenda." In Wilton Park Conference, 19-21 November.

[76] Prof. Geoffrey Best, quoted in Shearer, David. 1998. "Private Armies and Military Intervention." Adelphi Papers 316, Oxford University Press for International Institute for Strategic Studies: London. p.18

[77] Detter, Ingrid. 2000. The Law of War. Cambridge: Cambridge University Press. p.147.

person for due protection under the Protocol."[78]

It is not inconceivable that some mercenaries may believe in, or might even take up, the causes for which they fight, nor that some soldiers are in their national armies for financial reward, rather than motivated by a national cause – particularly where that cause leads them to fight in conflicts or countries not directly connected with their own. The number of non-national fighters in today's conflicts driven by religious belief is a clear example of the former. Another example is to be found in the Rhodesian Army under the Smith government in the 1960s, at least 20% of which was made up of volunteers from Europe and the USA.[79,80] Burchett and Roebuck talk of foreigners in the Rhodesian Army, particularly those from the USA, considering it their duty to fight in Rhodesia, evidently motivated by ideology rather than financial gain: *"After Vietnam and Angola we can't afford to lose any other countries."*[81]

In Britain and France, were it not for their respective declarations of allegiance, Britain's Gurkha regiments and France's Foreign Legion would fall clearly within the definition of mercenaries under Article 47. Also, it has long been recognized that conscript armies comprise a proportion of soldiers not aligned with their national cause. An example of this in Africa was the level of protest against South African Defence Force (SADF) involvement in the Angolan War, resulting in the setting up of the Committee on South African War Resistance (COSAWR) and the desertion, by many conscripted SADF troops, after being called upon to do so by the African National Congress (ANC). Many of these deserters joined the ANC, in a clear demonstration that conscripted soldiers were not aligned with the national cause of the state to whom they had declared allegiance.

It is also argued that many UN peacekeeping troops, who are paid

---

[78] Ibid. p.148.

[79] Burchett, Wilfred and Derek Roebuck. 1977. The Whores of War: Mercenaries Today. London: Penguin. p.139. Michael Lanning estimates the number of overseas volunteers to have been more in the region of 2,000 (almost a third of the army's strength). See: Lanning, Michael. 2005. Mercenaries. New York: Random House. p.166.

[80] They were considered volunteers rather than mercenaries because they were paid only the same as Rhodesian troops.

[81] Burchett and Roebuck, op. cit., p.139.

> *"substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces [of the country to which they are deployed]"*[82]

are motivated by financial reward, and accusations as to United Nations troops being a force akin to mercenaries are common. The UN envoy to Sudan, in 2006, was faced with accusations of the UN being an agent of *"recolonisation, imperialism [and] conspiracy."*[83] Defining mercenaries to the exclusion of these anomalies is a difficult task, and the definition in place, some 30 years on, continues to be challenged.

One of the difficulties faced by the OAU and UN committees charged with defining mercenaries, was the need to ensure that those involved at the fringes of conflict, such as aid workers and volunteers – evidently not motivated by personal gain – were excluded from the definition. This gap in part *(c)* was specifically constructed to differentiate between these workers and mercenaries,[84] but questions arise as to the status of those who provide security for these workers, and for IGOs, NGOs and other organizations providing such services in areas of great need. Every multi-lateral UN peace operation since 1990 has included the use of organizations described as PMCs or PSCs;[85,86] that these organizations are not staffed entirely by philanthropists must be a reasonable assumption. While this may be a moot point insofar as it applies only to part *(c)* of the Article *("motivated… by the desire for private gain"),* the changing nature of the security situation in African states – and of the response to that situation – poses problems for those attempting to define PMCs within the framework drawn up in the circumstances that prevailed in the 1960s and 1970s. Both Conventions are centered on, and highlight, two main features of mercenaries; that they are foreign, and that they are

[82] Part (c) of Paragraph 2 of Article 47 of CEMA.

[83] The Economist, March. 2006. "'The Danger of War Spilling Over'." *Jan Pronk, UN envoy to Sudan, on the view of the Sudanese government as to involvement of the UN as a "prelude to a western takeover."*

[84] Taulbee, James. 2000. "Mercenaries, Private Armies and Security Companies in Contemporary Policy." International Politics 37:433-456.

[85] Avant, op. cit., p.7.

[86] The differentiation between PSCs and PMCs is discussed in the following section of this chapter.

motivated by profit.[87]

> *"The emergence of large numbers of private companies… has complicated matters for those who believe that any vestige of 'mercenarism', defined as paid foreign help providing security, must be eliminated from contemporary international politics."*[88]

Taulbee acknowledges that, with changing demands in security, there is an effort to define these private companies and their activities.[89] But is it the companies, or is it the nature of the services they offer, that should dictate these definitions? There are three main problems. Firstly, there is a thin dividing line between the nature of the activities that differentiate them, and a high probability, in many cases, of crossover between their activities; for example, an armed security guard using a weapon to protect an installation from attack by anti-government forces could feasibly be regarded as taking *"a direct part in the hostilities"*,[90] a shift from the more accepted service of security provision, to one involving military action. Secondly, and important to the debate over definition of these groups, both are often part of the same corporate organization. Thirdly, there is a difficulty in moving away from the general 'pigeonholing' of companies involved in the security and military sectors into the classification 'mercenary'. This 'mercenary' label, so often applied in discussion on these organizations, derives from a political time and space in stark contrast with the situation currently prevailing, a situation *"...distinctly representative of the changed global security and business environments at the start of the twenty-first century."*[91]

Essentially, the definition of mercenaries coined in Article 47 has been overtaken by the needs of a transformed security environment, and the definitions in the conventions fail

---

[87] Percy, Sarah. 2007b. "Morality and regulation." In From Mercenaries to Market: The Rise and Regulation of Private Military Companies, eds. Simon Chesterman and Chia Lehnardt. Oxford: Oxford University Press. p.12

[88] Taulbee, James. 2000. "Mercenaries, Private Armies and Security Companies in Contemporary Policy." International Politics 37:433-456.

[89] Ibid.

[90] Part (b) of Paragraph 2 of Article 47 of CEMA.

[91] Singer, Peter W. 2003. Corporate Warriors: The Rise of the Privatized Military Industry. London: Cornell University Press. p.49.

when applied to the nature of services provided by PMCs. The definitions drawn up by the OAU and UN were aimed at eliminating mercenarism insofar as it offered support to secessionist movements, bolstered resistance to self-determination (much of which was seen as colonial resistance), and was a major contributor to instability.[92] Mercenaries of the time were able to take advantage of opportunities thrown up by the demise of colonialism, the end of the Cold War, and international observance of the sanctity of internal sovereignty and self-determination.[93] But the situation – and the market – has changed; the International Convention,[94] now, is seen typically as *"at best, a curiosity".*[95]

Evident from the literature surrounding the subjects of mercenaries and PMCs is that the continued use of examples, terminology and narrative from the era of mercenary involvement in Africa in the 1960s and 1970s – such as those used in the otherwise balanced works of Musah & Fayemi,[96] and of Guy Arnold – [97] does not adequately encompass the nature of contemporary events in the field of private companies in the military/security environment in Africa. While the annual report of the UN Special Rapporteur highlights continued concerns as to the effects of *"...mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self determination,"*[98] many operations carried out by PMCs are in direct support of NGOs, humanitarian organizations, and indeed the UN, whose activities are aimed at protecting peoples within state boundaries – or having fled those boundaries as refugees – whose rights to self determination are threatened in many cases by the very state in which they live.

The continued application of the label 'mercenary' to PMCs has had the effect of

[92] Thomas, Gerry. 1984. Mercenary Troops in Modern Africa. Boulder: Westview. pp.35-45

[93] McIntyre, Angela and Taya Weiss. 2007b. "Weak Governments in Search of Strength." In From Mercenaries to Market: The Rise and Regulation of Private Military Companies, eds. Simon Chesterman and Chia Lehnardt. Oxford: Oxford University Press. p.68.

[94] UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

[95] Chesterman, Simon and Chia Lehnardt eds. 2007. From Mercenaries to Market. Oxford: Oxford University Press. p.251

[96] Musah, Abdel-Fatau and J. 'Kayode Fayemi eds. 2000. Mercenaries: An African Security Dilemma. London: Pluto Press.

[97] Arnold, op. cit.

[98] International Alert. 1997. The Mercenary Issue at the UN Commission on Human Rights: The Need for a New Approach.

clouding, rather than clearing, the issue. How then, if we are to analyse these organizations and their activities in Africa, and in the wider scheme of global politics, can we define them?

4.10 Defining PMCs

In light of the difficulties that arise in differentiating the activities of PSCs and PMCs, and the interconnectedness of many of these organizations, defining them is not – as would seem to be the overarching tendency in most discussion on the subject – as relevant as defining the task they carry out. Both, however, must be considered against the backdrop of the prevailing political and security situations, in the wider global spectrum as well as within Africa. Singer once again frames the problem succinctly:

> *"... firms that participate in the military industry neither look alike nor do they even serve the same markets... a true problem for understanding the overall military industry."*[99]

Alex Vines, in Musah and Fayemi's work on the subject,[100] attempts to differentiate PMCs from PSCs in that the former:

> *"... represent a major challenge to the state's traditional monopoly of armed violence. Consequently they are often portrayed by commentators as occupying the illicit end of the scale."*[101]

Mark Duffield concurs, seeing PMCs as *"a major challenge to the state's traditional monopoly of violence."*[102] Both authors recognize that PSCs' operations overlap into service territory regarded as the domain of PMCs – amplifying the argument that defining the task is of greater importance than defining the organization. Sarah Percy

---

[99] Singer, Peter W. 2003. Corporate Warriors: The Rise of the Privatized Military Industry. London: Cornell University Press. p.88.

[100] Musah and Fayemi, op. cit.

[101] Vines, Alex. 2000. "Mercenaries, Human Rights and Legality." In Mercenaries: An African Security Dilemma, eds. Abdel-Fatau Musah and J. Kayode Fayemi. London: Pluto Press.

[102] Duffield, Mark. 2001. Global Governance and the New Wars. London: Z Books. p.65

places both types of organization under the title PMC, but differentiates between 'Combat PMCs' and Non-combat PMCs' (the latter to which Percy refers, in the first instance, as 'Security PMCs').[103] Organizations considering the services they offer as being more in the security than the military sphere might baulk at being conferred the title Private *Military* Company, but Percy points out that the range of services offered by these companies, while stopping short of actual combat, encompasses a wide range of military-orientated tasks. One could argue that the activities of an army at war are the activities of war-fighting, so companies that take on tasks such as the training of fighting troops and the logistics of materiel cannot credibly claim that they are devolved completely from combat operations. In addition, the line between combat and the use of force in self-defence – except by members of UN peacekeeping forces – is not specifically defined in international law.

The latter point – applied to the scenario of a company employed in a security role whose employees may have to resort to the use of firearms to protect themselves, or a location they are guarding, against attack from anti-government factions – is also pertinent to regulation of the industry.[104] One of the principal stumbling blocks is the prospect of regulation being drawn up on the *a priori* basis of what a company's employees *might* do. Placing these companies under the umbrella of 'PMC', as favoured by Sarah Percy is, in fact, the most apt approach in attempting to define them. 'Non-combat' PMCs differ from the former in two respects: the first – that they do not engage directly in combat – gives rise to the second, which is that they will generally obtain at least tacit approval from their respective governments, and may in some cases enjoy the explicit endorsement of their home state.

Currently, no PMC proffers services that include direct, offensive combat operations. The differentiation therefore, between 'Combat' and 'Non-combat' is pertinent in this analysis only to past operations carried out by PMCs. However, in considering whether PMCs have any place in conflict handling and peacebuilding operations, the contingency for the involvement of PMCs in conflict must be considered. That they have the

[103] Percy, op. cit., pp.12-13.

[104] In this context, PSCs are regarded as performing 'policing' rather than military roles, and include those whose operations encompass the provision of security for non-state and non-political actors. Included in this definition are companies (including those with armed response teams) providing security for domiciles and businesses.

capability to carry out these operations is widely accepted, but this should not be left to assumption, and will be considered and challenged in this thesis.

The primary characteristics differentiating mercenaries and mercenary groups from PMCs are that the latter are legally registered companies, organized along corporate lines, with centres of responsibility, and that they have a declared policy of adherence to the principles of international law, and to formal principles of security and human rights.[105] The now defunct 'Combat' PMCs, Executive Outcomes and Sandline International – the subject of most discussion relating to the involvement of PMCs in conflict – both made policy declarations encompassing the recognition of sovereign states, and of selectivity, on that basis, with regard to clients to whom they were prepared to offer their services. This stance was seen as addressing concerns centered around Duffield's view of PMCs being *"a major challenge to the state's traditional monopoly of violence"*,[106] but it failed largely to do so, primarily by virtue of the actors being foreign to the states in which they were operating. This, rooted in Machiavellian concepts surrounding the citizen and the state, continues to be the sticking point regarding both the morality of the use of PMCs, and their effect on relationships between citizens and their states.

In the modern nation-state – where the relationship between citizen and state is an effective one insofar as it brings about restraint in the use of military force – the state cannot perfunctorily take punitive action against elements of its population.[107] There are many states where this citizen-state relationship is not perceptibly present, or is not homogeneous throughout the state. This is particularly evident where ethnic divisions in society manifest themselves in the make-up of the armed forces of the state, or where the interests of some elements of the population are not considered, by those in power, to be central to the interests of the state. To some extent, however, it is the case that where restraint is placed upon the state by its citizenry, it is more difficult for a state to exercise tyranny through the military on members of its own society. But even in the case of Tanzania's re-shaped army after the mutinies of 1964 – one of the closest to a 'citizen

[105] Principles of Security and Human Rights laid down in: OECD. 2006. "Risk Awareness Tools for Multinational Enterprises in Weak Governance Zones."

[106] Duffield, op. cit., p.65.

[107] Percy, op. cit., p.18.

army' as has been seen in Africa – the army was tied in to a close association with the ruling party.[108]

In the Machiavellian exemplar, the citizen-state relationship is disrupted when foreigners (mercenaries) become part of the equation, because they are not motivated by regard for the state, and are willing to act contrary to the interests of the citizen; while, therefore, they might serve the state, they do not serve the public good.[109] Rousseau's development of this argument leads to the conclusion that the use of foreign troops is not only contrary to the public good, but drives a wedge between the citizen and the state:

> *"... the citizens, no longer looking upon themselves as interested in the common cause, will cease to be the defenders of their country, and the Magistrates will prefer the command of mercenaries to that of free-men; if for no other reason than that, when the time comes, they may use them to reduce free-men to submission."*[110]

Thus, action against the citizen, by outsiders acting for the state, alienates the citizen from allegiance to the state and is a further impedance to – in the now familiar words of the UN Special Rapporteur – *"the exercise of the rights of peoples to self-determination."*[111]

Focus on the nation-state as the essential entity for the conduct of international relations is maintained throughout the UN's approach to the policing of what it terms "*mercenary activity"*, and to increasing the power and responsibility of the state toward achieving this. Absent from this approach, however, is recognition of the existence of quasi-states and of power-vacuums capitalized upon by non-state actors;[112] one should perhaps not

---

[108] Clapham, Christopher. 1996. Africa and the International System: The Politics of State Survival. Cambridge: Cambridge University Press. p.256.

[109] Machiavelli, Nicolo. 1515. The Prince. In Chapter XII - 'How many kinds of soldiery there are and concerning mercenaries'.

[110] Rousseau, Jean-Jacques. 1755. A Discourse on Political Economy. Whitefish, MT: Kessinger Publishing (2004 reprint).

[111] UN. 2004a. "E/CN.4/2004/15 - 60th Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of right of the peoples to self-determination."

[112] Evans, Graham and Jeffrey Newnham. 1998. International Relations. London: Penguin. p.465

expect the UN – an association of states – to readily acknowledge or recognize the existence of challenges to the primacy of the state. The use of PMCs by a state is regarded as demonstrating a loss of control by that state over the monopoly of violence. This is arguable insofar as sub-contracting the use of force does not necessarily mean losing *control* of the state's use of that force to achieve its ends. In absolute terms, however, the assumption must be that it brings about a dilution of the state's monopoly over the use of force, even in situations where it enables the state to maintain – or to regain – control of its territory.

Further argument arises when the reason for the use of PMCs is considered; if this is the result of a state's inability to exert controlling force within its borders, then there is no monopoly over the use of force in the first instance, the state's power being insufficient for the needs of its own internal security. UN policy approaches do not take into consideration factors that might affect a state's needs in terms of levels of force, such as the emergence, internally, of non-state actors, or the actions of breakaway elements of the armed forces. The 'monopoly of the use of force' definition, central to these approaches, is challenged by Margaret Levi, who sees both the monopoly and the legitimacy over the use of force as variables, and, as such, ill-suited to rigid definition:

> *"... the extent to which the state has a monopoly of physical force and the extent to which the use of physical force is legitimate are variables, not elements of a definition"*[113]

As established in Chapter 3, the extent to which African states have had a monopoly over the legitimate use of force has been far from absolute. William Reno argues that in many African states, the monopoly over the use of force has never been a feature of sovereignty.[114] Musah & Fayemi go so far as to question the Weberian definition of sovereignty, and challenge the UN's maintained view of the nation-state as central to the conduct of international relations. On the weakening of the state and the associated use

[113] Levi, Margaret. 2002. "The State of the Study of the State." In Political Science: The State of the Discipline, eds. Ira Katznelson and Helen Milner. New York: Norton. p.40.

[114] Reno, William. 2001. "How Sovereignty Matters: International Markets and the Political Economy of Local Politics in Weak States." In Interventionism and Transnationalism in Africa: Global-Local Networks of Power, eds. Thomas Callaghy, Ronald Kassimir and Robert Latham: Cambridge University Press.

of PMCs, they argue that the *"self sustaining politics of anarchy required of state centralism"* need to be reduced, and that an alternative view of sovereignty and security needs to be sought, based on a redefinition of the sovereignty concept centered around community consensus.[115]

One part of UN policy approach, not contended in any of these arguments, is that when external actors are employed by a state, not only is the power of the state weakened, but perceptions as to that power, both internal and external, are reduced. Peter Singer argues that as well as weakening the state's power, this also cedes the ability of the state to enhance the power of other states and non-state actors, bringing about further uncertainty and potential for conflict,[116] and increasing the prospect of conflict at regional level.

The realization and recognition – whether or not reluctant – that PMCs are both an increasing element of states' efforts to maintain control within their borders, and a vital part of the operations of IGOs and INGOs, has grown apace. So too have efforts to define these organizations, and to find a legal basis for their regulation. States, – primarily those from which PMCs originate – and legitimacy-seeking PMCs, have sought to construct a legal framework within which they can operate, and from which moral acceptability for their raison-d'être might also emanate. The greatest obstacle to these attempts, in legal terms, is the framing of the existing protocols and regulations, and their use of the term 'mercenary'. These, to a great extent, 'regulate' the current market in which PMCs operate, and are seen largely as a political throwback to the situation in Africa in the 1960s and 70s.

CEMA is singularly regarded as the most onerous,[117] its definitions very much linked to OAU authority in the region and the liberation movements of the time.[118] This view, and the situation regarding the use of external agencies to bolster African governments' monopoly on the use of force, is reflected in Musah and Fayemi's comment on the CEMA definition:

---

[115] Musah and Fayemi, op. cit. p.37.

[116] Singer, 2003a, op. cit., p.18

[117] OAU. 1977a. "Convention for the Elimination of Mercenarism in Africa."

[118] Musah and Fayemi, op. cit., p.34

> *"whoever informed this definition of a mercenary, it was never foreseen that established governments would recruit mercenaries or fighters for the sole purpose of maintaining regime security."*[119]

While there is some acknowledgement of these developments in the reports of Enrique Ballesteros (until 2004 the UN's Special Rapporteur on the use of mercenaries) a question asked in the 53rd Session:

> *"Can it be that the mercenaries' behaviour is changing so profoundly that they now constitute the rank and file of the personnel recruited by private companies to contract with African Governments…?"*[120]

is aimed at highlighting perceived continuity between operations involving mercenaries that resulted in CEMA and the International Convention being drawn up, and operations involving private companies. Ballasteros' overriding concern was the apparent change of attitude towards PMCs, which he felt were moving from being *"vigorously and repeatedly condemned by the UN"*, to being regarded as falling outside the definition of mercenary organizations, and therefore gaining implicit acceptance as part of the security apparatus of some (predominantly African) states. Ballasteros goes on to ask:

> *"Is it not a grave infringement of that State's sovereignty to hand over such responsibilities to companies registered in third countries which sell security services staffed by foreigners, presumably mercenaries?"*[121]

Once again, the UN stance regarding the nation-state as central to the conduct of international relations is maintained, and foreigners involved in tasks regarded as the

---

[119] Musah, Abdel-Fatau and J. 'Kayode Fayemi eds. 2000. Mercenaries: An African Security Dilemma. London: Pluto Press.

[120] UN. 1997. "E/CN.4/1997/24 - 53rd Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur 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."

[121] Ibid.

state's exclusive domain are presumed to be mercenaries.

Pertinent to this thesis' analysis of the activities of PMCs in Africa, is the specific consideration given in the 57th Session of the UN Commission on Human Rights to mercenary activities in Africa, and their violation of *"the right of African peoples to self-determination and the stability of their legitimate governments"*[122]. The connection between stability and ability on the part of the state – insofar as the stability of a state is dependent on its ability to maintain security –[123] does not form part of the consideration of Special Rapporteur on the use of private entities by states to augment their ability to maintain security. Commenting that these private entities are *"new forms [that] might well sport legal façades, those behind them are still mercenaries"*,[124] the Special Rapporteur concludes, regardless of its form or nature, that mercenary activity constitutes a means of *"violating human rights or impeding the exercise of the right to self-determination."*[125] At odds with this are arguments that human rights and the right to self-determination were rarely so threatened as in Sierra Leone in 1995, when the Revolutionary United Front (RUF) were readying for an assault on Freetown. With the state unable to defend Freetown, had it *not* transferred its 'responsibility for protection' to a private entity – in this case, Executive Outcomes (EO) – the ensuing humanitarian disaster would have been unimaginable. Peter Singer describes the situation leading up to EO's engagement of the RUF around Freetown:

> *"When the rebels approached within 20 kilometers of the capital city of Freetown, fears that the war would end in a general massacre grew. Most foreign nationals and embassies hurried to evacuate the country. The situation appeared hopeless. Almost immediately, though, the circumstances completely reversed. A modern strike force quickly deployed and hammered the rebel*

[122] UN. 2001a. "E/CN.4/2001/19 - 57th Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the rights of peoples to self-determination."

[123] Musah and Fayemi, op. cit., p.34.

[124] UN. 2001a. "E/CN.4/2001/19 - 57th Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the rights of peoples to self-determination." Para. 45.

[125] Ibid.

forces…"[126]

Despite the situation being one of national survival for the government of Sierra Leone – recognized as legitimate by the UN and the international community – the Special Rapporteur maintained, two years later, in the 57th Session, that:

> *"No matter how serious the situation they face… States cannot transfer their responsibility for public order, security and protection to private entities"*[127]

What choice does a State have when it faces its own demise, accompanied by indescribable acts of violence against its people, if no help is forthcoming from its neighbours or from the wider international community? While the Special Rapporteur expresses concern that the *"establishment of paramilitary groups made up of mercenaries"* will leave elements of the civilian population *"without protection and with little chance for peace and democracy,"*[128] he gives no consideration as to the limited options open to elements of the population to defend themselves, and suggests that nationals of an affected country undergoing recruitment and training for the purpose of any non-state military activity are, in effect, mercenaries.[129] He therefore concludes that the International Convention's definition, requiring that a mercenary is a non-national of the country in which that person is involved, should be reviewed. As will be shown in Chapter 6 of this thesis, without the civil defence militias – made up of young volunteer men and women from local communities – thousands of Sierra Leoneans would have faced the same brutal fate, at the hands of the Revolutionary United Front, as did tens of thousands before them. The vital nature of these locally-recruited groups in combating rebel troops – crucial to which was training provided by the PMC Executive Outcomes – was illustrated by their inclusion both in later ECOMOG operations against the RUF, and in British forces' actions to reinstate the democratically-elected and internationally

[126] Singer, op. cit., p.4.

[127] UN. 2001a. "E/CN.4/2001/19 - 57th Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the rights of peoples to self-determination." Para. 66.

[128] Ibid. Para.70.

[129] Ibid. Para.76.

recognized Kabbah government.

International Alert, a Human Rights NGO with consultative status to the UN Commission on Human Rights, outlines its concerns as to the inadequacy of the UN's approach to the issue of mercenaries. In light of what it terms Private Security Services and their activities – which supersede *"traditional mercenary activity"*[130] – falling outside existing international legal instruments,[131] the organization makes a number of recommendations based on its own findings.[132] Examples of such recommendations include an expansion of the definition of 'mercenary' activity to establish what tasks private actors may or may not carry out, and the setting up of a new mechanism within the UN to enter into dialogue with PMCs. International Alert makes clear its frustrations with the (then unratified) International Convention. Rather than delaying ratification yet further by proposing modifications, it urged that UN Member States ratify it, – as had been recommended in every meeting of the UN Commission on Human Rights since the drawing up of the Convention – [133] and address its inadequacies by introducing supplementary domestic laws. Once in force, UN Member States could then seek ways to amend or supplement the Convention.[134]

More immediately pertinent to PMCs is International Alert's recommendation for the Commission to engage with private companies involved in the security sector. Prior to the replacement of Enrique Ballesteros as Special Rapporteur, the line consistently adopted by the UN Human Rights Commission was that there is no effective difference between mercenaries and PMCs. This was clearly at odds with others in the UN, notably Kofi Annan (then Secretary General), who announced, in his 1998 speech marking 50 years of UN peacekeeping:

---

[130] UN. 2001b. "E/CN.4/2001/NGO/174 - Written statement submitted by International Alert presented at the 57th Session of the United Nations Commission on Human Rights; the rights of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation."

[131] Ibid.

[132] International Alert. 1997. The Mercenary Issue at the UN Commission on Human Rights: The Need for a New Approach.

[133] The International Convention entered into force in October 2001

[134] UN. 2001b. "E/CN.4/2001/NGO/174 - Written statement submitted by International Alert presented at the 57th Session of the United Nations Commission on Human Rights; the rights of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation."

> *"When we had need of skilled soldiers to separate fighters from refugees in the Rwandan refugee camps…, I even considered the possibility of engaging a private firm."*[135,136]

Shaista Shameem, who replaced Ballasteros in July 2004, prior to the replacement of the Special Rapporteur with a working group, adopted the line that international law on mercenaries, drawn up in a different set of circumstances than those prevailing today, does not form a suitable basis for the legal definition of private actors involved in conflict. In her first report to the commission, Shameem sought to:

> *"…examine the reasons for the possible lack of interest in widespread ratification by States of the International Convention…*[(137)]*."*[138]

Further, Shameem's report also posited that it would be:

> *"…significant to explore whether licensing and regulation of genuine private security companies, such as through strong national legislation or an international registration mechanism, could serve to identify clear lines of accountability for bona fide companies and thereby distinguish other organizations engaging in mercenary activity…"*[139]

---

[135] UN. 1998b. "UN Chronicle, Autumn 1998 - Secretary General's speech on 50 years of UN Intervention."

[136] Executive Outcomes, the PMC involved in Angola in 1992, and in Sierra Leone in 1995, offered to have troops on the ground within 2 weeks of being contracted to do so (in: West Africa Magazine, 18th September. 2000., Interview with Doug Brooks, fellow of the South African Institute of International Affairs (SAIIA)). Defence Systems Limited (DSL), a British PMC, also offered to supply 1,500 troops at short notice (Isenberg, David. 2009. "Dogs of War: Blue Helmets and Bottom Lines." Washington DC: UPI.). The offers were considered but rejected by Annan, who announced *"…the world may not be ready to privatize peace."* (UN. 1998b. "UN Chronicle, Autumn 1998 - Secretary General's speech on 50 years of UN Intervention.").

[(137)] UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

[138] UN. 2004b. "E/CN.4/2005/14 - 61st Session of the United Nations Commission on Human Rights. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. Report of the Special Rapporteur, Shaista Shameem." p.16.

[139] Ibid.

No definitive moves towards re-classifying these actors have yet been made by the UN. But advocates of regulation of the private military and security industries, many of whose operations are carried out alongside those of the UN – and of other IGOs and NGOs –[140] are hopeful of progress towards clearer definition. The UN accepts that PMCs, unlike mercenary groups, have corporate structures and conduct business in open markets. But a major concern of PMC industry bodies is that, without regulation, individuals can establish and dissolve companies, and can exploit lacunae in domestic and international law to undertake activities that damage the reputations of their members. PMCs and their industry bodies want a legal framework that will proscribe and preclude the activities of companies and individuals who fail to adhere to ethical and legal standards, and for this to be enforced through regulation.[141] Without such a framework, all PMCs will continue to operate, neither proscribed nor legitimized, in a legal vacuum.

Therefore, for the purposes of this thesis, based on the issues dealt with in this chapter, PMCs will be regarded as companies with a permanent registered corporate structure, operating in the open market for security and military-related services. As discussed, the differentiation between PSCs and PMCs can be ascertained more accurately by the nature of the task being carried out than by the nature of the company, as PSCs can easily switch to more military-related forms of activity should viable opportunities present themselves. This is reflected by the occasional use of the term 'PMSC' by the UN and other agencies, and is given to mean the same as 'PMC' in the context of this thesis.

4.11 Summary

This chapter has explored the nature of PMCs, and has considered the legal debate surrounding these companies. It has investigated the relevance of the anti-mercenary conventions of the 1970s to the legal debate, and has analysed the approach of the UN's

[140] Avant, op. cit., p.7.

[141] See: BAPSC. 2006. "Charter of the British Association of Private Security Companies."; IPOA. 2006. "Code of Conduct." Washington, D.C: International Peace Operations Association. The IPOA Code of Conduct for PMCs was drawn up in collaboration with humanitarian NGOs.

Special Rapporteur from 1987 until 2004,[142] and the change in stance that came with the replacement of the Special Rapporteur. The chapter has also outlined the advent of PMCs, the dynamics of violence that have led to their involvement in African states, and the factors of demand and supply that feed their proliferation.

The activities of PMCs have thus been contextualized against the political and economic backgrounds of the states in which they are involved, highlighting the centrality of the security situation in weak states to their activities, and, subsequently, the importance of their contribution to security and stability. The link between PMCs and MNCs in Africa, primarily those in extractive industries, has also been explored, as has the importance of the involvement of PMCs in protecting revenue streams, and the effect of the activities of PMCs on the political economies of African states. Such activities add to the stability of the state, prevent security vacuums being filled by groups acting against the interests of the state, and make an essential contribution to the functioning of the wider economy. By filling such security vacuums, PMCs deny other non-state actors access to economically important areas that could supply the wealth to fund the military expansion of anti-state groups, as was the case in Angola, Liberia and Sierra Leone.

The growing role of PMCs in the security of African states is part of the equation outlined compellingly by Jean-Marie Guéhenno – an erosion of the system of nation-states by alternative means, ranging from corporate bargaining at one end of the scale, to challenges to the state based on the rule of might on the other.[143] It is on this basis that field research for this thesis, into current and potential involvement of PMCs in weak African states must be carried out. The research will deal with direct involvement of PMCs in those states, in the roles outlined above, and indirect involvement such as support to the operations of aid and development IGOs and NGOs, with particular focus on support to UN peacekeeping operations. The following chapter details the method to

[142] The full title is "Special Rapporteur of the United Nations Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the rights of peoples to self-determination." Mr. Enrique Bernales Ballesteros was Special Rapporteur from 1987 to 2004, and was succeeded by Mrs. Shaista Shameem until 2005, after which the position of Special Rapporteur was replaced by the "United Nations Commission on Human Rights Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination."

[143] Guéhenno, Jean-Marie. 1995. The End of the Nation-state. Minneapolis: University of Minnesota Press. pp.3-5.

be adopted in order to approach comprehensively the needs of the field research, and is followed by profiles of the states selected as most appropriate for research into PMCs in peacekeeping operations.

Chapter 5

Research

5.1 Introduction

Following on from Chapters 3 and 4, in which the central issues and debates relating to PMCs in Africa are outlined, this chapter lays out the method employed in the design and implementation of field research. Included are ethical issues relating to the gathering, handling, and use of research data specific to this thesis. Philosophical debates surrounding positionality – and of their implications relevant to my own position – are also considered.

5.2 Basis of Research

The purpose of this research is to explore the nature and character of PMCs and their activities, the wider effects of those activities, and the extent to which there is potential for the direct involvement of PMCs in UN peacekeeping operations. Peacekeeping involves a broad range of activities, ranging from unarmed observation under Chapter VI of the UN Charter,[1] to active participation in combat under Chapter VII.[2] But peacekeeping operations are fluid in nature; under Chapter 'Six and a Half',[3] which is described as action *"borne of necessity and largely improvised,"*[4] peacekeeping includes activities not provided for in Chapters VI and VII. Every current peacekeeping operation in Africa has been authorized under this mandate, and in support of those operations, PMCs have carried out activities ranging from disarmament of militias to supporting civil administrations.[5] This thesis seeks to address the question as to whether PMCs are suitable for direct involvement, in political, economic, legal and moral terms, in UN peacekeeping missions.

---

[1] UN. 1945. "Charter of the United Nations." Chapter VI.

[2] Ibid. Chapter VII.

[3] "Chapter Six and a Half" was the term coined by Dag Hammerskjöld, Secretary of the UN from 1953 to 1961, recognizing that most UN peacekeeping operations fell neither into the provisions laid down in Chapter VI of the UN Charter *("mediation of international disputes between states"),* nor those in Chapter VII *("maintenance or restoration of international peace and security").*

[4] UN. 1990. Blue Helmets: A Review of International Peacekeeping. New York: UN Publications. p.3.

[5] See Chapter 1, Note 2.

5.3 Research Method

Data gathering for the purpose of qualitative research is seen, throughout texts on the subject, notably those of Denzin and Lincoln,[6] Patton,[7] and Neuman,[8] as falling essentially into three categories. These are: the examination of secondary and primary written data, interviewing, and ethnographic studies encompassing such approaches as participant observation. All three are suited to the purposes of this research, and all have been employed in the gathering of empirical data for this thesis. The first of these approaches served the important purpose, at an early stage in the research, of enabling the comparison of secondary and primary data.[9] An example, important to my own research, brought out from this approach, in comparing theoretically-based literature with that emanating from primary research, was the contrast in perceptions of PMCs. In theoretically-based works such as Musah and Fayemi's 'An African Security Dilemma'[10] PMCs are perceived as a modern manifestation of mercenaries, whereas in later works such as Deborah Avant's 'The Market for Force'[11] incorporating several years of primary research,[12] PMCs are perceived as being markedly different than mercenaries.[13]

The bulk of information gathered in the primary research phase was collated through the second category – interviewing. The purpose of interviews in the context of this research was to probe the conceptions and understandings – and to elicit in-depth responses – from subjects connected to the field of PMCs. The subjective nature of the topic required a flexible, tacit approach; the most pertinent information was gained from discourse, rather than from direct responses to formal, structured questions. Broad

---

[6] Denzin, Norman and Yvonna Lincoln eds. 2000. Handbook of Qualitative Research. London: Sage.

[7] Patton, Michael. 2002. Qualitative Research and Evaluation Methods. London: Sage.

[8] Neuman, Lawrence. 2000. Social Research Methods: Qualitative and Quantitative Approaches. London: Allyn & Bacon.

[9] Denzin and Lincoln, op. cit., p.18.

[10] Musah, Abdel-Fatau and J. 'Kayode Fayemi eds. 2000. Mercenaries: An African Security Dilemma. London: Pluto Press. p.viii.

[11] Avant, Deborah. 2005. The Market for Force: The Consequences of Privatizing Security. Cambridge: Cambridge University Press.

[12] Avant's book ('The Market for Force', 2005; see Chapter 2, Note 6.) emanated from a study group (Avant, Deborah. 1999. "The Market for Force: Exploring the Privatization of Military Services." In Paper presented to the Council on Foreign Relations, New York. Study Group on Arms Trade and Transnationalization of Defense.), and involved several years of primary research into PMCs and the privatization of security.

[13] Avant., op.cit., pp.22-26.

questions were found to be most suitable, eliciting in-depth discussion as to the thoughts, conceptions, and understandings of respondents in these informal exchanges, with the dialogue being shaped according to views, ideas, and concepts brought out in the course of conversation. It was also found that a less structured, more discursive approach allowed the 'steering' of discussion toward elements of the subject that were of most relevance to the needs of the research. Having considered approaches to interviewing that would be most appropriate, and examined the pros and cons of several prescribed methods,[14] my conclusion was that semi-structured interviews should constitute the main data-gathering medium for this research.

Significant to the methodological approach for this thesis is that a wide and varied cross-section of respondents was required to achieve the breadth of research required. This had to encompass not only the international community as a whole – represented by members of the UN, regional groupings, states and sub-state divisions, IGOs, NGOs, and other groups with involvement in PMC activities – but also individuals from groups and communities affected by conflict and/or the actions of PMCs. Further, the nature of questions asked of this varied range of respondents differed, necessarily – and did so appreciably. This was driven according to the nature of their interest, involvement, role, function or potential effect on the activities of PMCs. It was also shaped according, firstly, to these respondents' assessments of past situations and, secondly, to their perceptions as to what future form peace-related operations might take if PMCs were to be involved.

Further variation in the nature and range questions asked of these respondents was derived from the need to address two key issues– those of *suitability* of PMCs, in terms of moral and political acceptability, and of their *capability* to carry out such operations. The nature, position, knowledge and experience of interview subjects determined which, if not both, could realistically be addressed.

Taking into consideration all of the elements discussed above, and emerging particularly from cross-section of issues, information and respondents, I decided that a key

[14] O'Leary, Zina. 2005. Researching Real-World Problems: A Guide to Methods of Inquiry. London: Sage. pp.114-117.

component of the method for this research must be triangulation. For the purposes of this thesis, the most method-appropriate strategy, in terms of ensuring validity of research, was data triangulation.[15]

5.3.1 Data Triangulation

Data triangulation, the comparison of data from different inputs is a *"method of cross-checking data from multiple sources"*[16] The use of data triangulation enabled consolidation of research as it developed, and also strengthened the findings of the research. Todd Jick's description of data triangulation as – *"multiple methods involving time, space and persons"*[17] – summarizes the concept succinctly, as it applies to this research project. Triangulation of data also served the purpose, as described by Denzin, of helping to ensure that *'personalistic biases'*[18] did not mask the *'representativeness of concepts'*[19] put forward during the gathering of my primary research data.

The use of data triangulation in this way helped me to build up a more detailed and balanced picture. It also assisted in validating data used in the research through triangulation of different sources of secondary and primary data already existing prior to my research, and data collected from the range of resources used for the gathering of research specific to this project.

The inclusion of a wide range of the former type of data is important to the validity of my research, as this brings 'naturalistic' data into the process – that which was already in existence prior to my research, and was not affected by the approach or activities I adopted in the gathering of my own research data. This provided an established foundation, in the early stages of the project,[20] from which I was able to

---

[15] Patton, Michael. 2002. Qualitative Research and Evaluation Methods. London: Sage. pp.247-249

[16] O'Donoghue, Tom and Keith Punch. 2003. Qualitative Educational Research in Action: Doing and Reflecting. London: Routledge. p.78.

[17] Jick, Todd. 1979. "Triangulation in action." Administrative Science Quarterly 24(4):602-611.

[18] Denzin, Norman. 1989. The Research Act: A Theoretical Introduction to Sociological Methods. New Jersey: Prentice Hall. p.307.

[19] Ibid.

[20] Potter, Jonathan and Margaret Wetherall. 1987. Discourse and Social Psychology: Beyond Attitudes and Behaviour. London: Sage. p.162

build my research. Further, as this information emanated from diverse, often conflicting, sources, its inclusion in the process of triangulation served to strengthen the validity of data used as a foundation for the research.

Also lending itself to the process of triangulation was a diversity of data collected from subjects falling into differing typologies of respondents for this research. For example, the conceptions and experiences of NGO personnel working with PMCs was triangulated with a duality of other sources. Examples of this were other NGO personnel carrying out different tasks, in different areas, and in different situations, together with respondents who were not connected with NGOs, and members of the local populace who might be on the receiving end of NGO assistance, together with the activities of PMCs working with the providers of such assistance. In this way, patterns could be examined in depth, and commonalities and anomalies in data identified, thus further contributing to the validity of analysis and interpretation of my collated data.

The triangulation of data gathered as interviews progressed – while writing up and collating data in the field – enabled me to incorporate additional avenues of enquiry into interviews of subsequent respondents, and served to widen the scope of useful information that could be elicited in later interviews. While this introduced an element of complexity into the data-gathering process – insofar as it brought about a situation whereby uniformity was not a feature of interviews of all subjects within the specific typologies – the method lent itself to this flexible approach, as:

- Intrinsic to semi-structured interviewing is a degree of variation in interviews – particularly so for the purposes of this thesis, given the varied background of respondents for the research, and the disparities in the nature of groups involved in this part of the research.
- Core questions, relevant to the central purpose of the research, were applicable to the majority of respondents, and maintained an element of commonality among most interviews.
- Triangulation itself served to negate any adverse effect of this variation, and had the positive effect of building on it to enhance the research.

In summary, while the framework for this part of the research was complex in terms of the range and scope of research subjects, and the planning of interviews for each type of respondent, it offered the advantage of lending itself to data triangulation. This was maximized by utilizing triangulation as I progressed from interview to interview, but exercising caution so as not to allow questions based on information gained during previous interviews to influence subsequent interviewees. Care was therefore taken to ensure that the way I framed my questions did not sway the respondent to answer in a specific way. I also remained conscious of this when situations arose where I needed to 'steer' an interview toward a specific element of the subject. When compounded with the further use of triangulation in the process of analysis of data gathered through the interview process, this added to the accuracy of both my analysis, and of the findings of my research.

5.4 Positionality

The subjective nature of issues involved in the primary research required a disciplined approach regarding my own perceptions and influence, as an interviewer/observer. The nature of interviews conducted in the commission of this part of the research involved discussion and observation as part of the semi-structured interview approach.

I took great care, throughout the research gathering and interpretation process, to be mindful of my own background, as a former member of Her Majesty's Forces, and also of my academic background, in the fields of Economics & Human Welfare, Politics, and International Relations. Central to my engagement with respondents to the research, was to place myself in an objective position, receptive of, and sympathetic to, the backgrounds, attitudes, and perceptions of interview subjects. As a white, European researcher, operating in Africa, I had to expect to be seen as an 'outsider' in most situations. The relevance of white, 'Western' academics conducting research in developing countries is often regarded as questionable.[21] I made every endeavour, therefore, throughout my field research, to remain:

[21] Madge, Clare. 1994. "The Ethics of Research in the Third World." In Postgraduate Fieldwork in Developing Areas, eds. Elsbeth Robson and Katie Willis: DARG. p.234

- Acutely aware of the sensitivity that surrounds issues and notions of race and ethnicity.
- Sensitive to cultural issues in the areas where I carried out my research.
- Aware of issues and conceptions of power, and their effects these might have on an interview situation.
- Observant of local manners, customs and traditions.
- Conscious of the impression made by my appearance, background, bearing and manner on those with whom I interacted.

These are critical factors, particularly in scenarios where respondents' perceptions could affect how they respond to questions. To this end, I took care to establish myself in the position, as far as is possible, of neutral observer,[22] and to ask questions in such a way as to ensure that I did not elicit a particular response or influence the subject's reply in any way.

5.5 Ethics

There are a number of ethical considerations that guide research of the nature carried out for this thesis. Emanating primarily from the Belmont Report,[23] these are outlined in numerous documents, most directly relevant to this thesis of which are:

- The 2005 Research Ethics Framework (REF) of the Economic and Social Research Council (ESRC).[24]
- The Research Ethics Policy of the University of Plymouth, published in 2006.[25]

These documents highlighted several issues of direct relevance to the conduct of research for the purpose of this thesis.

---

[22] As far as is possible, as "true neutrality is illusory" (van Maanan, John. 1982. Varieties of Qualitative Research. London: Sage. p.115.)

[23] The Belmont Report. 1979. "Ethical Principles and Guidelines for the Protection of Human Subjects of Research." National Commission for the Protection of Human Subjects of Biomedical and Behavioural Research.

[24] Economic and Social Research Council. 2005. "Research Ethics Framework."

[25] University of Plymouth. 2006. "Research Ethics Policy."

5.5.1 Informed Consent

The principle of informed consent applied to all interview subjects for this research. This required that potential participants were informed, in full, of the purpose of the research, and were notified in advance, of any feature of the research that might reasonably be expected to influence their willingness to partake in the study. My intention was to ensure that potential participants could make a fully informed decision as to whether they wished to take part in the research, in order to demonstrate respect for potential respondents' autonomy, and to assure them that their welfare is of prime importance, and will be safeguarded after the interview.

In observing this principle, in preliminary discussions with prospective subjects for research, it was evident that there was potential for this requirement to have a significant effect on the research. Some respondents expressed concern about discussing the concept of PMCs being sanctioned to carry out tasks related to peacekeeping or humanitarian intervention. Where the principle of confidentiality, as detailed below, was of limited assistance in assuaging the concerns, in this respect, of potential subjects for research, the concerns of the respondents were respected.

The implication of this on the research is that subjects with a positive view of the concept of PMC involvement in peace-related operations would be more willing to take part in the research than those holding a negative view. It was crucial that I did not allow this to affect the research, and my task therefore was to achieve a balance in input regardless of the number of potential respondents who decided not to take part in the research as a result of this important ethical principle.

Part of the achievement of this balance requires anonymity for respondents when they request it, and it was imperative that, in instances where I gave this assurance, it was trusted, in order that the respondent was completely at ease during the interview process. No problems were encountered in this aspect of the research. Another consideration was whether material gathered during the research interview could be used without the need to seek further consent, or whether the respondent wished to see a transcript of the interview. Also, relevant to this consideration, is

whether the material could be used solely for the purposes of the theses, or for publication, and whether, on an ongoing basis, the respondent would require permission for any instance of publication. None of these proved difficult issues to resolve during the research; indeed, I felt that dealing sympathetically with these considerations afforded a greater degree of trust between myself and the interview subject and served to elicit more comprehensive and useful responses to research questions.

5.5.2 Openness and Honesty

The purpose and application of this research were made clear to potential respondents throughout the research. The requirements of informed consent prior to interviews, together with full debriefing of participants thereafter, formed an integral part of the interview process.

5.5.3 The Right to Withdraw

Potential respondents were informed of their right to withdraw at any time prior to or during the interview. This was also reiterated at the commencement of every interview. In order to maximize the depth of the research, every attempt was made to avoid withdrawal on the part of respondents, through comprehensive briefing prior to the interview, with particular emphasis on the importance of their participation to the research, their right to confidentiality and anonymity, and the right to decline to answer any question. In the event, while a very few respondents declined to answer some questions, none felt the need to withdraw from an interview.

5.5.4 Values and Beliefs

Another consideration that I kept in mind was that some questions related to interviewees' values and beliefs. Some questions related to the behaviours of interviewees, or to their relationships with groups, organizations and communities. There was only one instance where, in the interests of maintaining ethical sensitivity, I avoided a line of questioning, where it became apparent that it might have placed undue pressure on an interviewee. I believe that judicious use of this decision helped to avoid having one respondent withdraw from an interview.

5.5.5 Protection from Harm

The achievement of this principal is an important consideration in terms of the nature of the research for this thesis, as are the nature of the locations in which most of the interviews were carried out. The principal requires that steps are taken to minimize the potential for harm to social groups and/or individuals taking part in the research, and this principle has been observed fully in the conduct of the field research.

5.5.6 Ethnic Considerations

Prospective participants in this research included members of ethnic groups and communities affected by the activities of PMCs in Africa. The nature of interaction between ethnic communities in some African states is such that rivalries continue to simmer in conditions of ostensibly peaceful inter-ethnic relations – a product of the ethnic dimension of virtually all conflict in sub-Saharan Africa.[26] Close ethnic affiliations are evident among respondents of groups affected by PMC activity, and of significance to the primary research for this thesis are the contrasting views of ethnically opposed groups on conflict, intervention and the part played by PMCs, particularly in Sierra Leone and Angola,[27] where much of the primary research data was gathered.

While observing this principle, it was also important that I did not exclude any relevant group from the research, not only from an ethnic standpoint, but in terms of respecting the input of all elements of these social groups – within their own ethnic communities – in terms of age, gender, religion, race or other characteristic. This brought another important point into focus – that of ensuring that harm is avoided not only to an evident, visible group of subjects, but to their family, kin and community. These are weighty issues, and ensuring avoidance of the possible risks involved, and the potential effects, was perhaps the most important ethical consideration of this thesis. To this end, I continually considered ways in which the results of my research might subsequently be communicated, particularly where the

[26] Braathen, Einar, Morten Bøås and Gjermund Sæther eds. 2000a. Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa. Basingstoke: Macmillan Press. p.3

[27] While conflict between UNITA and MPLA was ideologically-driven, spill-over to ethnic conflict was a constant feature of the civil war in Angola (Ibid. pp.199-202).

material could be misconstrued or used by a third party against the interests of any research participant or their wider family, group or community.

In consideration of this most important ethical principle, it was incumbent upon me to ensure that respondents' interests – particularly in the context described above, but also in the wider scheme of the research – should not be endangered as a result of their participation.

5.5.7 Debriefing

On completion of each interview, I engaged with respondents to ensure that they were satisfied with the way the interview had been conducted, and were aware of the implications of the use of data derived from their participation. In cases where interviews had been recorded, the respondent was informed that a transcript can be made available if desired, and the conditions for use of information given by the respondent were established. For example, interview subjects were asked whether data collected from their respective interviews may be used for any future publication with or without their further consent, or whether they intend it to be limited for use only for the purposes of this thesis. In each case, the interviewee was informed fully as to the reasons for and subsequent implications of their participation in the research process. None took issue with the conduct of any interview, or with the use of the data they had provided.

5.5.8 Confidentiality

Throughout the conduct of research for this thesis, and subsequently in its reporting, the confidentiality of participants' identities, and the data they have supplied, has been safeguarded. Information held on computer will be treated in accordance with the Data Protection Act, and will be processed so as to ensure that participants' identities, and the data they have supplied, are not stored in a way that allows access to both sets of data. Throughout the thesis, footnotes referring to interviewees will be presented in a format that does not identify the respondent. All respondents were informed fully of these aspects of confidentiality. A hard copy of the record of interviews will be provided at the viva voce examination, and will subsequently be filed, securely, in a separate location from any copy of this thesis.

5.6 Interviewing

As discussed in the previous section, semi-structured interviews were chosen in preference to other forms, in order to maintain a methodical approach while allowing flexibility to 'steer' the interview and assist the flow of dialogue. One of the main drivers for my decision to use semi-structured interviews was that rigidly structured questions tend to 'push' respondents' answers in certain directions, as experienced by Kvale,[28] either towards what the respondent might perceive as the 'correct' direction, or towards a response linked to a specific subject area or category. This, I felt, might have the effect of narrowing the scope of responses toward known and accepted narratives rather than opening up the views of my respondents.

Avoiding formal structures in interviews also helped respondents to 'open up' with regard to their personal thoughts and perceptions, and afforded an opportunity for me to draw out information of importance to the research. Thus, the scope for *"active intervention"*[29] on my part was facilitated through the flexibility afforded by semi-structured interviews.

While the semi-structured approach inevitably involved concerns around transcultural communication and the perceived power relationship between interviewer and respondent, there were elements of semi-structured interviews that served to lessen the impact of these scenarios. As a researcher, I had to remain not only aware of these elements, but also wary as to criticisms. For example, the more actively involved I became in the interview process, in order to gain the maximum benefit in terms of research, I had to be conscious that a more active interviewing approach became a less *passive* means of gathering information – *"The techniques and tactics of interviewing… are really ways of manipulating the respondents…"*[30] My aim therefore was to minimize any adverse effect that the relationship between interviewer and respondent might have had on the interviews, without influencing respondents' answers to my questions. I also remained alert to any influence respondents might impose on the interview, whether due

[28] Kvale, Steinar. 1996. Interviews: An Introduction to Qualitative Research Interviewing. Thousand Oaks, CA: Sage. pp.82-86.

[29] Potter and Wetherall., op. cit., p.163.

[30] Fontana, Andrea and James Frey. 2000. "The Interview: From Structured Questions to Negotiated Text." In Handbook of Qualitative Research, eds. Norman Denzin and Yvonna Lincoln. London: Sage. p.262.

to providing information they feel I want to hear – one manifestation of the perception of unequal power relations in interviews – or as a result of another common manifestation, whereby the interview subject felt that my position or expertise (or some other trait) were not sufficient to merit serious consideration. Both were addressed, at the initial stages of every interview, through careful briefing, explaining my own background and position, and by seeking ways to establish empathy with the interview subject. The latter was easier where comprehensive details as to the identity and background of the respondent were known prior to the interview, but where these details were scant, and in situations where the opportunity for an impromptu interview presented itself, I sought these details through brief, but politely probing conversation with the interview subject. As well as 'warming-up' the interview, this also presented an opportunity to establish empathy with the respondent.

Also, in order to maximize to opportunity presented by each interview,[31] it was my aim throughout the process of this research to ensure that the respondent was relaxed, that I demonstrated a grasp of the respondent's area of expertise, and that I presented searching, open-ended questions, in order to obtain the most useful, relevant information from every interview.[32] To this end (and early discussions with my peers and colleagues highlighted many of the following points) I made every endeavour to ensure that:

- The framing of questions allowed maximum leeway for the respondent to form a reply, in order to maximize the benefit of every question.
- Questions allowed respondents to pursue areas of the subject that were pertinent to their areas of expertise, knowledge or interest, but were framed in a way so as to 'stretch' whichever of these elements of the respondent's capacity was in play, in order to draw out as much information as possible.
- The formulation of interview questions was not so specific as to preclude alternate avenues of enquiry that arose during the course of any interview.
- I remained open to opportunities to pursue such avenues without closing the existing direction of the respondent's dialogue.

[31] Burgess, Robert. 1984. In the Field: An Introduction to Field Research. London: Routledge. pp.101-104

[32] Ibid.

- Each interview ended with the respondent being afforded an opportunity to clarify matters or to ask closing questions. In some cases, this elicited further information not covered during the interview. It was noted, even in informal discussions, that respondents seem to be most at ease during these closing stages.

In summary, questions asked and information sought from respondents varied not only according to the background of the interviewee, but also according to responses to prior questions, to the nature of discourse that emerged in the course of the interview, and as a result of dialogue – relevant to the subject matter – that developed between me and the respondent. I tried at all times to remain, to some extent, detached, in order to maintain discourse awareness – if not a degree of analysis of discourse as it unfolded – during interviews, so as to remain reflexive and responsive as the interview process developed.

As all of my research interviews were semi-structured – and were therefore lengthy in terms of discursive content – there was, necessarily, considerable data to be chronicled. In every case, permission was sought for the audio-recording of interviews, as the advantages to recording are numerous. Where respondents agreed, the recording of interviews:

- Enabled me to exercise greater concentration on what was being said in the interview, as note-taking could be minimized (although not eliminated; to ensure that no loss of important data occurred in the event of equipment malfunction, notes were taken of important data disclosed during interviews, and written up as soon as practicably possible thereafter, when gathered information was fresh in my mind).
- Assisted the natural limitations both of my own memory and of my note-taking.
- Enhanced analysis by allowing review of respondents' answers and comments away from the demands of the interview environment.
- Helped to eliminate any occurrence of ambiguity, misunderstanding or bias of interpretation that may have taken place during interview.

- Assisted in triangulation by allowing repeated review of information against the background of data gained from other sources.
- May allow my data to be used in other ways or applied to other research than that originally intended, always assuming that permission can be gained from the respondent.

By the same token, there were disadvantages in using recording equipment, for example:

- It further stretched the already time-consuming analytical process, notwithstanding the potential gains in the accuracy of analysis.
- Some interviewees found it offputting or distracting (a number of respondents glanced repeatedly at the equipment, most notably in the early stages of an interview). I was therefore prepared to switch off audio-recording equipment if I felt it might have a detrimental effect on the interview, although this did not arise, as respondents seemed to forget that the equipment was there as they became engrossed in the interview.
- In the back of my mind was the danger of malfunction – external to that which may occur during interview – and therefore to loss of collated data. I therefore observed, as far as was possible, the precautions of back-up note taking, transcription of interviews and storage of gathered data other than on the audio-recording medium.

Overall, the advantages offered by electronic recording of interviews were considerable. In particular, it allowed me to concentrate fully on the implications of what was being said by the respondent, rather than splitting my concentration between listening and note-taking, thereby enabling me to respond quickly to what the respondent was saying by framing further questions relevant to the issue in hand. There follows an extract from an interview carried out early in the research.

Figure 1. Extract from semi-structured interview

Date: 30th May 2008
Time: 15:44
Respondent: Director General, BAPSC

Locator Code	Context
0200	*In an African context, what are the main factors contributing to the growth of PMC activity?*
0201	In the African context, I'd say there are three things. One of them is the – and this is not in order of priority – one of them is the search for mineral wealth, particularly the Niger Delta, diamonds in Sierra Leone, minerals in the Congo, where western extractive industries are more and more active, and where there is more and more instability, therefore the extractive industries have to appoint the private security companies to give them protection, whether it be Shell in the Niger Delta, whether it be the offshoots of
0202	LONHRO in Zimbabwe or wherever it would be, they need that protection, so that's one factor. The second factor is that the security apparatus in Africa is much more fragile than the western world, but the desire for security is just as great, so what you have is an enormous domestic security industry – I mean the extreme examples I suppose would be
0203	Kenya and South Africa where you have an explosion of firms providing security for residents, and essentially providing a policing function which in the UK is provided by the police, but there the police can't cope with, therefore private security is provided. And the third one would be the use of PSCs or PMCs – we can do a distinction later – in
0204	internal conflict where, the classic one in all of the literature is that when Kofi Annan was the director of peacekeeping and he considered the use of PSCs for the Goma refugee camp. That last one everybody would quote, but the fact is that there are a dozen examples like that – what do you do in Darfur? Now, if you bring in a much wider story,
0205	you then of course look at the role of Executive Outcomes in Sierra Leone and Angola etc., but I'd say the growth of PSC activity falls, generally speaking into one of those three areas.
0206	*Following on from something you mentioned - the line between PSCs and PMCs - the BAPSC defines its members as providing 'armed defensive services'…*
0207	Armed defensive services – yes. PMC vs. PSC is a difficult debate because it is semantic; we draw the line by saying that a PSC provides defensive services and a PMC retains the option to provide an offensive service, and we're very comfortable with that distinction;
0208	I'll defend it anywhere I hear it. However, there's also a cultural element to it. If you're in the US, the acronym PMC is less offensive than it is here, so you will in fact find companies, if you dig around, who describe themselves as a PSC in the UK, and will fight to the death to be defined as such, but you'll then see on their website that they've suddenly become a PMC because there's no shame attached to it. So we would argue that conceptually the difference is between offensive and defensive, but in fact it's blurred by culture as well.
0209	
0210	*Something that's come out quite strongly in the literature on the private military sector is that some tasks that 'PSCs' undertake, such as the logistics of materiel, training of fighting troops, handling – and sometimes interrogation – of prisoners, are actually elements of combat operations, and therefore that it is incorrect for those companies to call themselves PSCs. How would you see that argument?*
0211	Well, again it comes back to a bit of a cultural thing. There are very very few, if any, British PSCs that I know of, who are involved in the interrogation of prisoners, and if you look at Abu Ghraib etc., you're looking at American companies, whatever they may describe themselves as. If you look at the provision of support services, then generally speaking you'll be looking at Americans, not Brits. If you look at training, it gets a bit more difficult, and certainly if you look at British PSCs, they will be involved in
0212	providing training for Middle Eastern offensive forces. So it's again – the people who say this I fully understand – but on the whole it's a problem that doesn't arise in UK terminology. But they're absolutely right, and one extension they frequently use in their arguments is what exactly *is* the difference between defensive and offensive, and this is a

perfectly valid intellectual point to make. And so, we know what we mean, and the companies concerned know what they mean, but there is never going to be an absolutely simple definition that resolves the issue.

An issue that seems to be quite hot at the moment is PSCs providing security for NGOs – securing the 'humanitarian space'. There seems to be an uncomfortable relationship there. Has that been the experience of your member companies?

Very very much so. I personally come from a background where I'm more associated with NGOs than I am with security issues, and yes, NGOs – the problem is that the humanitarian space has become more and more contested, and more and more difficult to define, and NGOs essentially now have a choice: do they ignore the security industry and thereby rule themselves out of operating in certain spaces, or do they accept the security industry and operate in those spaces. Now, every single NGO operates in a different point on that spectrum, and there are some NGOs who would say "no, we will never, ever treat with a PSC; this is beyond the pale for us", and that's a perfectly valid position for them to take, but by taking it, they rule themselves out of being able to operate in certain areas. So what you actually find is that the problem is the greater number, or the greater percentage of NGOs do use PSCs and just keep very very quiet about it, and the ultimate analogy for that is the United Nations where, if I remember my facts correctly, the UN maintains the position that it would never, ever accept a PSC or deal with a PSC, but it then very carefully redefines itself as a security council or something, and allows the UN operational agencies to work with the PSCs at all times, so the 38th floor may well never have employed or given a contract to a PSC, but the same is certainly not true of UNHCR, UNDP etc.

In DRC, Liberia, and in Sierra Leone, the UN have used PSCs as security providers. PSCs argue that by having their security force separate from blue helmets, the latter are not involved in 'conflict' and are therefore more identifiable as a peacekeeping force. How do you feel about that argument?

I would actually twist that around and say that blue helmets are involved in conflict, to the extent that they're trying to keep the warring parties apart, or keep the peace, or whatever it may be, depending on which blue helmet, which theatre and which type you're talking about, whereas the PSCs are only ever providing security for another force, whether it be a UN or civilian force – whatever it may be. But we haven't yet had a case, to the best of my knowledge, of a PSC replacing a blue helmeted force. We have the example of Eric Prince, from Blackwater, frequently offering a battalion – or whatever it is – to Darfur, but nobody's ever taken him up on it, and politically, as of 2008, that is without doubt a step too far. Whether it will still be a step too far in 2009 or 2010 remains to be seen, but as of the moment it is. You have a very very clear distinction between UN peacekeeping forces and PSCs protecting UN operations.

So, a little too early to talk about the prospect of PSCs taking on the role of blue helmets?

I don't think so, because there are political barriers to be overcome at every stage, and if one is looking at the UN, you're looking for consensus, at least within the security council members or whatever, and I don't think you've got sufficient consensus for that. If you just look within Europe, say, you'd have the Brits, very ready to at least talk about that sort of thing; you probably have the Germans saying this is absolutely unthinkable, and so if you move that into a UN context, it's too early to talk about it.

Going back to the idea of providing a battalion-sized force. Are there PSCs with the capacity to do that – realistically, in a given time frame?

Well, the interesting thing about your question is when you say realistically, within a given time frame, it depends what the time frame is. The answer is no – and everybody laughs about Prince, and they get rather cross about that. He couldn't field a battalion tomorrow, because battalion-sized forces are all about training, interoperability etc., and no PSC actually has the ability to do that in a short timescale. In a medium timescale, the answer is yes, a lot of PSCs do; they employ ex military people, so if you employ ex military people, you can invent a battalion-sized force, but you can't do it in a period of a month or two months.

So, if our given time frame is that in which the UN could respond, would a PSC be able to match that?

Well the awful answer to that is a quite simple yes, but the reason it's a yes is because of

0229	the terribly slow way in which the UN gets its forces together. If you hadn't put the UN in with it, I'd say it would be very very difficult, but if you look at any peacekeeping operation, the time lag between the decision– between the Security Council authorization, and the implementation on the ground is just so horrendous, that the answer is yes, a PSC could mobilize. If you look at the current – I can't remember the initials – but whatever
0230	the current force in Darfur is, it was supposed – it was authorized, I think; you probably know – I'd have to check; I think it was authorized in September; it became technically operational on 1st January, and it's still not practically operational because they have no heavy lift capacity. So we're talking about a seven month period. Well, if you gave Armor Group the job of putting together an operational battalion within seven months, the
0231	odds are that they could do it.
0232	*Is it fair to dismiss people who say that if EO can do it, why can it not be done again, given the fact that the equipment and the troops were readily available. Is that achievable again, or do you think that was that an anomaly?* Two factors. One of them is putting the force together, and EO certainly had the advantage of large numbers of South African forces, highly trained, highly disciplined, and disaffected, and willing to do anything for a wad of cash – I've just been reading
0233	about it in Eeben Barlow's book – and so I think that's one factor. But I think the other factor, the more important factor, is that politically what EO did simply isn't acceptable today. It's very interesting reading EB's book about how he claims – and I've never met him, so I have no axe to grind – but he claims he was putting together a defensive force,
0234	excuse me, with attack helicopters. No, no, you were putting together an offensive force. He would argue semantically that he was putting together an offensive force for a defensive purpose. Well hang on, that's getting to a level of semantics beyond me. The fact is that Executive Outcomes were quite prepared to operate as an offensive force. And
0235	maybe for the good of the world – I'm not being judgmental, but the fact is that today, in 2008, I don't think the world would accept a private company operating in that offensive capacity. And that's not a criticism of Eeben or Executive Outcomes; it's just the fact that 15, 20 years on, the world feels different.
0236	*The 'mercenary' tag is still applied to PSCs. Have you perceived any change or any 'softening' of that?* It's never going to soften, for two reasons. One of them is… no, three reasons. One of
0237	them is, who really cares? Second reason is that in media terms it's always going to be a good headline – The Dogs of War; 'Tim Spicer, former Dog of War, today said in Baghdad'…why would the media do it any differently? And the third reason is that nobody, including me by the way, can ever remember what the definition of a mercenary
0238	is. Because there isn't a straightforward definition, and international lawyers can spend three week conferences arguing over the definition of a mercenary. Are the Gurkhas mercenaries. No. Well why not? There are definitions of mercenaries enshrined in UN language, but they aren't enshrined properly in international law. And as long as… you
0239	can't accuse me – sorry to be very direct – of being a paedophile, because there's a very strict definition of what a paedophile is; I can defend myself against it, and I can sue you this afternoon. You can accuse me of being a mercenary, because what can I defend… I get paid money to do things. Do I get paid money to fight, well, occasionally yes.
0240	Essentially it gets much more difficult, so it seems that the mercenary tag will be around for a long time.
0241	*Do you feel that the media are always going to feed those?* Why not? It's good for… if you're writing newspapers you're trying to sell newspapers, so it reads better. 'Tim Spicer, family man who enjoys holidays with his son, today…' – why would you write it?
0242	*So realistically, there isn't going to be such a thing as a PR battle to try and…* Occasionally, some of my members ask me to fight the PR battle, and I always say if you give me a million pounds, yes, I'll do it for you, but why bother – just grow up, get brave and get on with life.
0243	*On government engagement with PSCs in this country – we had a green paper In 2003, and it seems that something is always 'on the brink' of happening…* The official position as listed in Hansard is that the 2002 green paper was reopened for
0244	review in 2004, and that a government review concluded in 2005, and that the conclusions

	of that review are under study by ministers, and that an announcement would be made to the house as soon as appropriate, and there was a parliamentary answer to that affect last week.
0245	
	How important is regulation?
	To my members, regulation is important for two reasons. One is to fight the mercenary tag; in other words to give them an air of respectability. And the other one is to
0246	differentiate themselves from people who are not being regulated, in other words to say 'We are better than… whatever it may be', just as Tesco would stand up and say 'We obey food hygiene standards' whereas your little halal butcher on the corner of the street doesn't claim that – therefore you buy your meat from Tesco rather than the little halal
0247	butcher – or you may not, for all I know. So those are the two reasons why it's important to the membership.
0248	*There are a lot questions that arise from the whole idea of regulation, one of which is that PSCs are part of the political landscape, particularly in Africa. They have become that way without regulation; would it have been any different if they were regulated?*
	Well to say that they're not regulated in Africa would not be wholly correct. Most African countries have regulation of one form or another. The obvious example –
0249	although people think that the obvious example is the only example – is South Africa. Now, South Africa is one of the few countries in the world that actually has this Foreign Military Assistance Act. So yes, South Africa has got more stringent regulation than anybody else. However, if you look at most other African countries, they do have
0250	regulation. You might argue that they are incapable of enforcing it, but in Nigeria for instance, there's fairly strict regulation of PSC activity. So it's simply not true to say there is not regulation in Africa. There is regulation in Africa.
0251	*So it's a question of regulation on the part of this government, giving a veneer of respectability to PSCs*
	No, the veneer of respectability I was talking about was in the UK, where British companies would like British regulation to give them that veneer of respectability. In
0252	Africa what you're looking at is countries trying to regulate, and impose legislation that they may or may not be able to enforce, but attempting to regulate the industry in their own country.
0253	*What of the argument that regulation reduces the need for PMCs to be transparent – if they're self-regulated they have to be seen to be 'behaving' whereas regulation gives them more licence to do things without being open. Is that a fair critique?*
	No, I don't think that's fair or that is the case. Whether you're regulated by government,
0254	or are regulated by self-regulation, the degree to which you are transparent is a different issue. I suppose you could argue – and I'm sorry, I've never heard that question before which is why I need to think – I suppose you could argue that if you're self-regulated you have to expose yourself more to other members of the industry, so that implies a greater
0255	degree of transparency, but I'm not sure I see that as a valid argument. If you're government regulated you have to expose yourself to the government – to civil servants. If you're self-regulated you have to expose yourself to other members of the industry, so who's to say that one involves greater transparency than the other. I don't see that.
0256	
	There's an argument that regulation is not necessarily a good thing;there are small companies saying that regulation could have the adverse effect of excluding them. What are the implications of the exclusion of small companies, from the industry?
0257	There are several arguments stuck together there – on the transparency side, a perfectly valid argument there, would be that government regulation could only regulate British companies, however we decide to define them, and therefore you could be a British company registered with the British government, and in fact conduct your operations
0258	through an offshore subsidiary and avoid British government regulation that way, so that is in fact one of the arguments we use of the benefits of self regulation – not at the cost of government regulation – what we say is that one of the benefits of self regulation is that we won't allow that to happen. In other words if you're firm XYZ, you're not allowed to
0259	hide your subsidiaries from us or we won't accept you into self regulation, but if you're the government, by definition you can't enquire about your offshore in Dubai or whatever, because you have no right to do so etc. So I can see where that argument is coming from, but we have never used that as an argument against government regulation.

0260	We just use it as an argument in favour of self regulation. In terms of small companies, well yes, small companies are always worried, and quite rightly so, because the world mitigates against small companies and that's life. But the – for the small company – it's difficult to say that there's any difference in cost between self regulation and government regulation. It depends how you define the pricing structure at the end of the day. We
0261	were given very firm instructions from the British government very early on in our existence, that we had to make sure that we didn't disadvantage small companies because it's part of British government policy not to disadvantage small companies, so we've had to design our procedures etc. to make sure that we obey that and we've been very happy
0262	to do so. But likewise if the government does regulate, it will have to devise its own procedures to make sure that it doesn't disadvantage small companies. Now, all small companies are, by definition, are going to be disadvantaged, because the smaller you are, any opportunity cost is a problem, but that's a bit like saying if you're an individual it's
0263	annoying to have to get a driving licence. The fact is that the government can devise a pricing structure that will allow small companies not to be disadvantaged, just in the way we do.
0264	*Something that also comes up is that regulation cannot work unless it is international, which would seem to be difficult to attain. I know you've spoken about it within the BAPSC; where do you stand on that?*
0265	Where we stand is this: the industry is international. It is international when a company from one country, employing nationals from a second country, operates in a third country. And that's the normal model of operation. So the idea that any form of national regulation can cope with that is a joke. Therefore it is an industry that is crying out for international regulation. However, there is no stomach whatsoever out there for
0266	international regulation by the people who would actually have to do it. There are any number of NGOs out there who will stand up – and even the UN whatever it is on mercenaries will probably stand up and say 'we insist on international regulation'; well fine, you can insist on anything you like, but the fact is there is no stomach out there to
0267	actually do it because international regulation – well there are two reasons why there is no stomach to do it. One of them is that it's difficult and expensive. And so the best example is probably ICAO, or International Civil Aviation, which I think was formed in about forty-something. There's no stomach out there for forming international bodies
0268	with million-dollar budgets these days; there was in 1940, there isn't today. So the idea for the international office for the control of PSCs, I actually find immensely attractive and I'd love to be the head of it, but it isn't going to happen – practically. But even if it could happen practically, it's not going to happen politically, because you're looking at
0269	this quite correctly from a British point of view, well the world's a bit different out there, and I don't think the Russians are very worried about this, and I have reason to believe that the Poles rather like selling their special forces and I don't think they spend a lot of time debating the difference between defensive and offensive. What they debate is profit
0270	margin, and so, no, you'd never get international agreement for any form of regulation like that, so what we spend our time doing is – we certainly fully support international regulation, but we're very realistic and say there will be no international regulation as such – dream on – in 20 years' time maybe, for all I know, but what we do is we put our
0271	entire weight behind things like an international code of conduct. Now of course you don't have to obey a code of conduct, but at least it gives the big international forces the ability to differentiate between those who do sign up for an international code of conduct and those who don't. So that's where we put all our weight.
0272	*The US – and I know we shouldn't exclude other countries, because we look at the US & UK mostly – the US government's attitude toward private security contractors is vastly different that of our own government. Is it true therefore that UK companies are*
0273	*diverging in the way they develop and operate?*
0274	No, I would say they're converging rather than diverging. Can I justify that – if you look at an enormous number of things in life, they happen in America and we follow on ten years later. Now, times are actually irrelevant – I'm making them up, but the fact is that the US is many years ahead of the UK in terms of outsourcing military support activities, and people who – again, you have the figures, I'm sure – people who differ between the first gulf war and the second gulf war, the ratio of American contractors to American soldiers. And so the US had plunged headlong down that path. Now, the UK, I would
0275	argue, is ten years behind it. And the fact that we're ten years behind it explains why the UK industry is very different to the US industry, because you can be a big successful US

company and only ever work for the US government, whereas nobody can be a big
0276 successful UK company and only work for the UK government. However, the reason I would say that it is converging rather than diverging is that the UK is going down that path as well. We do things more slowly, there are cultural differences, etc., but the UK military is now outsourcing more. People always want to look for the sexy stuff to do
0277 with security, but if you're looking for trends, it's often better to get away from anything politically sensitive and look at the politically neutral. And so if you look at the provision of food for the UK military – I'm pretty sure you could argue that ten years ago, the British military cooked 100% of its own food, whereas today it only cooks 5% of its own
0278 food. So that's a politically non-contentious issue, but the trend is there. We're in discussions with the MoD every day, about what more use the MoD could make of PSCs, so if you look at the industry today, 2008, yes, you see that big divergence between the US and the UK, but I see the two converging. And I often use that one as well, in terms
0279 of British PMCs – forget the semantic arguments, the one reason there aren't any British PMCs is that the MoD isn't giving out any contracts, but if the MoD was giving out big contracts, quite a few of our PSCs would become PMCs tomorrow morning.

0280 *One of the reasons I asked that question is that the US military are moving from their operations in Africa being under EUCOM to a centralized, independent command in October…*

AFRICOM

0281 *Could AFRICOM suggest a post-Iraq 'bubble' where US PMCs and PSCs pick up contracts in Africa?*

I don't buy that at all. I think that is a combination of optimism on the part of PSCs looking for other markets and academics trying to be too clever. The US reorganizes its
0282 military structure every 15 minutes – with CENTCOM … and EUROCOM (sic) and SACEUR and DSACEUR and DSACEURS, and now it's decided to have an AFRICOM. Well so what? The reason for that is nothing to do with PSCs; the reason there's going to be an AFRICOM is because some wise guy realized, probably correctly, that threats of
0283 insecurity – we now move purely to security, nothing to do with PMCs – threats to security are more likely to be based in Africa than elsewhere because of the ability of al Qaeda to be in places like Somalia. And so, yes, AFRICOM has come into existence, and nobody knows where AFRICOM's going to be based yet – there's talk about basing it in
0284 Europe which is a fairly odd concept, but never mind. I mustn't be too dismissive, but what you've got is the AFRICOM debate, and it seems to me this is part of a standard military debate; militaries reorganize themselves continually, and for the current threat they're dealing with it makes sense to have an AFRICOM, but to try and link the creation
0285 of AFRICOM to the idea that PSCs have more business in Africa I don't see that at all. PSCs may have more business in Africa, but it's nothing to do with AFRICOM; it's to do with the fact that there is a threat level in Africa that may be dealt with by PSCs. But I find it pretty difficult to see that that's going to be anything to do with al Qaeda. That
0286 would have to do with greater resource extraction from Africa and the fact that if you like, the last 50 years have been 50 years of oil in the east, and now what you may be looking at is the next 50 years of oil in Africa, in which case you've got the likes of Shell, Esso
0287 etc., and you've got PSCs alongside them. But I really would separate the two.[33]

[interview continues]

[33] Note: This excerpt is a verbatim transcript of the respondent's words.

5.6.1 Interview preparation

While the interviews conducted for the research were semi-structured, the following points were observed to ensure maximization of the potential of every interview:

- Questions were formulated specifically with the purpose of addressing the research, but were not so narrow as to limit interviewees' responses.
- Topic areas were arranged to ensure that a flow was maintained during interviews, but these were committed to memory sufficiently to allow me the flexibility to alter the order of questions whilst ensuring that all topics were covered.
- I made every effort to ensure that interviews took place in suitable locations, and, where it was not in my power to do so, I tried to impress upon interviewees beforehand, where possible, the importance of selecting a place in which they were comfortable and free from disturbance. This was particularly relevant when engaging with local people.

5.6.2 Typology of respondents

Constructing a framework for interviews pursuant to the needs of this research required, firstly, a typology of the primary sources that would be required. As outlined previously, my research, and therefore the nature of respondents required to carry it out, encompasses not only the international community as a whole – for which members of the UN, regional groupings, states and sub-state divisions, IGOs, NGOs, and other groups with involvement in PMC activities must be represented among my interview subjects – but also individuals from groups and communities affected by conflict and/or the actions of PMCs.

Prior to identifying subjects for interview, I had first to consider the nature of respondents needed to achieve both breadth and depth in the research. Interviews were undertaken with respondents of the following types:

- Experts

Specifically, this group comprises those possessing a detailed and respected

knowledge of the subject; in particular, analysts, observers or senior representatives of the private military industry. The information and/or experience held by these respondents were of considerable importance to the research, particularly at the early stages, as they served to inform and develop further aspects of research carried out in later stages of the project. Some of these were also aware of key players from whom further information could be sought, and this opened up further opportunities for interviews – another important element of the early stages of my research.

- Those with Experience of the Private Military Industry.

While not necessarily deemed experts of the industry as a whole – as their knowledge and experience may be limited to specific aspects of the industry, or to a narrow field – these respondents brought a depth of information to the research that links theoretical aspects to the situation on the ground and to developments that have not as yet been analysed in depth. As insiders, they also brought the realities of assumed aspects of their company or sector, or of the culture of PMCs generally, to light. This category included staff and representatives of PMCs.

- Other Observers and Analysts.

This included members of organizations concerned with the activities of PMCs. Members of groups such as these were vital to ensuring that a meaningful sample of sources and viewpoints were included in the gathering of research data.

- Those with Secondary Experience of the Activities of PMCs.

This group comprised members and representatives of organizations for whom PMCs have carried out work, and those that have worked alongside PMCs. This included IGOs, including members of UN missions, INGOs, and NGOs.

- Directors, Managers, Staff and Employees of PMCs.

Specific examples of respondents falling into this category are the management and staff of Drazah Solutions, a PMC providing key security trainers and managers to companies in countries among which are those that are the target of this research, namely Sierra Leone and Liberia; and the directors of Acris International, a security and investigation organization that remained in operation in Liberia throughout the civil war.

- Those Affected by the Actions of PMCs

This group included members of the local populace in areas where PMCs operate, or have carried out operations in recent years.

5.6.3 Research subjects: Suitability of PMCs

Primary sources for research into the suitability of PMCs included, but was not limited to:

- Representatives of industry bodies for private security companies involved in overseas contracts.
- Permanent staff of private security companies.
- Recruitment companies for private security contractors.
- Current employees of security companies, employees of NGOs and IGOs involved operations in Africa (particularly those for whom private contractors provide security).
- Representatives of commercial companies employing or contracting private security personnel.
- Members of civilian communities affected by the actions of PMCs.

This was a starting point for the process of identifying, and arranging interviews with potential respondents. During some of these interviews, further potential respondents were identified and contacted.

Some of the initial respondents identified were UK based; others were based in France, Brussels and Washington DC. Several were based in London, and much of the initial field research took place there, as a means of laying the foundations for further research both in UK and overseas.

Having compiled a typology of primary research subjects for the question of suitability, the nature of information that can be learnt from each type of primary source was considered in depth, but I took care not to allow this to influence the study so as to place limitations on the scope of useful information that might be revealed from any source. I therefore considered the nature and extent of expertise and knowledge of each respondent and the specific type of information that should be sought in each case, to ensure that, while a specifically appropriate form of interview for each type of respondent was drawn up, it did not constrain the flexibility to draw from questions and subjects that are primarily intended for other forms of interview – those conceived primarily for respondents of a different nature – where this was apt, and was of importance to the research.

5.6.4 Research Subjects: Capability of PMCs

Primary research for the question of capability was limited to fewer respondents – those with knowledge and expertise in fields relevant to the activities of PMCs, some of which were relevant both to suitability and capability. The range of primary sources sought in respect of research into the capability of PMCs was therefore centered upon, but not limited to:

- Analysts of PMC activity
- Representatives of industry bodies for private security companies
- Permanent management staff of private security companies
- Current and former employees, of apposite level and responsibility, of PSCs involved in overseas deployments

This range of sources did not preclude the presentation of questions pertinent to the

capability of PMCs to other categories of interview subject, where the course of the interview suggested that such questions might be apt.

5.6.5 Framing of Research Questions: *Capability of PMCs*

The second crucial element of the research involved questions as to whether PMCs have the *capability* – in terms of capacity and expertise – to perform tasks that might be demanded of them. Questions essential to the assessment of capability are centered around the composition, in terms of physical organization, of PMCs, the size and nature of the recruitment pool, the scale and intensity of operations in which they may be involved at the time of notification for a further deployment, and the time needed for recruitment and training of a mission force.

Pertinent to this issue are factors that differentiate PMCs from national or standing armies. Discussion surrounding the issue of capability is invariably centered upon the most significant physical aspects of differentiation. As PMCs maintain no standing force or weapons stockpile and retain a minimal permanent staff, questions regarding their capability hinge around how rapidly and effectively they can combine the needs of planning an operation, recruiting suitable personnel, in sufficient numbers, and equipping and training a capable force in response to a call for deployment.

Aspects of PMCs that are of importance to this part of the research include:

- Their permanent structure and composition, in terms of the staff and assets that make up the organizational 'headquarters'; this must be considered separately to organizations' operational structures (see below).
- The structure and composition of elements of these organizations that undertake specific operational tasks and contracts – i.e. their structure once a contract has been agreed and the process of hiring, training, equipping and deploying personnel, and undertaking the task, takes place.
- The expertise available to the organization, either held permanently (by the staff) or available for operations in the form of hired personnel – *ergo,*

the nature of the pool of potential employees available to the organization for operations.

- The nature and views of those who work either permanently or as hired operatives.
- The extent and nature of experience gained by the organization in terms of operational tasks.
- The relationship between the organization and its stakeholders, whether those for whom it has carried out operations (e.g. commercial companies, NGOs, state bodies) or those on whom its operations have had a secondary effect (e.g. sub-state, regional or local representatives, members of the state's police and military, members and representatives of civilian communities).
- The conception held by the organization's home state as to its nature, and to its former, current or potential operations.
- Conceptions of the organization held by other states, sub-state bodies, regional groups, IGOs, NGOs, civilian communities and individuals.

5.6.6 Framing of Research Questions: *Suitability of PMCs*

The issue of the suitability of PMCs gave rise to a difficult area for this study, concerning the perceived acceptability – or at least the 'tolerability' –[34] of these organizations in conflict handling and peace-building roles. This involves questions as to political, ethical, moral and social concerns, central to which is the issue of accountability. Debates on accountability hinge around international humanitarian law, regulation, and the ethical, moral and social implications of the use of PMCs – most of which gravitate toward the use and semantics of perhaps the most contentious term in the entire debate: that of 'mercenary' – my questions had to take account of diametrically-opposed views and conceptions stemming from this

[34] 'Acceptability' of PMCs in any form of intervention is regarded as a difficult concept when held against the ideal of intervention on the part of the international community, by UN troops alone; *"…in Goma, I even considered the possibility of engaging a private firm. But the world may not be ready to privatize peace"* (UN. 1998a. "Excerpt from speech by the UN Secretary General: Intervention by the UN Security Council in internal affairs of states." UN Chronicle, Sep., 1998.). It is therefore regarded that 'tolerability' of PMCs– where UN intervention fails or is precluded as the only alternative means of humanitarian intervention – is a more realistic concept for discussion.

contentious term, and to explore its implications and impact on the entire 'suitability' debate.

5.7 Data Sources

A total of 49 interviews were carried out; seven in the UK, and forty-two in Sierra Leone and Liberia. As well as these respondents, thirty eight others were engaged in informal discussions that produced noteworthy contributions to the research, and many individuals, groups and situations were the subject of observation in both countries. In Sierra Leone, interviews were carried out in Freetown (including Kissy and Wellington), Lungi, Waterloo, Bo, Kailahun, and Koindu. In Liberia, interviews were carried out in Monrovia, Robertsport, Harbel, and Roberts Field.

There were twenty seven subjects who declined to be interviewed. These comprised an SSR Advisor to a British IGO, four representatives of prominent mining companies in Sierra Leone (two mining managers and two security managers), and two in Liberia, a UNIOSIL representative,[35] a consultant to the Sierra Leone Security Sector Reform Programme (SILSEP), an academic from Njala University,[36] three representatives of Sierra Leonean Government Ministries (two indirectly, through administrative staff, from the Ministries of Marine Resources and Finance and Development, and one directly, from a representative of the Ministry of Internal Affairs), three OSD officers and two former members of the NPFL. Five representatives of humanitarian NGOs and four of local civil society also declined to be interviewed. In addition, there were four potential respondents I had made contact with and obtained agreement in principle for interviews, but with whom I was unable to re-establish further contact.

A small amount of interview data was lost before I had an opportunity to back it up, when I was robbed while travelling from Sierra Leone to Guinea, but this did not seriously compromise the needs of the research. The backing up of data was a slow process, and I had prioritized the most data rich interviews for back-up. While some interviews were more useful than others, all of the information obtained during the process of data-gathering played a part in furthering my knowledge, grasp, and

[35] UNIOSIL were, at the time, in the process of being replaced by UNIPSIL.

[36] The subject had agreed to be interviewed but declined subsequently *"for reasons of time"*.

appreciation of the situation overall, and served the purpose of shaping my approach to subsequent data-gathering.

The typology of interview respondents, as detailed in Section 5.4.2, was adhered to as closely as possible. The breakdown of respondents and their categories is as follows:

- *Experts: Analysts and observers with respected knowledge of the subject.* Respondents from this category included specialists in the subject area, and members of recognized think-tanks and professional forums, such as the Royal United Services Institute and Exclusive Analysis. Five respondents from this category were interviewed.

- *Senior staff of organizations – other than Private Military or Security Companies – involved in conflict resolution, peacekeeping, peacebuilding and development, and with some level of knowledge and experience of the private military industry.* Interviewees from this category included senior officials of UNDP, UNDSS, DFID, and IMATT in Sierra Leone, and of UNMIL, UNDP, UNPOL and BMATT in Liberia. Eleven respondents were interviewed.

- *Representatives of industry bodies for PMCs.* Interviews were carried out with the Director General and the Director of Policy of the British industry body for private security providers. Information sought from, and provided by, these respondents encompassed the situation on an international basis, and was not confined to the British industry.

- *Government representatives in the countries subject to research.* Two interviews were carried out with government officials in Sierra Leone, one from the Ministry of Mines, and one from the Ministry of Home Affairs. In Liberia, where no government minister could be persuaded to speak with me, two interviews were carried out, one with a senior government security official, and another with a former high-ranking police officer.

- *Directors, managers and staff of PMCs.* Of the eight interviewees in this category, there were three company directors, three senior managers, and two consultants. Five of the eight were expatriates, one had previously been employed both by DynCorp in Liberia and PAE in Sierra Leone, one had been a member of Executive Outcomes during the conflict in Sierra Leone, and one had been an investigative consultant in Liberia for the duration of the civil war.

- *Members of organizations, excluding those listed in the preceding categories, working or interacting with PMCs in the course of their work.* Of seven respondents in this category, one was a government contractor, three were members of NGOs, and three were in the mining industry.

- *Others affected by, or concerned with, the activities of PMCs.* This category includes observers, critics, and members of the local populace directly affected by the actions of PMCs. As well as thirteen formal interviews, much of the information in this category was gathered outside the interview process, in informal discussions carried out during the course of the field trip. These discussions were very much guided by information gathered during the formal interviews of subjects in this category, which included four members of humanitarian NGOs, one of whom was a human rights journalist, five members of civil society groups, two members of the Republic of Sierra Leone Armed Forces, one public diplomacy representative and a representative of the WFP.

5.8 Analysis

The best, and most usable data, gathered in the process of this research consists of rich, in-depth descriptions and narratives, drawn from the conceptions and understandings of a wide and varied cross-section of interview subjects. Those instances where the qualitative data gathered in the course of my interviews has been 'thinner' than desired – and I approached the research having prepared sufficiently to negate their overall effects by seeking quantity, to some extent, as well as quality – have fed the research in their

own, albeit more limited, manner. More importantly, however, they serve the purpose of augmenting the rich data gathered in the former instance; the value of the latter must not therefore be dismissed or underestimated in terms of their contribution to the overall picture, or in their importance to the process of triangulation, both during the interview process and, subsequently, in the analysis of gathered data.

The critical question was how I should approach the analysis of this gathered data in order to draw from it what Miles and Huberman describe simply as valid meaning.[37] From this question stemmed others that highlighted the potential for subjectivity in any conclusions I drew from the qualitative nature of the data under analysis. For example: To what extent could I ensure valid, credible, conclusions from data drawn from a comparatively limited number of sources? How might I overcome generalization in findings, when specificity is a feature not apparent in all field research interviews, and when secondary and primary sources on the subject of this thesis show myriad examples of generalization? How is the possibility of researcher bias overcome in qualitative studies, and how can I show this in the reporting of findings? Of most concern – against the reality of the fact that I, the researcher, am the main 'measurement device' of my own study – is Miles' assertion that:

> *"…the analyst faced with a bank of quantitative data has very few guidelines for protection against self-delusion, let alone the presentation of unreliable or invalid conclusions…. How can we be sure that an 'earthy', 'undeniable', 'serendipitous' finding is not, in fact, wrong?"*[38]

My approach, therefore, was to encompass a range of strategies in order to ensure apt, judicious analysis of my research data. My aim in adopting a multiple-strategy approach was to minimize the potential for findings and conclusions that could be regarded as erroneous, biased or unrepresentative. In effect, the use of the three strategies employed for my analysis is the basis for analytical triangulation.

---

[37] Miles, Matthew and Michael Huberman. 1994. Qualitative Data Analysis. London: Sage. p.245.

[38] Miles, Matthew. 1979. "Qualitative Data as an Attractive Nuisance: The Problem of Analysis." Administrative Science Quarterly 24:590-601.

5.8.1 Strategies for analysis

The strategies used for the analysis of data in this thesis are:

- Grounded theory
- Content analysis
- Narrative analysis

The downside to the use of three strategies – the additional time and complexity introduced to the analytical process – is counteracted in the following ways:

- The primary method of data collection for this thesis – that of semi-structured interviewing – has lent itself to all three strategies.
- They could be carried out concurrently.
- All of the strategies could be applied as data builds up – i.e. during the process of data gathering.
- They complemented each other in the analysis of data, vis-à-vis commonalities in coding for all three strategies.
- Sorting and categorization of data also afforded commonalities relevant to all three strategies.

Additional benefits to the use of these three strategies are:

- Disadvantages of one strategy were counteracted by the advantages of one or both of the others – for example, difficulties in the selective coding phase of the grounded theory approach, when applied to research of the nature undertaken for this thesis, were counteracted by the production of core constructs in content analysis, and by the broader analytical approach of narrative analysis. The converse is also true.
- The use of these strategies offers three different 'levels' of analysis,

ranging from the 'quantification' (as far as is possible) of gathered data in the grounded theory approach – and, to a lesser extent, in that of content analysis – to the more quantitative end of the analytical spectrum dealt with through narrative analysis.

- The mix of strategies use the application both of systemic method (in grounded theory) and of general principles. The former has helped me to overcome some of the difficulties in application and interpretation of content and narrative analysis, thus affording validity, through cross-comparison, across all three methods.

5.9 Grounded theory

In dealing with the questions brought up at the beginning of this section – primarily, how to ensure, as the main 'measurement device' of my own study, that I maintained appropriateness in analysis and the avoidance of bias,[39] – the most apt strategy, in terms of rigour, was that afforded by the grounded theory approach. The aptness of the approach is best outlined by Glaser, as enabling the avoidance of data being *"filtered through and squared with pre-existing hypotheses and biases"*,[40] although to this end, Glaser stresses the need to approach the research with as few preconditioned thoughts as possible.[41] The strategy seems complex, initially – and gives the impression, as expressed by Melia, of *"the technical tail beginning to wag the theoretical dog"* –[42] but it is a valuable means of breaking down qualitative data, in a structured and systematic way, into 'quantifiable' sections, without impinging on meaning. This, I believe, has provided as objective an approach as perhaps could be achieved in the analysis of data of the qualitative nature gathered for this thesis.

For the approach required of this strategy, in attempting to 'quantify' my data, I carried out three forms of coding on the information that I had gathered.

---

[39] Notwithstanding Strauss and Corbins' assertion that "it is not possible to be *completely* free of bias" (emphasis added), in: Strauss, Anselm and Juliet Corbin. 1998. Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory. Thousand Oaks. CA: Sage. p.97.

[40] Glaser, Barney. 1978. Theoretical Sensitivity: Advances in the Methodology of Grounded Theory. Mill Valley, CA: Sociology Press. p.3

[41] Ibid.

[42] Melia, Kath. 1996. "Rediscovering Glaser." Thousand Oaks: QHR. p.376.

> *"Coding is analysis. To review a set of field notes, transcribed or synthesized, and to dissect them meaningfully, while keeping the relations between the parts intact, is the stuff of analysis."* [43]

In brief, during the first stage – 'open' coding – I broke down the data into categories based on their relationship to key features of the research. In the second, 'axial', coding stage (aptly referred to by Glaser as 'theoretical coding'),[44] I established connections between the categories of data coded in the first instance, thus helping to form a conceptual framework of issues relating to the various categories. In the final stage, that of 'selective' coding (or 'constant-comparative' coding),[45] I selected core classifications into which the formerly-identified categories fell, and, from this, built my conceptual framework. These steps are covered in further detail, and examples given below.

5.9.1 Open coding

This required careful examination of distinct 'information-bites', in order to enable identification of similarities and differences in data gathered from different sources. I refer, in the use of the term 'information-bites', to strings of speech, whether sentences, passages, or connected phrases, relating to a specific concept, topic, or element of the subject matter – those pieces of information regarded by Strauss and Corbin as the basic units of analysis for grounded theory.[46] I took great care, throughout this process, to ensure that I did not overly deconstruct information-bites that were reliant upon each other for meaning, nor that I split data-strings such that they detracted from, or changed, meaning, or were removed from a context that was necessary to ensure full understanding.

In carrying out this process, I continually analysed and questioned the information acquired from my gathered data. For example: What is the basis for the point of

[43] Miles, Matthew and Michael Huberman. 1994. Qualitative Data Analysis. London: Sage. p.54.

[44] Glaser, Barney. 1992. Basics of Grounded Theory Analysis: Emergence vs. Forcing. Mill Valley, CA: Sociological Press. p.38.

[45] Ibid.

[46] Strauss, Anselm and Juliet Corbin. 1998. Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory. Thousand Oaks. CA: Sage. pp.92-93

view behind the information? Is there a specific premise, concept or theory to which it relates? Do other interview subjects express similar or disparate views or beliefs? My purpose, in this continuous analysis and questioning of information, was to enable identification of concepts that are analogous, and could be labelled as such, to allow me to define them in terms of a set of properties that add clarity and understanding to the overall analysis. These concepts were then grouped according to their respective properties, and categorized for the purposes of moving this first level of 'open' coding to the next stage of the analytical process, vis-à-vis 'axial' coding.

The following are samples of data gathered in the early stages of the research, and their categorizations, collated through the process of inductive open-coding.[47] Where appropriate, content analysis was applied to the wider data from which these samples were extracted, in the form of enumerative key word in context analysis.[48, 49]

[47] More than one category has been identified in many cases, in keeping with the fundamentals of grounded theory expounded by Glaser, in: Glaser, Barney. 1992. Basics of Grounded Theory Analysis: Emergence vs. Forcing. Mill Valley, CA: Sociological Press., and in: Glaser, Barney. 1978. Theoretical Sensitivity: Advances in the Methodology of Grounded Theory. Mill Valley, CA: Sociology Press., and by Strauss and Corbin, in: Strauss, Anselm and Juliet Corbin. 1998. Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory. Thousand Oaks. CA: Sage.

[48] Weber, Robert. 1990. Basic Content Analysis. London: Sage.

[49] Manning, Peter and Betsy Cullum-Swann. 1994. "Narrative, Content and Semiotic Analysis." In Handbook of Qualitative Research, eds. Norman Denzin and Yvonna Lincoln. London: Sage. p.464.

Figure 2. Example of initial open-coding inductive category process.

Locator	Data Sample	Inductive Category/Observations
	Data from responses relating to what, in an African context, is driving the proliferation of PMC activity.	
0201	The search for mineral wealth; western extractive industries are more and more active, and there is more and more instability, therefore the extractive industries have to appoint PMCs for protection	Resource Extraction Security Provision Commercial Interests
0202	…the security apparatus in Africa is fragile, but the need for security is just as great	Stability State Security Apparatus
0103	…we have this assumption that it's going to affect the way things are done, whether it's peacekeeping, security sector reform…	Perceptions of PMC Proliferation
0106	…within the African context, security vacuums across the whole continent	Stability Security Vacuums
0108	PMCs see Africa as an area where there's a huge amount of potential work	Perceptions of PMC Proliferation
0112	…in terms of drivers, it's a capacity issue – PMCs can provide capacity [lacked by African states]	Capacity Perceptions of PMC Proliferation
0335	The work PSCs are picking up in Africa is related mainly to commercial interests, usually in terms of security contracts	Western Commercial Interests Security Provision
0337	Smaller PSCs are benefiting from the need for niche services in Africa, like intelligence gathering, surveys, safety of personnel etc.	Services provided by PMCs Sub-categories: Intelligence Surveys
	Data from responses to questions relating to regional peacekeeping forces (specifically in an African context) and the involvement of PSCs	
0153	on the one hand, they [AU peacekeeping forces] want the assistance, but they want to do it themselves as well	PMCs in Peacekeeping AU Intervention Sub-category: Regional Intervention
0506	African peacekeepers are often greeted with suspicion; their capabilities and motives are questioned	African Union Intervention Sub-category: Regional Intervention
0514	there already exists a preference in many cases for external forces, private or otherwise, to those from within Africa	Peacekeeping Intervention Sub-category: Regional Intervention
0404	Since the increased involvement of PSCs in Security Sector Reform, there seems to be a greater understanding of the role these companies can play	Security Sector Reform Attitudes to PMCs Capability
0503	There are many cases where the concept of 'African solutions to African problems' is questioned	Intervention Sub-category: Regional Intervention
0504	…either because of lack of capability	Capability Intervention Sub-category: Regional Intervention
0505	… or because of internal perceptions, whether ethnic or national	Intervention Sub-category Regional Intervention
0506	involvement by neighbouring states in African countries [is questioned]	Intervention Sub-category: Regional Intervention

	Data from responses relating to actions of intervening groups, including PMCs, in Liberia and Sierra Leone	
0414	In Sierra Leone, there was a lead-nation approach, whereas that was not the situation in Liberia	Intervention Sub-category: External Intervention
0429	They (Executive Outcomes) were brought in by an internationally-recognized government seeking assistance	PMC Operations Sub-Category: Executive Outcomes
0431	the most interesting part of the debate is that EO were extremely effective	PMC Operations Sub-Category: Executive Outcomes
0434	EO went for the diamond areas, which took the rug from under the rebels' feet	PMC Operations Sub-Category: Executive Outcomes
0435	… this strengthened the government, even though it was a 'private army' doing it	PMC Operations Sub-Category: Executive Outcomes
0436	I didn't come across anything that indicated there was criticism of that kind towards Executive Outcomes within Sierra Leone	Attitudes to PMCs Sub-Category: Executive Outcomes
0437	… people appreciated the stability they helped provide	Stability Attitudes to PMCs Sub-Category: Executive Outcomes
0439	the UN demanded that they leave, but there was no coordination between the departure of EO and somebody stepping to fill in the security vacuum	United Nations PMC Operations Sub-Category: Executive Outcomes

	Data from responses to question relating to regulation of the British Private Security Industry	
0301	regulation, having emanated originally from government pressure, has moved to a position where it is PSCs themselves who are pushing for it	Regulation of PMCs
0304	the British representative body, which pushes for regulation, was conceived by PSCs themselves	Regulation of PMCs Representative Bodies Sub-category: BAPSC
0309	good, professional companies want to protect their names and the reputations they have built up	Regulation of PMCs
0332	the real benefit of regulation is when you regulate contracts for governments	Regulation of PMCs Note: Lnks to categories related to PMCs as foreign policy proxies.
0334	international regulation can only work as a matrix of interlocking, mutually-reinforcing schemes	Regulation of PMCs International Regulation
0245	regulation is important…to fight the 'mercenary' tag	Regulation of PMCs Attitudes to PMCs Sub-category: Perception as Mercenaries
0256	… and to differentiate …from people who are not being regulated	Regulation of PMCs
0249	to say that they're not regulated in Africa would not be wholly correct; most African countries have regulation…	Regulation of PMCs Sub-category: Regulation in Africa
0250	South Africa has got more stringent regulation than anybody else	Regulation of PMCs Sub-categories: Regulation in Africa Foreign Military Assistance Act
0257	[British] government regulation could only regulate British companies	Regulation of PMCs
0265	the idea that any form of national regulation can cope is a joke… it is an industry that is crying out for international regulation.	Regulation of PMCs International Regulation

5.9.2 Axial coding

In this stage, the data that I categorized in the first instance was subject to further analysis, in order to identify causal relationships among categories, and to make connections between them. The key feature of this stage were identification of specific features of the various categories of information, such as the context in which concepts are placed, conditions giving rise to them, interactions among these conditions, and their consequences. While this analysis of information – in terms of context, conditions and consequences – is what distinguishes axial from open coding, Strauss and Corbin stress that, although each is a distinct analytical procedure, they can be carried out concurrently.[50]

My aim, as I progressed with axial coding, was to spot patterns in the data, and to identify both relationships and contradictions among and between data categories. One of my primary reasons for choosing to use grounded theory in the analysis of data is that the nature of the field I am studying features starkly competing perspectives. Rather than bringing the results of an analysis into dispute, as with some approaches, grounded theory allows for competing perspectives to add variation and depth to the understanding of concepts under analysis. In order to speed up the process of axial coding, data-sets were input into matrices for clarity in establishing relationships and contradictions between categories,[51] and for ease of cross-referencing as a means to facilitate the third phase of coding. There follows an example of the matrices used for enabling data bites to be axially coded.

[50] Strauss, Anselm and Juliet Corbin. 1998. Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory. Thousand Oaks. CA: Sage. p.124.

[51] Ibid.

Figure 3. Example of matrices used for axial coding

11. Counteracting networks and corruption	**12. Proliferation of PMCs in Africa**	**13. Ongoing PMC operations**	**14. Past PMC operations in African States**	**15. Capacity and capability of PMCs**
0807 the preferred option is or local companies, but it's easy for locals to set up illicit networks	0101 we would have to establish if that is the case… there are people who would challenge the whole phenomenon	0143 DynCorp in Liberia… is a bad example of SSR, in terms of lack of consultation and the sums of money that were spent	0115 EO, Sandline etc., however much they may have been successful … that kind of use of PMCs, I think there is very little chance	3311 There's no doubt that PMCs have shown themselves capable, in a wide range of tasks, both conflict and post-conflict
0507 they [PMCs] were professional and had no local connections, so could not be 'bought off' or indulge in rackets like other organizations did – and that includes ECOMOG and some of the UN	0201 the search for mineral wealth… where western industries are more and more active, and where there is instability… extractive industries have to appoint private security companies for protection	1004 In Liberia our organizations often come across PMCs who train the army, and our conclusion from what we've seen is that they should be involved on a deeper level and for a longer time span	3418 As time passes, it becomes clear that EO's involvement in Angola and Sierra Leone – and this is not to downplay the impact of that involvement – is an anomaly more than a precursor of things to come	2334 Compared to the UN, they can move much quicker – although that's not saying much – but they aren't held back by the need to constantly refer back to high level, along a long line of communication
0756 loyalties at that level tend to be local more than national	0203 you have an explosion of firms providing security… and essentially providing a policing function	0186 from the Liberian side… many of them feel that the local has not been taken into consideration	0119 …in terms of that kind of blunt instrument, of assisting a government in need, I don't think so	2121 The real value of PMCs is in their use as a means of providing the capacity lacked by African states
0107 PMCs have to be wary of entering into contexts of insecurity…getting embroiled in a situation where there's not agreement from the various parties on the ground	0380 the market cannot support the number of large companies … so you will see all the things that markets do – buy-outs, mergers etc	0733 On the basis of their success in training the new army, DynCorp won the contract to equip and train the ERU, and to rebuild the LNP headquarters.	2044 What EO, the CDFs and the British Army had in common was that they engaged with, and defeated, people who were terrorizing the population	0193 there will be scope within Africa, because the more it develops, the more requirement there will be for the capacity that it simply doesn't have
0622 there is far more loyalty here, generally, to your tribal group and your chief rather than to the government.	0105 some pre-eminent Africanists would challenge the extent to which this is going to become a big issue	3044 when a DynCorp spokesman was interviewed [by Ezekiel Pajibo], he said they were not concerned with "nation building."	0126 I don't think the world would accept a private company working in that offensive capacity	2337 the most interesting part of the debate is that EO were extremely effective
0625 That doesn't mean there isn't immense pride in being Sierra Leonean, but when it comes to politics, loyalty is to tribe rather than to the government	0202 the security apparatus in Africa is much more fragile than the western world, but the desire for security is just as great	3410 The U.S. gave $35M in aid, which was for the sole use of recruiting and training an army of 4,000, and that was subsequently scaled back to 2,000 due to lack of funds	3232 Until they [EO] appeared, it just seemed that nothing would ever stop the rebels from taking Freetown	0506 when British troops went into Sierra Leone, they were seen to address the problem and to make a difference that helped the people there. The same was true of EO
				Page 1 of 8

This brought my analysis to the stage necessary for the third part of the process, that of 'selective' coding.

5.9.3 Selective coding

In this part of the coding process, a core category,[52] to which all other sub-categories relate, was identified. Strauss and Corbin describe this stage as being driven by the researcher's *"gut sense",*[53] but Glaser goes so far as to argue that, at this stage of the process, the researcher has only to observe the various connections and relationships between categories: *"...it always happens that a category will emerge from the many and 'core out' of its own accord".*[54] When identified, this core category is related systematically to all other sub-categories in order to validate the relationship between them, and to further analyse and refine each category. This is key to grounded theory, as it is this part of the procedure that moves from the process of coding and categorizing, to *"reflection of the data at hand.*[55] It was from this stage that I was able to build up a conceptual framework, and to develop a coherent grounded theory.

The value of the grounded theory process in the analysis of the nature of data gathered in my research is further emphasized by Charmaz, in that it is the *"interactive process and its temporal, cultural and structural contexts"*[56] that provides a true *"window on reality".*[57] It is the explanatory power afforded by grounded theory that I believe has made it most apt for analysis of my research data.

---

[52] Given the number and complexity of concepts involved in the subject matter of this thesis, more than one core category may be identified. This is in keeping with the fundamentals of Grounded Theory, as expounded by Glaser, and by Strauss & Corbin, in: Glaser, Barney. 1978. Theoretical Sensitivity: Advances in the Methodology of Grounded Theory. Mill Valley, CA: Sociology Press., Glaser, Barney. 1992. Basics of Grounded Theory Analysis: Emergence vs. Forcing. Mill Valley, CA: Sociological Press., and Strauss, Anselm and Juliet Corbin. 1998. Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory. Thousand Oaks. CA: Sage.

[53] Strauss, Anselm and Juliet Corbin. 1998. Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory. Thousand Oaks. CA: Sage. p.150.

[54] Glaser, Barney. 1978. Theoretical Sensitivity: Advances in the Methodology of Grounded Theory. Mill Valley, CA: Sociology Press. p.95.

[55] Corbin, Juliet. 1998. "Alternative Interpretations: Valid or Not?" Theory and Psychology 8(1):121-128.

[56] Charmaz, Kathy. 2000. "Grounded Theory: Objectivist and Constructivist Methods." In Handbook of Qualitative Research, eds. Norman Denzin and Yvonna Lincoln. Thousand Oaks, CA: Sage. p.524.

[57] Ibid.

Figure 4. Examples of core categories emerging from the selective coding process.

Core Categories			
Perceptions: PMCs or Mercenaries?	**Perceptions: Activities of PMCs**	**PMCs in Practice**	**PMCs as Peacekeepers**
Examples of Subordinate Categories			
Nature and characteristics of PMCs	Economic Recolonisation	Proliferation of PMCs	Moral Dimension
Legacy of mercenaries in African states	Undermining state sovereignty	PMCs in Security Sector Reform	Threat to Human Rights
Attitudes towards PMCs	PMCs as Foreign Policy Proxies	Empowerment of the weak state	The Question of Legality
Actual and perceived nature of the PMC industry	Past PMC operations in African States	PMCs, NGOs and Humanitarian Agencies	Regulation
Perceptions of PMCs as mercenaries	Ongoing PMC operations	Stability and the threat of security vacuums	Capacity and Capability
The International Conventions	PMCs in Development operations	Counteracting networks and corruption	PMCs in Humanitarian operations
Defining PMCs	Commercial interests	Industry Bodies and Self-Regulation	PMCs in UN Support Roles

5.10 Content analysis

Content analysis presented a more quantitative method of producing core constructs from data than the grounded theory approach. The debate on PMCs hinges around a number of core concepts, and this method lent itself to analysis of key aspects of these concepts. Due, however, to its reliance on systematic reduction of textual data,[58] I did not believe that this method would be ideal as a stand-alone method in the analysis of data of the nature involved in this research. Its value therefore to this research is in the analysis of key concepts and, when used together with the grounded theory approach, it further validates research findings realized through the former method.

The method does, however, have significant value in itself, and, in some respects, has

[58] Miles, Matthew and Michael Huberman. 1994. Qualitative Data Analysis. London: Sage. pp.55-56.

advantages over grounded theory. The most significant of these – specifically in respect of my own concerns relative to analysis outlined at the beginning of this section – is that it is derived from actual, spoken content, whereas, in grounded theory, I am forming concepts more from my own interpretation and judgment of gathered data.

My use of content analysis was focused on addressing the concern that text can, in some cases, lose meaning through the radical reduction required of this method. Criticisms of early use of the technique were centered upon the reduction of text to words 'orphaned' from their original context, and a more qualitative approach was advocated, whereby themes and implications are derived more holistically from the overall text.[59] To this end, I employed the approach developed by Altheid, *"ethnographic content analysis",*[60] or *"qualitative content analysis",*[61] whereby emergent themes were developed, but with an emphasis on the use of manifest content – actual textual data – rather than of latent content whereby my own judgement and interpretation was applied to respondents' discourse. This use of actual text afforded the time-saving advantage of being compatible with computer software, and, as transcripts were produced in the process of prior analysis, the use of content analysis for the purposes of this thesis proved to be a time-efficient process. A further time efficiency afforded by this form of analysis was that its quantitative nature means that several paragraphs of text could be reduced through content coding.

My first step in the process was to formulate categories from core concepts covered in the process of my interviews.[62] The number of occurrences of similar words, word-groups, or phrases, attributable to a specific category – essentially 'idea units' relative to the concept in hand – were then counted. A personal reservation that I have with this method is that the form of question used in interviews can influence use of words in the response. My approach, to minimize this, as outlined previously, was twofold:

[59] Kracauer, Siegfried. 1953. "The Challenge to Qualitative Content Analysis." Public Opinion Quarterly(16):631-642.

[60] Altheide, David. 1987. "Ethnographic Content Analysis." Qualitative Sociology(10):65-77.

[61] Ibid.

[62] Weber, Robert. 1990. Basic Content Analysis. London: Sage. pp.41-43.

- Questions were formed, as far as was possible, so as not to use or to elicit specific words, word-groups, or phrases identified as 'idea units' in respondent's answers.
- In situations where the use of specific words in the question is unavoidable,[63] allowance was made in the analysis for occurrences of those idea units identified as having been elicited by the question.

Once the counting of these occurrences was complete, I then moved to analysis, through the checking and questioning of themes emerging from the clustering of idea units.[64] This method does not preclude a qualitative approach to analysis, and my emphasis was on the context and meaning of recurring data – and relationships between elements of the data – rather than purely on frequency of occurrence.

The reliability of this method was checked by reviewing previously processed data which, again, was achieved in a time-efficient manner through the use of computer software. This form of checking added an important element to the analysis, vis-à-vis checking the validity of selected idea units in completed research, and enabling 'fine tuning' of the method as the research progressed.

There follow two examples of key-word-in-context enumeration; one example from a single interview, and one from a multiple-interview comparison.

[63] An example, where PMCs are concerned, is 'regulation'; this emerges frequently in discussion of other issues concerning PMCs, where the discourse is not centered on that specific issue.

[64] Marshall, Catherine and Gretchen Rossman. 1989. Designing Qualitative Research. Newbury Park: Sage.

Figure 5. Key-word-in-context enumeration example (single interview)

"In most of Africa, almost every transaction, whether it's business or just an everyday transaction, is done through some kind of **network**. Loyalties are to family and tribe above all else, and those are extensive **network**s, because when we describe somebody as a brother he could be a cousin or even a friend, so there aren't any clear edges to what we consider our 'family' **network**. The Salones[65] knew the ECOMOG troops' first loyalty was to their own **networks**, and that their time here was going to be used for the benefit of those **networks**, at the cost of the local people. Now, we didn't expect that of the UN, but the way I see it, if you put a group of people somewhere long enough, with very little to do, they'll establish their own **networks** and start to make the most of the situation, and some of the things the UN troops got up to put our own **networks** to shame. Do you know the saying? "African armies sit around playing cards and plotting coups?"[*] Well, the same is true of any group. If they sit around long enough, they end up thinking of what to do to profit from their situation. So the crux of this matter is that if you have locals you end up with very well established **networks**, if you have groups from other African countries they exploit their own **networks** to the maximum, and even a permanent foreign force establishes **networks** to exploit their situation. Now, this is the reason many prefer to deal with private security companies. They come to do a job, and they have limitations on time, so they never get entrenched enough to establish **networks**. Cost-effectiveness drives them, because they're private companies, so they do the job and they leave. There are no openings for people to establish corrupt **networks** with them, and even the ones who stay for long periods, it's impossible to establish an effective **network** with, because they change over every month, or every six weeks. And for that reason, we have more trust in private companies than of locals, or our own police or our army, or regional troops, or the UN, because the private companies aren't penetrated by the **networks**. I know there's low opinion of the South Africans who came here to fight the RUF. Most people from outside have the opinion that they were enemies of Salone, who came to plunder our diamonds, but them [sic] and the British were the only people who didn't steal and take food away from the villagers, and who didn't get penetrated by corrupt **networks**, so many Salones have a good opinion of them.[66]

[65] The word 'Salone' is a Krio term meaning 'Sierra Leone' or 'Sierra Leonean'.

[66] Extracts from interview with representative of Sierra Leone Ministry of Mineral Resources, 7th December 2008.

[*] This expression was encountered in several interviews. See Chapter 4, Note 28.

Figure 6. Key-word-in-context enumeration example (multiple interview comparison).

0197 …their senior officers and so forth were happy with the kind of **training** they received; they just kind of wanted the whole thing to continue for a little bit longer.

0316 We stipulate armed security services as including recruitment or **training**.

0328 It covers things like **training**, vetting, qualifications of staff and employees.

0386 …a PSC, and that can be one person sometimes, or a team, wins a contract for **training** local company, but as soon as that contract is finished, it reverts to a local manager

0403 The most useful thing we offer is situational awareness **training**, and it's been taken up by quite a few organizations

0642 It was the actions by EO, and the **training** they provided to the CDFs that brought the RUF to the negotiating table.

0742 **Training** consultants have now given way to in-house trainers. There were quite a lot of resources put in to equipping and **training** the police…

0745 There is a private aspect to **training**, but it involves just a few advisory positions now.

0805 …they're provided with additional **training** and supervision. **Training** for security companies has been provided by contractors in the early stages of some operations, but that's now taken care of by staff from UNDSS.

0808 …at the same time there is awareness and acceptance of the expertise a professional security company can provide in terms of **training** and consultancy…

0833 The nature of our operations requires contractors, not necessarily in security directly, but there are PMCs who provide a wide range of services – logistics, **training**, equipment provision…

0835 …they have a major operation in Liberia, which is part of the DynCorp contract for **training** the army, but they're also involved in the provision of equipment, **training** of equipment operators, provision of maintenance facilities, **training** of maintenance personnel, that sort of thing.

0879 The police now have the **training** and equipment they need to deal with unrest, but the job is far from finished.

0902 …they supply equipment, mostly things like vehicles, plant, stuff like that, fuel trucks, water tankers, that kind of thing. And they do **training** on the equipment, and maintenance…

0905 …not combat **training**, IMATT do all that; PAE do **training** on the equipment they provide.

0919 …they supply a lot of the stuff the UN needs to get things built up here, and the equipment and **training** to make the army effective.

1008 The problem is that the **training** – and sometimes it's a private contractor that gets the contract – is for a basic level only, and as soon as that is achieved, the contract ends.

1016 …although you know there are some people working for those companies who have professional backgrounds, police, military, whatever, and who actually understand and are well able to deliver that sort of **training**.

1039 But for example, if you read any of the reports on police **training** here, you will see that they emphasise **training** 'front line' officers in crowd control and in 'confronting disorder'

1047 Well, having met people who do that **training**... or rather who did it, because it's mostly been handed over to state ministries now... they have the ability to deliver that; they understand that time and resources are stretched, and many of them feel that rather than **training** it should be about putting it into practice, so for example, police units being accompanied by a **trainer** or an observer.

1404 Certainly those private companies do a good job of **training** them, but all that does is strengthen the ability of governments to deal with protest by ordinary people.

1850 PMCs get involved in a lot of work… security, logistics, **training**. But as they wind down they just end up doing basic security, and apart from a few expat managers, the ones that remain are locals, so the PMCs end up morphing into local security firms.

5.11 Narrative Analysis

This was a method well-suited to the nature of information gathered in my initial interviews, which is rich in description and narrative, and emanated from the conceptions and understandings of informed and insightful interview respondents.[67] As many of my prospective respondents were from similar categories, as outlined previously in this chapter, I believe that the method was a valuable addition to my analysis. External to data gathered in interviews, narrative analysis could also be applied to existing documentation, forming a baseline from which to make comparison, to verify and validate findings, and to inform the direction of further research.

Within the scope of data gathered during in the course of interviews, the use of narrative analysis required analysis of my transcripts for discourse relating to areas of specific bearing on my research, after which key segments of text were selected for more detailed analysis. In this 'macrotextual' analysis – the analysis of the representation of concepts through verbalization –[68] I used text as a means of framing, defining and giving meaning to those concepts.

In the context of this research, narrative analysis has been particularly useful for the purpose of analyzing extended discourse, in which respondents provided the kind of rich data described at the beginning of this section. Although guided through the medium of the semi-structured interview, there was a tendency for respondents to enter an unstructured narrative when verbalizing issues that are of personal significance to them, and this has proved useful to this research. In most instances, this took the form of an unstructured, meandering, complex, expressive response from interviewees, which lends itself to narrative analysis, and has provided both a rich source of information, and a grouping of conceptions, enabling core issues relevant to the research to be compared and evaluated.

Of the most prominent issues identified through narrative analysis were conceptions of

[67] My first interviews, conducted in May 2008, were with Dr. Terence McNamee, Director of Publications at the Royal United Services Institute, and Andrew Bearpark, Director General of the British Association of Private Security Companies; both have consented to citation in this thesis.

[68] Manning, Peter and Betsy Cullum-Swann. 1994. "Narrative, Content and Semiotic Analysis." In Handbook of Qualitative Research, eds. Norman Denzin and Yvonna Lincoln. London: Sage. pp.464-465.

change and progress among interviewees. Several respondents stopped short of ruling out even the more controversial proposals that feature in the wider debate on PMCs. For example, temporal qualification of responses, such as those given below, recurred among interviewees responding to similar questions:

> *0224: "… that is without doubt a step too far. Whether it will be still a step too far in 2009 or 2010 remains to be seen… You have a very very clear distinction between UN peacekeeping forces and PSCs protecting UN operations."*[69]

> *1061: "the big difficulty, even if they are controlled and monitored by UN personnel, would be the perception that the UN were employing people motivated by profit rather than by humanitarian motives; I think that's an insurmountable difficulty in the current climate."*[70]

> *3814: "I could see a scenario where peacekeepers are trained by PMCs; there's a need to train some UN troops to a higher level than that provided by their own armies. But directly involved in actual peacekeeping operations? I would say that's a long way off."*[71]

This recurrent qualification of remarks is pertinent insofar as it would indicate that, in the minds of those being interviewed, there is a general move toward the view that PMCs might, at some time in the future, be employed as peacekeepers. This was borne in mind throughout the data-gathering process so that similar qualification during other interviews could be explored further.

[69] Interview with Director General of BAPSC. 30th May 2008.

[70] Interview with representative of humanitarian NGO in Sierra Leone, 19th October 2008.

[71] Interview with representative of UNWFP. 27th November 2008.

5.12 Analytical Process

The initial step in the analysis of gathered data took the form of transcription, – both from electronic recordings and written notes – and was carried out as soon as practicably possible after completion of each interview. This process involved structuring the material for the purposes of clarification, and eliminating – where there was no danger of ambiguity or alteration to meaning – redundant content such as hesitations, digressions (limited strictly to those that are short and of no conceivable relevance to the overall data), and unnecessary repetitions. My overall aim in this part of the process was to separate the essential from the non-essential, in order to allow meaningful analysis.

Analysis of the material gathered during the field research was focused on interpreting the implications of gathered data, on further consideration of respondents' understanding of issues discussed at interview, and on the meaning and bearing of their input in the wider context of the research. During the process of gathering primary research, as well as informing the central purpose of the research, this provided new perspectives from which I was able to further develop aspects of the research from my own viewpoint. The initial procedure applied to data gathered in the commission of the research was that of open-coding, of each unit of new data as it was collated.[72] As an initial approach to analysis, it was found to offer the following advantages:

- It enabled structured and systematic analysis from the outset, having been applied to individual units of data as these were collected.
- It allowed for ongoing comparison, cross-referencing and analysis against subsequent data units as these were gathered and collated.
- It served to open further avenues of enquiry for subsequent interviews as emergent categories and themes were identified.
- It provided the most objective approach that could be achieved with the

[72] These units of information consist of strings of speech from the interview data, comprising phrases, connected phrases, sentences or passages relating to a specific concept or element of the subject matter. My guidance as to what comprises a data unit is derived from Strauss and Corbin's concepts of basic units of analysis for grounded theory, in: Strauss, Anselm and Juliet Corbin. 1998. Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory. Thousand Oaks. CA: Sage. pp.92-93.

qualitative nature of data relating to this research.

5.12.1 Coding

The initial, open-coding, phase of the analysis was applied to data from the earliest stages of interviewing, firstly as a means of identifying what were likely to be the most relevant inductive categories, secondly in order to relate the initial data to key features of the research, and thirdly to guide my approach to collecting further data. This enabled me to better apply coding required of the second and third stages of analysis. In the second stage – theoretical coding – connections between the categories were established, towards establishing superordinate categories in order to build a conceptual framework. The third stage – the application of selective coding to build this conceptual framework – proved the most difficult, requiring repeated application of the first and second stages. Examples of the coding process are shown in Section 5.8, above.

Units were therefore multiple-coded where applicable, with no mutual exclusivity being applied to codes. This approach was adopted in order to avoid, as far as was possible, my coding being influenced either by pre-existing theories, or by emergent themes as they became evident. The drawback of this approach was that it was time consuming, as data had be coded and allocated several times, and the process repeated exhaustively, but it provided a continuous form of cross-referencing, and served as an effective method of familiarizing myself with the complexities of the data I was handling.

5.12.2 Categorization

Categories and subcategories were revised as analysis progressed, and the previous process of multiple coding and cross-referencing assisted considerably with the allocation of superordinate categories in the later stages. Categories were linked to specific locations in transcripts and field notes, which provided for fast cross-checking and for identification of data, of exemplars, and of source strength. This also facilitated the identification of ‘outlying’ data – that on the periphery of a category, but necessary, firstly to define the limits of my categories, and secondly, to clarify inter-category linkages and limits.

5.12.3 Content Analysis

Content analysis was applied, where relevant and applicable, for the purpose of maintaining focus on core concepts around which the essential debate on PMCs hinges. These concepts are drawn from the inductive coding categories obtained through the initial analysis, as detailed above. The use of this approach in conjunction with grounded theory considerations – where these are a more apt form of analysis –[73] offered a means of further validating my analysis, based on the prescribed concurrent use of both methods. Even in the early stages of the application of content analysis, key concepts in the debate surrounding PMCs – such as the effect of perceptions of PMCs in the popular mindset, the nature and wider effect of tasks they undertake, policy towards their use – were identified as prominent. The process of enumeration, using key-word-in-context analysis,[74] was used as part of the content analysis to emphasize the recurrence and prominence of these concepts, and was then applied as a means of comparison and analysis of further recurrences, in subsequent interviews, of the same key words in context.

5.12.4 Narrative Analysis

Narrative analysis was applied from an early stage, as the conceptions and understandings of some respondents early in the interview process were particularly insightful. I felt therefore that they merited this form of analysis, and that this would contribute to my approach to subsequent data gathering. Also, as some of the prospective interviewees I had contacted at an early stage fell into similar categories of these early respondent-types, as outlined in Section 5.6, the early application of this method served to form a base for the development of my approach to interviewing these later respondents.

[73] Miles, Matthew and Michael Huberman. 1994. Qualitative Data Analysis. London: Sage. pp.55-56.

[74] Manning, Peter and Betsy Cullum-Swann. 1994. "Narrative, Content and Semiotic Analysis." In Handbook of Qualitative Research, eds. Norman Denzin and Yvonna Lincoln. London: Sage. pp.464-465.

5.13 Field Research

There were some practical elements of the field research that proved challenging. The most difficult was travel, within both Sierra Leone and Liberia, to places where interviews were scheduled to take place. Guidelines for travel in Sierra Leone and Liberia are based on assumptions that the traveller has access to a vehicle (or a convoy of two vehicles) and sufficient funds for secure accommodation.[75] There follow extracts from FCO guidelines on travelling to/in Sierra Leone and Liberia.

Figure 7. FCO advice for travel to/in Sierra Leone

Travelling to/in Sierra Leone

Almost all international flights to Sierra Leone arrive during, or shortly before, the hours of darkness. We advise against all road or sea transfers between Freetown and Lungi outside of daylight hours (dusk is around 1900 hours). This is due to the absence of navigational lights on boats and ferries, the hazards of driving at night in Sierra Leone, the decreased likelihood of help reaching you in the event of an emergency, and your increased vulnerability to crime.

FCO staff only travel by day outside Freetown and at moderate speeds using competent, well-rested drivers driving in convoys of at least two vehicles suitable for travel on badly-rutted unmade roads. You should take precautions when travelling and avoid demonstrations. The main roads from Freetown to Makeni and Mile 91 are tarmacked and suitable for most types of vehicle. The majority of other roads outside Freetown are constructed from rocks and mud, with frequent potholes. During the rainy season (May to October) rural roads can become difficult to use, even for off-road vehicles. Illegal roadblocks are sometimes put up by youths… occasionally those manning the roadblock will be armed. Roadblocks are most common at the weekend… they are easily distinguishable from the legal checkpoints erected by police, who are uniformed and normally use marked barriers or vehicles to indicate where drivers should stop. The safest response to seeing an illegal roadblock ahead of you is to turn the car around before reaching it and use an alternative route. Stopping at a roadblock and winding down your window could allow someone to reach into your vehicle.

We advise against using the private taxis and "poda-podas" (minibuses) that provide transport along fixed routes in Freetown and the Western Area. They are often crowded and not subject to European road safety standards. There have been several incidents recently of Western passengers in public taxis and poda-podas having belongings stolen. Serious road accidents occur quite frequently in Sierra Leone due to the hazardous driving conditions, poor vehicle maintenance and erratic driving. All roads are unlit and potholes are common, especially during the rainy season (May to October). The emergency service response to accidents in Freetown is very slow and unreliable. Outside the capital you should assume that there would be no emergency service response to an accident.

[75] In countries where there are high numbers of UN, humanitarian and development organizations, the cost of accommodation invariably becomes inflated to levels on a par with that in advanced countries. Source: Interview with senior representative of the UNDP, Freetown, 15th October 2008.

Figure 8. FCO advice for travel to/in Liberia

Travelling to/in Liberia
You should not travel to Liberia unless you have made adequate security arrangements with a reliable organisation in advance of your arrival. You should also check the security situation before travelling to any part of the country. Public transport (including taxis) may be neither reliable nor safe; you are advised not to use local public transport. You should arrange for private transport in advance of arrival. We advise against all but essential travel to all areas of Liberia outside the capital, Monrovia, and in particular against spending the night outside Monrovia. UNMIL and the local security services are less able to offer assistance outside the capital. The availability of secure accommodation in most towns and in rural areas is very limited. Medical facilities are even more basic than in Monrovia, and in many areas non-existent. Many organisations, including the UN and the US Embassy, impose restrictions on staff travel outside Monrovia. If you decide to travel outside Monrovia, you should avoid travelling alone...

Road conditions are generally poor. Apart from a small number of major roads in central Monrovia, all roads are unlit. Driving and road conditions deteriorate significantly during the rainy season (May to November), and many roads may become impassable. You should make precautionary arrangements for dealing with breakdowns with the general security situation in mind, including considering travel with more than one vehicle. Traffic accidents can quickly draw hostile crowds, who may attempt to take justice into their own hands. You should use a local driver outside Monrovia and in the high density areas rather than driving oneself. The standard of driving is generally poor. You should be prepared to stop at checkpoints operated by UNMIL, the Liberian National Police, or other Liberian security authorities, which are found on roads throughout the country. You should also immediately pull over to the side of the road when instructed by security forces accompanying VIP convoys. The rainy season (May to November) makes travel to outlying areas particularly difficult and hazardous.

I found most of the advice given by the FCO, particularly that against travelling in the local minibuses, to be well-founded (see Section 5.12 above), but for a lone researcher without access to the transport and secure accommodation enjoyed by the humanitarian and development communities, there is little choice. One option was to hire a motorcycle, but having done so for a week, I decided that the dangers of public transport were preferable to the dangers and inconveniences of negotiating West African roads on a motorcycle in the rainy season.[76] There were a few days of my research trip that were particularly educational as to the hazards of travel in West Africa, and the ingenuity of the providers and users of various modes of transport. The days in question also reflected the frustration I quite often experienced when trying to arrange interviews. The following extract is an abridged account of some of those days.

[76] Having turned up for a pre-arranged interview after one such motorcycle journey during which I had accumulated a coating of mud, the respondent called the interview off *"for reasons of time"* (See: Supra, Note 36).

Figure 9. Extract from Field Research Notes.[77]

Thursday 13th November.
After yesterday's unproductive day – one of two respondents didn't show at Harbel, the other was of limited use, my Liberian cell phone sim card packed up, ergo unable to make contact with any potential respondents at UNMIL – decided to head to Tubman Boulevard, and straight in to UNMIL HQ. Asked if I could see somebody from the public information office. UN official told me to take a seat. Another person came in and asked, also, to see a public information officer. UN official gestured towards the seats. This person had obviously been here before; introduced myself. Investigator for a Human Rights NGO, looking into DynCorp's re-training of the Liberian Army. Asked if I could have a formal interview later. Refused flatly, but relented when it seemed that my area of research (which was received in a very negative way) might be useful in terms of interview leads. Interrupted by a smiling UN official. Introduced himself as Michael, and asked us individually, what we wanted. Very helpful; made some calls and scheduled an interview with an UNMIL representative for me, for tomorrow morning. Arranged to meet the 'investigator' at 5pm. Met Richard Stanley (researcher from Oxford University) for lunch; he's completed his scheduled interviews and is looking for new leads. Suggested he go to UNMIL and ask if he can see a public information officer.

Taxi picked me up at exactly the pre-arranged time. Interesting chat with the driver, Sam, on the way to Roberts Field; pointed out that William Tolbert rubs noses with his murderer, Samuel Doe, in most Liberians' pockets every day (Tolbert's picture is on the LRD100 note, Doe's on the LRD50 note). Respondent at Roberts Field was a former AFL officer, now a senior security official at the airport. Highly knowledgeable on the subjects of PMCs, the Mano River Wars, and the development of Liberia since the end of the civil war. Very useful interview. Sam had agreed to wait, but was nowhere to be seen. Hadn't yet paid him anything, so I waited; realized that I hadn't mastered the African approach to time. Very fidgety by the time he reappeared, but got me to Bella Casa (the investigator's hotel) on time. Long, difficult interview; respondent was very negative, and not very objective, but I got some information that put different angles on some of the data I'd collected the previous week. Definitely worthwhile for me, but not entirely mutually beneficial; asked me, after the interview, for information about some of my respondents, which I explained I couldn't divulge. Meeting ended very tensely.

Friday 14th November.
8am. Back to Pan African Plaza for interview with UNMIL representative. Useful interview – new data, from an authoritative source, and puts much of my previous data into context. Also corroborates some data I had thought questionable. Ventured, politely, to get the respondent to elicit more information about reports of rebel activity in Côte d'Ivoire last week. Other than confirming that UN patrols along the Ivoirian border have been stepped up, he played down the significance, but talking to Michael on the way back to the reception area, he commented that there's been a buzz around UNMIL HQ this week. There were also extensive UN troop movements under way on my arrival in Liberia.

[77] Note: Some names have been changed. See Section 5.5.8.

Waited around the reception area; Michael managed to get another UNMIL representative to agree to an interview later in the morning, which also went well. Respondent was very informed on SSR and elections. Tried to get leads for further interviews, but he holds little hope while the Côte d'Ivoire situation continues. Informed me it's unlikely to change until after the Ivoirian elections (voting was scheduled for 30th November, but not looking likely – UN Security Council met on 10th to express concerns). Did manage, however, to get allocated a slot on a computer in the media centre. Very little about the reports of increased rebel activity that wasn't in Monday's edition of the New Democrat. Seemed like there was an air of resentment from the other people using the media centre. Looked through the UN staff list for potential respondents and used the computer to back up as much of my interview data as I could; managed to back up 6 of 11 interviews before being told, politely, that I'd exceeded my time. Left UNMIL for meeting with representative of InterAction (Council for International Action, a US NGO). No taxis, walked, got stopped by plain clothes immigration officers demanding to know why I'd been granted an extended visa on entry (visitors to Liberia are usually stamped to report to the immigration office within 48 hours after arrival, and have to return to immigration to request an exit visa seven days or less before departure; I had managed to circumvent this). Paid the 'fee' they required for my having inconvenienced them, and the irregularity regarding my visa, and made my way to Sinkor.

Arrived very late. Fortunately, the respondent had been in theatre long enough to understand the situation. Interview was informative, data-rich, and involved real coffee! (from the respondent's personal supply; definitely the highlight of my day so far – very productive interview, the first real coffee I've had since August, no congealed milk powder floating on top). Met Richard back at Pan African Plaza after the interview; he was having the same problem finding potential respondents for interviews. Little chance of setting any up over the weekend, and not looking good with the current situation. Considered my position – 13 interviews during my time in Liberia, most of them worthwhile, a wealth of useful data, plenty of scope for cross-referencing and triangulation. No leads on the horizon, and my visa has two days left. Decided it would be a good idea to use the dead time over the weekend to travel to Bo, where my WFP contact would be staying until Monday. No time to get a UNHAS flight (had managed to get to get to Liberia on a UN Humanitarian Air Service flight from Lungi to Roberts), so when I got back to Logan Town, I asked the market traders (from whom I'd been buying most of my food) the best way to get to the border. They suggested I travel with a reliable driver they knew, who would charge US$30. Checked the price with some other traders who said it was about right. Richard hadn't had any luck with potential respondents, so persuaded him to travel with me so we could split the cost of the journey to the border.

Saturday 15th November.
Gave the market traders a few dollars (making sure I kept enough for 'fees' on the way to the border). First time I've handed money over *sans duress*, which runs against the advice I'd been given, but they've been incredibly helpful, and my logic is that it could be useful to have a ready source of local knowledge should I need to do further research in Liberia. Driver was punctual; shouldn't generalize, but my experience has been that Liberians seem on the whole to have a greater sense of urgency than Sierra Leoneans. Left at 6am sharp; journey to the border (Bo Waterside) took a lot longer than anticipated, due to stops at various immigration 'checkpoints' along the route. The journey also cost more than expected (US$30 fare, and roughly the same again in 'small small' to immigration officials). The official at the border told Richard his visa wasn't in order. He was furious. Didn't even ask what the fee would be to rectify it; negotiated a price with our driver for his journey back to the embassy in Monrovia. Said our goodbyes, and I carried on across the border.

Pushed for time, so paid my additional 'exit fee' to the last immigration officer without arguing and crossed the bridge into Jendema. Found the next bush taxi that was due to leave, booked my seat, and bought some breakfast at a stall (jollof rice with just peanut sauce – decided to play it safe before taking a long journey; avoided the chicken). Used the time to talk to the other people at the stall about the civil war, from the initial RUF incursion into this (Pujehan) district until the cessation of hostilities, and how life has changed for them since the end of the war. Found an interesting elder citizen – not wholly lucid, and seemingly not entirely sober (despite it being not yet 9am), who gave me an account that became more fascinating he elaborated… and, unfortunately for the needs of my research, less believable. The driver's 'assistant' added my bag to the mountain of baggage on the roof of the taxi (the ubiquitous 1970s Peugeot 504 estate), and I took my place with the driver, his assistant, and the eleven other passengers travelling to Kenema. Journey was billed as a 7-hour jaunt, a target that looked less and less likely with each mile we put behind us.

Fortunately, had an intelligent and interesting character sitting next to me. Robert, a Liberian, had married a Sierra Leonean while a refugee during the civil war, and now travels between Robertsport and Kenema. My probing conversations with him were interrupted frequently; whenever the vehicle had to negotiate anything more than a slight incline, we had to dismount and walk – or help to push.

I was deep in conversation with Robert the first time our vehicle broke down. We climbed out and helped to push it out of what our driver called a 'puddle', onto the flattest piece of road we could find.

After much discussion between the driver and his assistant, followed by a long period of dismantling, the problem was found to be a broken rear half-axle. Thinking this would be the end of our journey in this particular vehicle, I asked the driver, what would happen next. His answer was to produce, from a bag he'd pulled out of the mountain of baggage on the roof, a spare half-axle. I marveled at this resourcefulness, and now understood why his assistant, whose sole action so far had been to load the baggage, was such an indispensible addition, taking up a valuable seat for the entire journey. It took him less than an hour, with the most basic of tools, to fit the new half-axle and get us once again on our way.

I wondered, while this work was being carried out, how long and costly a process it would be to obtain and replace a half-axle in the UK, and how many middle-men would be involved. My thoughts were disturbed by a high-pitched buzzing around my ears, and I realized why had the other passengers had walked so far away from the vehicle. They were sat in the shade, a sensible distance away from the pools of standing water around the car, chatting and laughing, completely nonplussed about the major mechanical repairs being carried out on their transport.

After a further 90 minutes of slow progress, we broke down a second time. This time, it was a rear wheel bearing that had failed, on the opposite side to the replaced half-axle. The bearing was quickly replaced (they had a spare, of course) and we were on our way again, but only for a short time before the replacement bearing failed. There was no second replacement; for spare parts, bush taxi operators are dependent on a supply of vehicles that have either crashed or are beyond repair, and can be 'cannibalized'. Our driver's view of this haphazard element to his inventory of spares? *"It makes for an interesting life."* I talked to the other passengers while the driver and his assistant considered their options. During the civil war the RUF had commandeered all the taxis; some of the drivers lost their vehicles and their livelihoods.

My friend Robert advised me to prepare for a long wait. I spent the next few hours getting to know my fellow passengers; their resignation and good humour were impressive. This journey was not the worst I'd had during my field research trip so far; I was gaining a valuable insight into the impact of the civil war and intervention, and the lack of impact of reforms of government institutions and the security sector, on the lives of ordinary Liberians and Sierra Leoneans. I made the most of my time with these resilient and resourceful people. At around 3pm, a motorcyclist approached and was flagged down by our driver (we had been on the road for 6 hours at this stage, and were not yet a third of the way to our destination). A few minutes later, the driver's assistant was on the back of the motorcycle, off to seek a replacement bearing. Some 3½ hours later, as dusk was falling, we heard once more the welcome buzz of the two-stroke engine. By 7pm we were on our way again. Those of my fellow passengers who had had the foresight to bring food had long finished it. Having only brought water, I was getting very hungry. 4½ hours later, after numerous stops to let the engine cool down, we arrived in Kenema. I went with Robert to a stall for something to eat. It had the shape, texture and taste of the chargrilled ears of some small animal.

Phoned my WFP contact in Bo to tell her that I was considering overnighting in Kenema, but she advised against it and told me to get the midnight bus. Despite it being full, I managed to persuade the driver to allow me to travel, at a price, and spent the journey perched on a one-legged stool, with a small, padded seat, between the driver's seat and the door. Had it not been such a tight squeeze, and had the roads to Bo been as bad as those from Jendema to Kenema, I would have fallen off several times when sleep overtook me. My friend from the WFP, who was waiting when I arrived at Bo, realised there was no chance of getting a conversation out of me. Understood also that I was very hungry. Bread and Happy Cow cheese for supper – interesting dreams.

Sunday 16th November
Very frustrating day. Contacted Will, the minerals dealer I'd met in Freetown, to arrange a meeting in Bo, and to discuss leads for interviews with the mining community here. Told me he had to leave for Kailahun later today, but could see me briefly. Met for lunch; he provided some very useful information and insights into the political economy of mineral resources at every level, from multinationals to artisan prospectors. Had to cut the interview short when his driver turned up; didn't provide any further leads, but agreed to accommodate me in Kailahun for a couple of nights next week, and to introduce me to some potential respondents for my research. Spent the rest of the day going into the various diamond dealers' premises on the off chance that I could get an impromptu interview (no joy). Followed up a lead I had been given by my friend Obi (who had been visiting Freetown from London to arrange his wedding) at the Kindoya Hospital, but was told when I arrived there that my contact would not be back until later the following week. A further contact, Paul, an NGO coordinator, had left Bo for Lungi, but told me he would meet for an interview when I got back to Freetown, and could give me details of some potential respondents. Spoke later to my WFP contact, who was leaving the following day for Freetown. Told me she could get her driver to drop me off at Kissy, for the ferry to Lungi. Accepted the offer of a (comparatively) comfortable ride back to Freetown, on the basis that little was happening in Bo, I had several leads to follow up, and the journey to Kissy in a Land Cruiser would be by far the fastest option.

Monday 17th November
Left early, and made impressive progress; less than six hours for a journey of some150 miles. Phoned Paul on arrival at Kissy. Considered taking a pirogue which was about to leave, but he advised against it. Had fish & fufu for lunch, while I waited for the ferry.

Paul was waiting at the terminal when I arrived. Interview made the effort worthwhile, and produced a number of good leads. Talked informally to some of Paul's colleagues; mixed reaction to my research, but some useful information was forthcoming. Had to rush to get back to the ferry port while it was still light. Took a pirogue back; I now understand the risks. No lights (with dusk falling), no life jackets, no method of signaling distress. Worth it for the experience, but would only do it again if there were no other option.

Tuesday 18th November.
Phoned a respondent I had interviewed in my first week in Sierra Leone at State House, and asked if I could do a follow-up (motive being to get into State House with a view to arranging more interviews). Too busy, but agreed to answer some questions on the phone. Asked how I should go about arranging meetings with Ministry representatives. Gave me some numbers, and I spent the next three hours being refused. Called into a couple of the lunchtime haunts usually frequented by the development community. Very quiet, but met Ahmed, a local security consultant who had been involved with the CDFs in the civil war (who I had interviewed the week before leaving for Liberia). Introduced me to his colleague, Mo, who was a former CDF combatant, and had run a bar on Lumley Beach before it was demolished by the OSD.[78] Asked if I could interview him; he wanted money. Explained that it would be ethically wrong for me to 'buy' an interview. Ahmed suggested, as he left to go back to work, that we talk over a drink or two, which turned out, for a time, to be a good move. Mo became more talkative after his second and third drinks – and proved to be more useful in terms of usable data than I had anticipated. Very productive interview, and he also had a family contact in the Ministry of Internal Affairs. Things started to get slightly difficult when he became loud and bitter about the prison sentences that had been handed to CDF leaders by the Sierra Leonean Special Court,[79] for which he blamed external interference. Diverted his attention by buying him another beer and extricated myself.[80] Spent the rest of the afternoon transcribing and arranging interviews for the coming week.

[78] On 8th October, a large contingent of Police and OSD personnel demolished every bar on the beach at Cockerill Bay. This was a move by the Department of Tourism to make the beach more 'tourist friendly'.

[79] Two CDF leaders, Moinina Fofana and Allieu Kondewa, received sentences of 15 and 20 years respectively, in connection with human rights abuses and the use of child soldiers by their CDFs. Many Sierra Leoneans find it difficult to understand why those they considered to be liberators had to face trial.

[80] Mo contacted me again through Ahmed, and some two weeks later I was able to interview his contact in the Sierra Leonean Ministry of Internal Affairs.

5.14 Field Research – Emergent Themes

The most difficult element of this analysis has been the building of a determinant conceptual framework, due primarily to the difficulty in conclusively allocating inductive data sets to superordinate categories. This is, necessarily, driven by the need to encompass the number and complexity of overlapping spheres impacted by aspects of PMC activity, and requires analysis of each data set as a part of several inductive categories. Examples of this, in the themes emerging from this research, are embedded in the conflicting viewpoints as to those activities that comprise, or should comprise, concepts of peacekeeping and development, and those expediencies of a neo-liberal consensus not driven by the true requisites of these concepts. Compounding this variance in views are perceptions of PMCs as agents of democracy, as expediters of the neo-liberal consensus, as foreign policy proxies, or even as mercenaries. The building of the conceptual framework has therefore had to encompass all these viewpoints in every instance of data analysis. Dominant themes emerging from the field research were:

5.14.1 PMCs

Few of the respondents spoke about PMCs in isolation; even when asked directly for their views and perceptions, most interviewees related the activities of PMCs to their own specific role, task, or area of expertise. Themes emerging from discussions specifically of the nature and characteristics of PMCs were:

- Perceptions and attitudes towards PMCs
- Perceptions of PMCs as mercenaries
- Capacity and Capability of PMCs
- Suitability of PMCs in Political and Economic terms
- Legal status of PMCs

5.14.2 PMC Operations

Emerging from this category, and clearly delineated from each other by respondents, were themes relating to PMCs' tasks, activities and perceived roles:

- PMCs in Security Sector Reform
- PMCs in support of the State
- PMCs in Humanitarian Operations

5.14.3 The final category, which comprises the most contentious and unsettled issues surrounding the use of PMCs, encompasses the following themes:

- The prospect of PMCs as peacekeepers
- The morality of PMCs
- PMCs and Human Rights
- The threat to state sovereignty
- Prospects for national and international regulation

5.15 Framework for Fieldwork Analysis

Among the themes that have stood out during the field research, three have emerged as superordinate categories vis-à-vis their relationship with the subcategories most significant to this thesis' analysis of PMCs. This has been confirmed, throughout the research process, by the levels of importance placed on these themes by the respondents taking part. First, and most prominent, is the variance in perceptions of PMCs and their activities, and the extent to which these perceptions drive attitudes towards PMCs. Second is the effect of their use, particularly in weak, failing, and post-conflict states, and the impact these practices have on the wider security situation. The third superordinate category is policy, in terms of external involvement in African states, and the part played by PMCs in that involvement, and, most importantly for this study, on policies regarding the use and potential regulation of PMCs.

5.15.1 Commonalities

Common to all superordinate categories are, firstly, that the proliferation of PMCs in Africa is a consequence of state failure, and, secondly, that they are being used as part of a solution. The first of these commonalities is not a disputed issue; the second, whether it is right for PMCs to be used as part of a solution to problems faced by African states, has been by far the most contentious element of this study, and it remains one of the central questions for this thesis.

5.15.2 Perceptions

Throughout the field research, two factors regarding perceptions of PMCs have stood out. Most prominent has been the immense gulf in attitudes towards PMCs in the popular mindset, between African states in which the research was carried out,

and states from which the PMCs in question originate. The second issue that stands out is the palpable difference in perceptions, and thus in attitudes, between those whose work connects them with PMCs, and those who have no contact with these organizations. Impacting further on these perceptions are respondents' concepts of the nature of African states, particularly in terms of the impact of failures in governance, and of corruption. Conceptions of the characteristics of weak African states are a primary influence on attitudes towards external involvement – whether by PMCs or other actors – in those states. Liberia and Sierra Leone are clear exemplars of such characteristics, as they typify the attributes of states in which the political situation has contributed to the proliferation of PMCs.

On the same note, the perceptions of many of the respondents involved in this research are guided by Western political thought. It is important to ask the question, where African states are concerned, as to whether this is apt in considering the political aspects of situations that have given rise to the involvement of PMCs. Indeed, in wider academic terms, one must consider whether the predominance of the application of Western political precepts is wholly apt in the analysis of such situations – past and present – in African states.

5.15.3 External factors

On these bases, analysis of data in the following chapters takes into consideration the impact of respondents' conceptions of the African political landscape – particularly those of socio-political organization in African states, relative to their levels of 'stateness'. The analysis therefore draws from aspects of these conceptions discussed in depth in Chapter 3. To the same end, the analysis compares the perceptions of respondents taking part in the field research, with those drawn from wider sources. Further, this is applied comparatively, to the weak states in which PMCs relevant to this study operate, and to the strong states in which they originate.

5.16 Analytical Framework

The framework for analysis follows on from the superordinate categories identified earlier in this chapter, and on the key issues surrounding the subcategories emanating from these themes. The first of these themes – 'Perceptions' – was by far the most contentious, the most energetically argued by respondents, and the most prodigious in

terms of data. In order to address all the aspects of this theme fully, it is dealt with in two chapters, the first of which, Chapter 7, deals with perceptions of PMCs as mercenaries. The superordinate categories that emerged in the data coding process for this theme are outlined in Section 5.16.1. The second chapter under this theme, Chapter 8 – deals with perceptions of activities carried out by PMCs, the individual categories being detailed in Section 5.16.2. The other dominant themes – 'PMCs in Practice' and 'Prospects for PMCs in Peacekeeping Operations' – are analysed in Chapters 9 and 10. The superordinate categories dealt with in these chapters are outlined at 5.16.3 and 5.16.4 respectively.

5.16.1 Perceptions of PMCS as Mercenaries

- 'Modern' mercenaries and PMCs
- The nature and characteristics of PMCs
- The issue of definition

5.16.2 Perceptions of the use of PMCs

- Undermining state sovereignty
- Economic 'recolonization'
- Foreign policy proxies

5.16.3 PMCs in Practice

- Security Sector Reform
- Support for state institutions and empowerment of the weak state
- Securing the 'Humanitarian Space'

5.16.4 The Prospect of PMCs as Peacekeepers

- Prospects for the involvement of PMCs in Peacekeeping Operations
- The moral dimension
- Arguments against the use of PMCs

Critical analysis of gathered data surrounding these emergent themes is carried out in the following chapters.

Chapter 6

Research Context: Conflict and Peacekeeping in the Mano River Region

6.1 Introduction

Key criteria for the selection of states for field research case studies were, firstly, that there must be sustained PMC activity over a representative period; i.e. a period encompassing the initial emergence of PMCs and the development of both the market for their services and that of the companies providing those services. Secondly, in order to address the hypothesis that PMCs are a viable option for involvement in peacekeeping operations, there must be a sizeable component of peacekeeping in the equation, with a credible element of direct PMC involvement.

Two states that have seen prolonged PMC activity, together with large scale peacekeeping missions carried out not only by the UN, but also by regional organizations – both supported by PMCs – are the neighboring West African states of Liberia and Sierra Leone. Entrenched in the colonial histories and post-colonial political development of these neighbouring West African states are the characteristics of states and statehood in Africa discussed at length in Chapter 3. This chapter will explore the relationship between these characteristics and the conflicts that erupted, and will draw comparisons with the political situation in other African states. It will also analyse the nature of peacekeeping interventions that took place in Liberia and Sierra Leone, and will evaluate the effects of the involvement of PMCs, both as adjuncts to those interventions and in the wider security situation in both states.

Significant to the central theme of this thesis – and illustrative of conditions, highlighted in the preceding chapters, that have given rise to the involvement of PMCs in Africa – are analogous elements of the political trajectories of Liberia and Sierra Leone. What appear at first to be striking contrasts in their foundations – Liberia's long independence, compared with the colonial legacy of Sierra Leone – belie remarkable parallels in their historical formation and emergence as nation-states. This is reflected in the development of both states, and is representative of the political situation that has emerged in many other African states.

6.2 Research Background

Fundamental to consideration of the conflicts in Liberia and Sierra Leone are aspects of these states' historical background, political development, and political economy. These aspects relate to themes drawn out in Chapters 3 and IV, relevant to the emergence of PMC activity in Africa. This chapter will consider the key factors bringing about the conflicts: the colonial legacies of both states,[81] the presence of high value natural resources, the coercive and wealth-accumulative practices of ruling elites, the development of excessive forms of neopatrimonialism,[82] and the emergence of security vacuums giving rise to conflict and warlordism. Although there are identifiable 'triggering' occurrences in both conflicts, the root causes were deeply-entrenched, with origins stretching back many decades.

While it is not the aim of this chapter to conduct in-depth historical analyses, there are elements of the colonial and post-colonial eras that have a significant bearing on later events, both in Liberia and in Sierra Leone, and these must be considered in terms of their relevance to the political context in which conflict occurred, and to the situation that now prevails in both states. The latter is important because it relates to current, post-conflict involvement of PMCs. Aspects of the historical emergence of both states will, therefore, be discussed in this chapter, specifically because their relevance to the relationship between the exercise of power – in terms of coercive, wealth-accumulative, and distributive practices – and the socio-economic situation in the state over which that power is exercised,[83] drives and links the conflicts that occurred in both states.

Resource wealth is another key factor in the involvement of PMCs in African states, and this is exemplified by the situation that developed in Liberia and Sierra Leone in the 1990s. The wider consequences of that situation, and its impact from sub-regional to international levels, have far-reaching implications for peacekeeping interventions. Equally, they have implications for the involvement – current and prospective – of PMCs in those operations, and there are pertinent examples of this involvement in the

[81] This is true of both states, as will be shown in this chapter, although in temporal terms, the colonial and post-colonial eras differ greatly.

[82] Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

[83] The importance of this relationship is outlined in: Clapham, Christopher. 1976. Liberia and Sierra Leone: An Essay in Comparative Politics. Cambridge: Cambridge University Press. p.1.

states under discussion here. This chapter will examine both the wider consequences of the Mano River Wars,[84] and their implications for the involvement of PMCs in peacebuilding operations.

6.3 The Mano River

The border between Liberia and Sierra Leone, from the coast to about 50 miles inland, is formed by the Mano River. The river enters Liberia from its source in the highlands of Guinea, which abuts the northern borders of both states, and the river basin is straddled along its entire length by Liberia to the East, and Sierra Leone to the West. The basin, flood plains, and delta of the Mano river are endowed with alluvial deposits of some of the most valuable minerals in the world,[85] the most abundant of which are aluminium hydroxide, commonly known as bauxite,[86] and rutile, a titanium ore, the rich composition of which, along the Mano River in particular, makes it the most sought-after of the titanium oxide ores.[87] Most pertinent, however, to the conflicts that took its name, is that the basin, flood plains and delta of the Mano River are among the world's most prolific sources of large diamonds. Being alluvial, no complex mining facilities are needed for their extraction, and the desire for control of this accessible, easily-smuggled mineral resource was one of the most significant contributory factors in the protracted nature of the conflicts in the Mano River states that started in Liberia in 1989.[88] It was central also to the involvement of PMCs during, and subsequent to, those conflicts.

6.4 The Mano River Union

The Mano River Declaration, signed in 1973 by Presidents William Tolbert of Liberia and Siaka Stevens of Sierra Leone, was conceived for the purpose of bringing about a

---

[84] The conflicts in Liberia and Sierra Leone, and the spread of this conflict to the bordering states of Guinea and Côte d'Ivoire, became known as the Mano River Wars. See: Global Security 2005. "Mano River War." Accessed at: http://www.globalsecurity.org/military/world/war/mano-river.htm ; International Crisis Group. 2003. "Tackling Liberia: The Eye of the Regional Storm." 2003.

[85] Other natural resources such as gold, platinum, timber, rubber and iron ore, while in plentiful supply, required extensive extractive facilities and were not an immediate factor in funding the activities of rebel groups in the Mano River Region. As will be discussed in depth in this chapter, these resources were exploited by none so completely as Charles Taylor once he had control over them.

[86] U.S. Geological Survey. 2008. "Mineral Commodity Summaries."

[87] Ibid. According to the US Geological Survey's 2008 Mineral Commodity report, rutile found in the Mano River Basin has a notably low molecular volume of titanium oxide compared to other known sources; this makes the Mano River Basin a particularly attractive source of the commodity.

[88] Laremont, Ricardo René ed. 2002. The Causes of War and the Consequences of Peacekeeping in Africa. Portsmouth, NH: Heinemann. p.12.

customs union between their respective states. From that declaration emerged the Mano River Union (MRU). This preceded, by two years, the Economic Community of West African States (ECOWAS), an organization with the same aim as the MRU – that of economic integration – but on a wider, regional, basis.[89] Guinea later joined the MRU –[90] a reflection both of commonalities in the nature of resources in this tripartite sub-region, and in the levels of trade being conducted across its borders.[91] By 1981, instruments of economic co-operation within the MRU had progressed to the inclusion of agreed trade levels, an intra-union liberalization of goods of local origin, and a common external tariff.[92]

But the promise held by these impressive agreements had little hope of manifesting itself in the period following the boom of the 1970s, when the collapse of global commodity prices brought about a disastrous economic situation for the African continent as a whole. This was an era that exposed, in many African states, the degree to which neopatrimonial practices relied so much upon, and stripped so much of, the wealth generated by their natural resources.[93]

This situation was amplified in Liberia and Sierra Leone by the extreme forms of neopatrimonialism that had been cultivated in those states.[94] Despite the economic decline and poor governance experienced in both states during the 1980s and 1990s, it was assumed that their centres of power were strong enough – in terms both of patronage, and of the instruments of coercive force – to deal with any internal threat. Stephen Riley, in 1996, commented:

---

[89] Guinea, Liberia and Sierra Leone are members of ECOWAS in addition to their membership of the MRU. Other member states of ECOWAS are: Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, Gambia, Ghana, Guinea Bissau, Mali, Niger, Nigeria, Senegal and Togo.

[90] The terms 'Greater Mano River Union' and 'Greater Mano River Region' are used in some literature to differentiate between the states of the original union, and that subsequently including Guinea.

[91] Guinea's resources include diamonds, gold, and iron ore, and an estimated 8.6 Billion tonnes - the highest reserves in the world - of aluminium hydroxide ores (bauxites). Guinea became a member of the MRU in 1980. In April 2008, during the writing of this chapter, Côte d'Ivoire also became a member of the MRU.

[92] This was permitted by ECOWAS despite a general preclusion of agreements between member states separate from those of the regional organization.

[93] Neopatrimonialism in African states, and its relevance to this thesis, is discussed in Chapter 3.

[94] Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

> *"Few observers expected that the two small West African states of Liberia and Sierra Leone would become embroiled in civil conflict…. their shaky systems of rule were backed up by small but privileged standing armies and police forces. It was assumed that any threat to the established regimes had been bought off by patronage in Sierra Leone or crushed by Liberia's more repressive regime".*[95]

When conflict erupted in Liberia late in 1989, it was expected neither to be protracted nor far-reaching, but the ripples that emanated from it were felt for many years, in many West African states. None, however, would be affected so deeply, or for so long, as the states on Liberia's northern and western borders, Sierra Leone and, to a lesser extent, Guinea. Trade – formal and informal – across the expansive and permeable borders of these three states had brought about a close relationship between them, even before the inception of the MRU. Factors that drew Guinea into the conflict that had erupted to its south included the proximity of its highlands – the source of the Mano and other resource-rich rivers – to some of the richest diamond-fields, the use of its terrain as a base for the launching of cross-border attacks by parties to the conflict, and, ultimately, incursions into its territory by the RUF in a disastrous, failed attempt to destabilize the country.[96] While not a driver of the conflict, Guinea's role, and the use of its territory, impacted on its course.

The political background, and the prevailing political situations in Liberia and Sierra Leone, will be analysed in this chapter relevant to the eruption and spread of conflict in those states. Guinea's relevance to this thesis is limited to the extent that it was affected by, and subsequently involved in, the conflict. The prevailing situation in Guinea was not a driver of conflict; neither has it been a driver of PMC activity. Guinea will not therefore be subject to extensive analysis in this thesis.

---

[95] Riley, Stephen. 1996. "Liberia and Sierra Leone: Anarchy or Peace in West Africa?" London: Research Institute for the Study of Conflict and Terrorism. p.1.

[96] International Crisis Group. 2001. "Sierra Leone: Managing Uncertainty." Africa Report No.35.

6.5 Liberia – Country Profile

Figure 10. Map of Liberia

6.5.1 Political Background

Liberia is a paradox insofar as its history, far from what might be expected of a state founded on the 'love of liberty', is characterized by political repression and social deprivation. Its establishment in 1822 by the American Colonization Society determined that a political system, based – uniquely in Africa – on that of the United States, was in place when it emerged as the first independent African state in 1847. America's interest in the territory had been limited to its usefulness as a solution to the problem of freed slaves in the United States; it held no colonial expedient for the U.S., who compelled the settlers to declare themselves an independent sovereign state some 25 years after their arrival. The resettlement, during that quarter-century, of former slaves and their descendants – who became known as 'Americo-Liberians' – would shape the basis on which Liberian society was formed. In particular, the self-identity of these settlers, as culturally separate

and superior to the indigenous inhabitants, would engender mutual hostility and mistrust that would endure to feed conflict some 170 years after the first settlement. Put simply, the territory that became the 'independent' state of Liberia, just as other African states, was colonized – not by an external power, but by settlers who had established the coastal enclave of Monrovia.

Control of trade played an important role for the small elite of Americo-Liberians. Even before the formalization of political control, the economic *raison d'être* of their coastal settlement was trade with the interior, for the purpose of feeding external commerce. This is a situation replicated in many such enclaves in Africa, and as with those enclaves, it was the maintenance of external commerce that drove the involvement of non-state and para-state security actors in Liberia in the early 1900s.[97] From the 1990s, similar involvement, driven by the same expedients, was conducted by PMCs.[98] These situations in Liberia, both early and recent, are a truly accurate illustration of James Ferguson's hypothesis that, while mineral wealth and violence are not predestined to co-exist in every case, there are many cases where:

> *"...in specific industries (especially certain forms of mineral extraction), and with the help of specific institutional innovations (especially the privatization of security), capital investment can be institutionalized in ways that make it possible to cut the 'overhead' of a nation-level societal project and to provide political order 'flexibly' on an as-needed basis..."*[99]

Uprisings by ethnic groups, driven by taxation, appropriation of land, and control of trade, were commonplace in Liberia until 1915, when a destructive and destabilizing rebellion by the Kru was put down brutally by the U.S. trained

[97] One such actor was the U.S. trained Liberian Frontier Force (LFF)

[98] After the Cold War, private firms provided security for foreign commercial enterprises in Liberia. After the Liberian civil war, DynCorp and other PMCs have provided military training for the Liberian Army.

[99] Ferguson, James. 2006. Global Shadows: Africa in the Neoliberal World Order. Durham, NC: Duke University Press. p.208.

Liberian Frontier Force (LFF).[100] This is pertinent to this thesis because the assistance and training of Liberian troops has parallels in latter-day Liberia, albeit by PMCs rather than U.S. troops. Most relevant to this thesis are the implications of PMCs in roles similar to that of the LFF – as foreign policy proxies – and this is an area of focus for the field research in Liberia.

Violence on the scale of these early uprisings was not seen again until the 1990s. But ethnic tension, discussed at length in Chapter 3, – the primary source of division in African societies,[101] an element of most conflict in sub-Saharan Africa,[102] and the primary cause of the conditions that lead to failing states and the involvement of PMCs – was firmly entrenched. It was the relationship between the coercive, wealth-accumulative, and distributive practices of the ruling elite, and the resulting socio-economic situation in the hinterland, that had brought it about.

The extreme lopsidedness of Liberia's development, and of the fruits of its economic progress – demonstrated by the distribution of power and wealth more than 100 years after its independence – was the primary factor in the escalating level of ethnic tension. Americo-Liberians – comprising, at that time, less than 2% of the total population – still imposed rule over the remainder of Liberia's peoples. In fact, the bulk of power and influence emanated from an oligarchy of no more than a dozen closely-related families, still concentrated in their small coastal enclave.[103] The arrival of multinational companies, notably Firestone, which held the promise of prosperity for the whole of Liberia, became, instead, a feeding frenzy to the

[100] While no colonial administrative link existed with the U.S., levels of trade, and the potential for their expansion, were sufficient to prompt intervention. Other outbursts of major resistance came from the Grebo in the south-east, the Gola, Loma and Vai along the Mano River, and the Dei, Bassa and Kpelle in the centre of the country. See: d'Azevedo, Warren. 1969a. "A Tribal Reaction to Nationalism, Part 1." Liberian Studies Journal 1(2):1-22.; d'Azevedo, Warren. 1969b. "A Tribal Reaction to Nationalism, Part 2." Liberian Studies Journal 2(1):43-65.; d'Azevedo, Warren. 1970. "A Tribal Reaction to Nationalism, Part 3." Liberian Studies Journal 2(2):99-117.; d'Azevedo, Warren. 1971. "A Tribal Reaction to Nationalism, Part 4." Liberian Studies Journal 3(1):1-21.

[101] Laremont, Ricardo René ed. 2002. The Causes of War and the Consequences of Peacekeeping in Africa. Portsmouth, NH: Heinemann. p.4.

[102] Braathen, Einar, Morten Bøås and Gjermund Sæther. 2000b. "Social Struggles for Power, Resources and Identities in the Neo-patrimonial State." In Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa, eds. Einar Braathen, Morten Bøås and Gjermund Sæther. Basingstoke: Macmillan Press. p.3.

[103] Ofuatey-Kodjoe, Wentworth. 1994. "Regional Organizations and the Resolution of Internal Conflict: the ECOWAS Intervention in Liberia." International Peacekeeping 1(3):261-302.

benefit of none but this Americo-Liberian oligarchy:

> *"The multinationals bought off important people in Liberia's ruling elite, who, in return for personal gain protected the companies' favourable terms. The revenues which should have flowed to the government treasury flowed instead to influential individuals"*[104]

Of importance to this study, during the period of Liberia's development discussed thus far, is that the extreme levels of ethnic tension that had taken root throughout the country are characteristic of the political development of states in which conflict leads to external intervention, post-conflict reform – most notably in the form of structured Security Sector Reform (SSR) – and thus the involvement of PMCs. The latter was to become a feature of large overseas extractive companies in Liberia, notably Firestone, which, with its own security system, became, arguably, a state within a state.[105] The situation in Liberia mirrored that in many other African states, as discussed in Chapter 3, and had a significant impact on the emerging political landscape. This situation will now be explored further, in terms of its relation to, and effect on, subsequent developments leading to conflict and intervention.

6.5.2 The Transformation from Oligarchy to Neopatrimonialism

The part played by neopatrimonialism in the development of conditions bringing about involvement of PMCs in African states,[106] became a central feature of Liberian politics under President William Tubman. The benefits of economic growth were still confined to groups close to the political elite; few ordinary Liberians would derive any benefit from the rapid growth of the 1960s and 70s –[107] largely the result of post-war U.S. investment. These benefits brought problems, internally, of their own; the influx of foreign money, and the limitation of its benefits to those with entrenched trade and family ties, simply exacerbated the social divide. Christopher

[104] Gifford, Paul. 1993. Christianity and Politics in Doe's Liberia. Cambridge: Cambridge University Press. p.13., cited in: Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

[105] Shillington, Kevin. 2005. African History Volume 1. New York: Fitzroy Dearborn. p.1050.

[106] This is explored at length in Chapter 3 of this thesis.

[107] Riley, Stephen. 1996. "Liberia and Sierra Leone: Anarchy or Peace in West Africa?" London: Research Institute for the Study of Conflict and Terrorism. p.3.

Clapham's observation of the Liberian state, as: *"a centralised source of benefits which easily outweighed any rewards that could be achieved by genuinely private economic activity"* was never so true as during this period of Tubman's presidency.[108]

Tubman did, however, make use of this increased material base to boost the security of his own position – by extending his clientele to include many of those outside the Americo-Liberian elite in the way that other African leaders cemented their positions .[109] In the process, he brought about a radical change in Liberian power-politics – moving them from oligarchic to patrimonial.[110] Tubman's granting, to the 97% of the population that had never before had it, the right to vote, caused alarm among Tubman's administration, but he regarded it as crucial to his strategy of extending his power-base.[111] Tubman's long period in office was characterized increasingly by control based on personal loyalty and graft,[112] and by a steady increase in repression of political opposition, gagging of the press, and the establishment of a network of secret police which utilized methods of intimidation, violence, arbitrary arrest and detention.[113] By the time Tubman died in 1971, during his 27th year in office, protest and unrest were endemic throughout Liberia.

Private guarding companies, which even then had become an indispensible part of Liberia's extractive industry, were faced with mass unrest. The private guards at the Firestone plantation headquarters in Harbel (ironically named after the founder's

---

[108] Clapham, Christopher. 1989. "Liberia." In Contemporary West African States, eds. Donal Cruise O'Brien, John Dunn and Richard Rathbone. Cambridge: Cambridge University Press. p.107.

[109] Dunn, Elwood and Brian Tarr. 1988. Liberia: A National Polity in Transition. London: The Scarecrow Press. p.62.

[110] Ibid. p.48. Tubman's patrimonial networks were not independent of government institutions, but pervaded the formal system that was in place. This subversion of the rational-legal structure with a patrimonial network parallel to that of the existing oligarchy, is the basis of neopatrimonialism in Liberia. See: Chabal, Patrick and Jean-Pascal Daloz. 1999. Africa Works: Disorder as a Political Instrument. Oxford and Bloomington, IN: James Currey and Indiana University Press. p.16., and Clapham, Christopher. 1985. Third World Politics. London: Helm. p.48.

[111] Sæther, Gjermund. 2000. "The Political Economy of State Collapse in Somalia and Liberia." In Ethnicity Kills? The Politics of War, Peace and Ethnicity in Subsaharan Africa, eds. Einar Braathen, Morten Bøås and Gjermund Sæther. Basingstoke: Macmillan Press. p.118.

[112] Sawyer, Amos. 1992. The Emergence of Autocracy in Liberia. San Francisco: ICS Press. p.283.

[113] Sæther, Gjermund. 2000. "The Political Economy of State Collapse in Somalia and Liberia." In Ethnicity Kills? The Politics of War, Peace and Ethnicity in Subsaharan Africa, eds. Einar Braathen, Morten Bøås and Gjermund Sæther. Basingstoke: Macmillan Press. p.118

son and daughter-in-law, Harvey and Elizabeth Firestone) were faced with widespread protests against human rights abuses, inhumane working conditions and the use of child labour by the company.[114] At the time, the company employed some 250,000 Liberians, whose protests were to achieve nothing; even in 2006, working conditions at Firestone remained largely unchanged.[115]

The crisis that had been predicted would erupt on Tubman's death did not materialize, but his understudy of twenty years, William Tolbert, took power at a time of serious economic decline and increasing political opposition. Tolbert did not have the political connections of his predecessor. He had been bequeathed a changed political power-system,[116] which came with the need for an extensive network of adherents to ensure the ruler's hold on power. Economic decline exacerbated Tolbert's inability to maintain the power base that had underlined Tubman's later years of rule. Revenues were no longer sufficient to meet the needs of the expansive network of clients that had been assimilated into Tubman's power-base, and the capabilities of the government's coercive machinery became the single most important element of Tolbert's tenure of power. Civil protest followed the harsh laws he introduced to curb the activities of political opponents,[117] and the civil protest that followed was put down brutally, resulting in the deaths of many protestors, and widespread damage to the capital city and its infrastructure.

In power, Tolbert had been stuck between a desire for change – his proposals for more indigenous representatives in government had been opposed by his own administration – and a self-preservationist leaning towards maintenance of the status quo. This, and his failure to stamp the authority imposed by his predecessor,

---

[114] UN. 2006. "UNMIL Report - Human Rights in Liberia's Rubber Plantations: Tapping into the Future." pp 5-7.

[115] A UN investigation found that, among other abuses *"Workers live in quasi-slave conditions…"* and *"Child labour is frequently used on the plantations…"* Ibid.

[116] Dunn, Elwood and Brian Tarr. 1988. Liberia: A National Polity in Transition. London: The Scarecrow Press. p.48.

[117] Tolbert is regarded as having removed the 'regal' mantle from the position of president; his approach – to make the position less formal and to allow freedom of speech and political expression – resulted in increased criticism both of he and his government. See: Clapham, Christopher. 1976. Liberia and Sierra Leone: An Essay in Comparative Politics. Cambridge: Cambridge University Press. p.13.

created a dangerous vacuum.[118] On the backdrop of a failing economy, an emboldened political opposition, and burgeoning civil unrest, Tolbert's tenuous hold on power and loss of credibility – which had by now extended to the Liberian Army – were easily exploited.

In summary, the broadening of the government's power base during the Tubman years had replaced a small, oligarchic elite with an extensive client network whose patronage, in a time of economic downturn, was difficult both to maintain, and to rekindle – particularly for a new leader. As would be the case in Sierra Leone just a few years later, many of these clients came to understand that loyalty to the government was no longer a guarantee of economic security.[119] The political shift, from oligarchy to neopatrimonialism, is regarded as one of the key causes of the conflict that ensued.[120] As discussed in Chapter 3, the development of extreme forms of neopatrimonialism is a key characteristic of states in which unrest results in conflict,[121] and circumstances synonymous with intervention and the involvement of PMCs. This was the case in Liberia in the early 1980s.

On 22nd April 1980, a few days after just 17 enlisted men of the Liberian army had carried out a successful coup in which Tolbert and six of his supporters were killed, the public execution of a further 13 members of the cabinet sent a clear message as to the intent of Samuel Doe, the Liberian Army sergeant who had masterminded the takeover. Welcomed, initially, by large segments of a population whose hatred of the Americo-Liberian elite had simmered for many decades, Doe's honeymoon period was short-lived. An ethnic Krahn, Doe understood the need to secure and extend his power base by building on what patronage remained from the previous governments, and through the further assimilation of elites into his own political machinery. The situation in Liberia once again exemplified the description of the state as:

---

[118] Jaye, Thomas. 2003. "Liberia: Setting Priorities for Post-Conflict Reconstruction." Journal of Security Sector Management 1(3):1-6.

[119] Reno, William. 1998b. "Weak States and the New Sovereignty Game." In The African State at a Critical Juncture, eds. Leonardo Villalón and Phillip Huxtable. London: Lynne Rienner. p.99.

[120] Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

[121] Ibid.

"a source of power and wealth in which a very broad coalition of forces had an interest".[122]

One of the most significant indicators of Doe's efforts to build a supporting elite was a 300% increase, from 1980 to 1983, in the appointment of civil servants, but this was primarily an extension of the supplanting of non-Krahn members of government that immediately followed Doe's takeover of power. Time, however, was not on Doe's side; neither was the economic situation into which he had forced his way. Government revenues had long been diminishing, and had been plundered to a level that, as with his predecessor, denied him the ability to draw sufficient spoils for those from whom he sought support. Doe was unable to achieve the extent of the assimilation of elites that he desperately needed to secure his power,[123] but in the dying stages of the Cold War, U.S. funding for the Liberian Army had ensured that he was able to maintain a strong coercive apparatus. Doe consolidated his power through the replacement of senior military officers with members of his own ethnic group, the Krahn. There were three important consequences to Doe's use of the military as an instrument of Krahn-dominated government oppression: First, the military had become the sole source of power.[124] Second, Doe's targeting of specific groups for persecution by the military had resulted in a further weakening of his attempts to assimilate elites into his power base. And third, the army itself had become ethnicised and divided.

After three years in power, Doe was acutely aware of the level to which internal tensions had risen, and of increasing international pressure, particularly from the U.S., for democratization. He attempted to bring legitimacy to his rule with the introduction of a constitution in 1984, and elections the following year. But these tensions were heightened by his 'victory' in a farcical election, which was

[122] Clapham, Christopher. 1989. "Liberia." In Contemporary West African States, eds. Donal Cruise O'Brien, John Dunn and Richard Rathbone. Cambridge: Cambridge University Press. p.109

[123] Sæther, Gjermund. 2000. "The Political Economy of State Collapse in Somalia and Liberia." In Ethnicity Kills? The Politics of War, Peace and Ethnicity in Subsaharan Africa, eds. Einar Braathen, Morten Bøås and Gjermund Sæther. Basingstoke: Macmillan Press. p.127.

[124] Ibid. p.129.

denounced as fraudulent by foreign observers. The United States' withdrawal of military aid had already made Doe's hold on power more tenuous; its withdrawal of economic assistance after the elections spelt catastrophe for him.

The same year, following a failed coup attempt by former general Thomas Quiwonkpa – an ethnic Gio who had been demoted in Doe's ethnicisation of the army –, Doe exacted his revenge with a killing spree of Gio, and of their allies, the Mano, in Nimba County.[125] The failed coup was exactly the excuse Doe needed to clamp down on growing opposition to his government. Political opponents were eliminated through forced exile or assassination,[126] newspapers that had been critical of the regime were closed down, and Doe's henchmen went on the offensive. Human rights abuses, initially against protesters and dissenting journalists, and then against civil society groups, students and members of ethnic groups other than those of Doe's own, were at the centre of violence and repression that would trigger civil war. Any hope of reconciliation had been destroyed by the methods and levels of violence employed by Doe to destroy opposition to his rule.[127]

To summarise, Doe had replaced a small elite and its weak power network with an elite drawn from his own Krahn community – a group comprising less than 5% of the population – with an equally limited power base. His implausible attempts to bring legitimacy to his military dictatorship by transforming it into an elected government had worsened the situation, alienating church groups, trades unions, students, and elements of the army.[128] Liberia, under Doe, had become a failed state – once again, the model of a state in which conditions arise leading to activities carried out by PMCs.

Most relevant, in the situation prevailing in Liberia in the 1980s, to the central

[125] Some 3,000 Gio and Mano were reportedly killed by the army in Nimba County. See: Adebajo, Adekeye. 2002. Building Peace in West Africa. London: Lynne Rienner., and: Riley, Stephen. 1996. "Liberia and Sierra Leone: Anarchy or Peace in West Africa?" London: Research Institute for the Study of Conflict and Terrorism. p.6.

[126] Adebajo, Adekeye. 2002. Building Peace in West Africa. London: Lynne Rienner. p.45

[127] Liebnow, Gus. 1987. Liberia: The Quest for Democracy. Indianapolis: Indiana University Press. p.314.

[128] Ofuatey-Kodjoe, Wentworth. 2002. "The Impact of Peacekeeping on Target States: Lessons from the Liberian Experience." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo Laremont. Portsmouth, NH: Heinemann. p.118.

hypothesis for this study is the link between the end of the Cold War and the increased importance to African leaders of revenue from commodities such as timber, rubber and other minerals.[129] Also important are, first, the resultant relationships between states and the companies extracting their commodities, second, the need for effective security on the part of those companies – most often driving the need for them to arrange its provision by private means – and third, the part played by these commodities on the motives and activities of warlords and armed groups.[130] These are all elements in the shaping of conflict, and in events concurrent with conflict, or subsequent to it, that bring about conditions conducive to the involvement of PMCs in African states. These elements are a marked feature of an era that culminated in civil war in Liberia, and that led to intervention and the involvement of PMCs.

6.5.3 The Beginning of Rebellion.

Charles Taylor, having run the General Services Agency in Doe's government, had had a taste of the wealth that could be derived from power in Liberia. In 1984, he was arrested in the U.S.A, on a warrant for extradition for the embezzlement of some US$900,000 of Liberian government funds. Taylor's improbable escape from a U.S. prison, his exit, unnoticed, from that country, and his recruitment, in Côte d'Ivoire, of a core of fighters for training in Libya,[131] were a reflection of the abilities he would demonstrate in the years to follow, and a foretaste of his inexorable rise to power.

Taylor – a supporter of Quiwonkpa's attempted coup against Doe – recognized that the level and nature of ethnic tension engendered by the actions of Doe's regime presented the ideal opportunity for successful action against him. This was punctuated by his initiation of rebellion from the area that had suffered most under Doe's regime, Nimba County, where the Krahn-dominated army had alienated the

[129] Cooper, Neil. 2002. "State Collapse as Business: The Role of Conflict Trade and the Emerging Control Agenda." Development and Change 33(5):935-955.; Fearon, James. 2004. "Why do some civil wars last so much longer than others?" Journal of Peace Research 41(3):275-301.; Ross, Michael. 2003. "The Political Economy of the Resource Curse." World Politics 51(2):297-322.

[130] Ross, Michael. 2003. "The Political Economy of the Resource Curse." World Politics 51(2):297-322. p.92.

[131] Richards, Paul. 1995. "Understanding Insurgency in Sierra Leone and Liberia." In Conference on Conflicts in Sierra Leone and Liberia. University College London. p.1.

vast majority of the population. Taylor's entry into Nimba County from Côte d'Ivoire on Christmas Eve of 1989, with a force of few more than 100 lightly armed men – the National Patriotic Front of Liberia (NPFL) – was the trigger that would lead to the collapse of Doe's regime, and to a protracted civil war. Support for Taylor's rebellion, reflected by the numbers of followers he attracted, and the speed with which they were recruited, was remarkable. Within 6 months, his army was nearly 5,000 strong; three months later, that number had nearly doubled.[132] This reflects the relevance of the ethnic dimension to the Liberian conflict – a dimension that is present in every conflict in which UN peacekeepers and PMCs are currently involved,[133] and, as discussed in Chapter 3, in most conflict in sub-Saharan Africa.

In the early stages of the conflict, Doe's Krahn-dominated Armed Forces of Liberia (AFL), rarely met Taylor's NPFL head-on. Casualties among the Armed Forces of Liberia (AFL) and the NPFL were comparatively low in number; the overwhelming majority of dead and injured were civilians, and a mass exodus of refugees, into the bordering countries of Sierra Leone, Guinea and Côte d'Ivoire, ensued. There are still, even at the time of writing of this chapter, some 75,000 Liberian refugees in these three countries, and a further 13,000 internally displaced persons within Liberia.[134]

On the occasions when the NPFL and AFL did actually face each other in combat, the army was unable to hold the rebel forces, who gained ground rapidly. Their advance was not stalled even when in-fighting between Taylor and one of his confederates, Prince Johnson, led the latter to form a rebel group of his own – the Independent National Patriotic Front of Liberia (INPFL) – which eventually

---

[132] Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

[133] Braathen, Einar, Morten Bøås and Gjermund Sæther. 2000b. "Social Struggles for Power, Resources and Identities in the Neo-patrimonial State." In Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa, eds. Einar Braathen, Morten Bøås and Gjermund Sæther. Basingstoke: Macmillan Press. p.3.

[134] CIA. 2008a. "Côte d'Ivoire Report." http://www.cia.gov/library/publications/the-world-factbook/geos/iv.html, CIA. 2008b. "Guinea Report." http://www.cia.gov/library/publications/the-world-factbook/geos/gv.html, CIA. 2008c. "Liberia Report." http://www.cia.gov/library/publications/the-world-factbook/geos/li.html.; CIA. 2008d. "Sierra Leone Report." http://www.cia.gov/library/publications/the-world-factbook/geos/sl.html. Accessed 04 Apr 2008.

numbered some 6,000, concentrated mainly in the north of the country.[135] Buoyed by their successes against the AFL, and despite the splintering of the rebel movement, both factions had advanced to the outskirts of the capital city by July 1990. The AFL commander was forced to withdraw the remainder of his army, to Monrovia – where it remained for the rest of the war. While the NPFL controlled over 90% of the country, Johnson's INPFL forces, who had attacked from the north, gained most ground in the capital, including the Freeport of Monrovia – an area to the north of the city, across the Mesurado River – and it was their occupation of key areas of the city that prompted the evacuation of foreign nationals, and precipitated intervention. But this was intervention of a kind not seen before in Africa.

6.5.4 Regional Intervention

The nature of intervention that took place during the Liberian conflict was to impact directly on its duration, on the nature of fighting that took place, on its eventual outcome, and on the subsequent involvement of PMCs. There were also regional factors that complicated its planning and execution, and it continues to have implications for regional intervention elsewhere, notably in the Darfur region of Sudan.[136] It also has direct implications as to the current situation, with particular reference to the part played by the PMCs DynCorp International, Pacific Architects and Engineers (PAE), and International Charter Incorporated (ICI), both in Liberia and Sierra Leone.

The situation in Liberia prompted an ECOWAS summit. In May 1990, a Standing Mediation Committee (SMC) was set up with the aim of bringing about ceasefire in Liberia, with a view to arranging new elections. It failed, and in August, ECOWAS convened once again, this time to consider intervention. Lacking any mandate or mechanism through which to set up an intervention force, the establishment of the ECOWAS Monitoring Group (ECOMOG) came about through careful manipulation – exhorted by representatives of the Nigerian president – of the SMC.

---

[135] Adebajo, Adekeye. 2002. Building Peace in West Africa. London: Lynne Rienner. p.46.

[136] The implications for intervention in the Darfur conflict in Sudan will not be considered here, but will be discussed in Chapter 10 to the extent that they are relevant to the use of PMCs in roles linked to peacekeeping.

Many inferences have been drawn from the manner in which ECOMOG came into existence, the nature of its operations, and the extent and nature of involvement of ECOWAS member states in those operations. Some have implications for this study, and must therefore be considered here. ECOMOG was seen as:

> *"...the instrument of a foreign policy which genuinely arose from the first genuinely collective political initiative of a sub-regional economic organization in Africa."*[137]

This *'collective political initiative'* was, however, forged amidst conflicting objectives, domestic and regional, among the member states of ECOWAS. That the SMC managed to establish ECOMOG at all was a considerable achievement, as it had not been set up with a mandate, or with the political legitimacy, to do so.[138] Of ECOWAS' 16 member states,[139] the SMC was made up only of Nigeria, Ghana, Gambia, Mali and Togo. Nigeria proceeded with the deployment of ECOMOG troops without securing full regional political support,[140] and the two Francophone members of the SMC, Mali and Togo, subsequently declined to provide troops for the initial deployment.[141] It was at this stage of the ECOMOG deployment that PMCs became heavily involved; they took on logistical support tasks, including the air movement of virtually the entire contingent of ECOMOG troops to Liberia.[142]

The political tussles that obstructed and delayed ECOMOG'S formation and

---

[137] West Africa Magazine, 23rd August. 1993., cited in: Conteh-Morgan, Earl. 1998a. "Adapting Peace-Making Mechanisms in an Era of Global Change." In Peacekeeping in Africa: ECOMOG in Liberia, eds. Karl Magyar and Earl Conteh-Morgan. Basingstoke: Macmillan. p.1.

[138] The SMC's mandate covered only conflict between member-states of ECOWAS. See: Mortimer, Robert. 1996. "ECOMOG, Liberia and Regional Security in West Africa." In Africa in the New International Order: Rethinking State Sovereignty and Regional Security, eds. Edmond Keller and Donald Rothchild. Boulder: Lynne Rienner. pp.150-154.

[139] This included Mauritania, which withdrew from membership of ECOWAS in 2002.

[140] Brown, Leanne and Peter Dennis. 2003. "The ECOWAS: From Regional Economic Organization to Regional Peacekeeper." In Comparative Regional Integration, ed. Finn Laursen. Aldershot: Ashgate. p.231

[141] Ibid. Brown and Dennis note that, of the eight Francophone members of ECOWAS, only Mali and Togo were represented on the SMC, whereas the three most powerful, Burkina Faso, Côte d'Ivoire and Senegal, were excluded.

[142] The PMCs DynCorp and Pacific Architects and Engineers (PAE) carried out logistics and air movement for the Nigerian and Ghanaian contingents of ECOMOG.

deployment are pertinent to the analysis of PMCs in the Liberian conflict – as indeed they are to the consideration of PMCs as peacekeepers. The PMCs involved in providing air movement and logistical support to ECOMOG were not subject to political interference, internal or external. PMCs, being apolitical, are not subject to the constraints that impede the deployment of regional peacekeeping forces, nor those of the UN. While the ECOWAS member states were involved in political wrangling, the PMCs supporting them were in place and fully operational. And ECOMOG's problems had not yet been overcome; the personalized nature of politics in African states – an element of African politics discussed at length in Chapter 3 – presented further opposition and delay.

Côte d'Ivoire and Burkina Faso opposed the deployment of ECOMOG, but the Francophone/Anglophone rift was secondary amongst their motives; the driver of this opposition, in both cases, was a demonstration of the personalized nature of politics in these – as in many – African states. Côte d'Ivoire's president, Félix Houphouet-Boigny, was father-in-law to former Liberian president William Tolbert's son, who had been executed by Doe along with his father. Houphouet-Boigny had supported the NPFL with the provision of training locations in Côte d'Ivoire prior to the launch of Taylor's rebellion, and continued his support with shipments of arms throughout the war.[143] President Compoaré of Burkina Faso had been supported in his seizure of power by elements of the NPFL,[144] and opposed intervention on the basis that it would prevent Taylor from ousting Samuel Doe,[145] who had angered Compoaré with his support for U.S. anti-Libyan policies.[146] Compaoré's involvement in Charles Taylor's instigation of rebellion was, in fact, very significant; he had arranged the first meeting between Taylor and Muammar Qadaffi of Libya, and had provided Charles Taylor with several hundred Burkinabe mercenaries in the opening stages of the conflict, and with a personal bodyguard of

[143] Conteh-Morgan, Earl. 1998b. "The Politics and Diplomacy of the Liberian Peace Process." In Peacekeeping in Africa: ECOMOG in Liberia, eds. Karl Magyar and Earl Conteh-Morgan. Basingstoke: Macmillan. p.42.

[144] Richards, Paul. 1995. "Understanding Insurgency in Sierra Leone and Liberia." In Conference on Conflicts in Sierra Leone and Liberia. University College London.p.139.

[145] Conteh-Morgan, Earl. 1998b. "The Politics and Diplomacy of the Liberian Peace Process." In Peacekeeping in Africa: ECOMOG in Liberia, eds. Karl Magyar and Earl Conteh-Morgan. Basingstoke: Macmillan. p.40.

[146] Ibid.

Burkinabes after an attempt was made on his life from within the NPFL in 1994.[147,148] Both states' support for Charles Taylor, and their opposition to ECOMOG, were driven by personal agendas, and it was Houphouet-Boigny's lobbying of Mali and Togo – both members of the SMC – that led them, initially, to withdraw their support for the deployment of ECOMOG.[149]

Any illusion on the part of those whose desire was for an ECOMOG based on the UN model of a peacekeeping force evaporated with Nigeria's rejection of the need for the consent of the NPFL for its deployment to Liberia. This was consolidated by Guinean President Lansane Conté's declaration that ECOWAS did not need *"the permission of any of the parties involved in the conflict"*[150] to deploy troops to Liberia. Ghana, despite its support of the ECOMOG concept, differed with Nigeria over the key issue of the type of force it was to be. Rawling's vision had been that of a peacekeeping force, but Nigeria's desire that it should, firstly, deploy without the consent or toleration of the disputing parties, and, secondly, that it should target one of the warring parties – the NPFL – negated its neutrality.[151]

In summary, Africa's first experiment in home-grown peacekeeping, far from being a *"genuinely collective political initiative of a sub-regional economic organization*",[152] was punctuated with reluctance, lack of co-operation, an Anglophone/Francophone rift, and sub-regional politics, much of which was personalized in nature. ECOMOG also had operational problems – the lack of a

---

[147] Aning, Emmanuel. 1994. "Managing Regional Security in West Africa: ECOWAS, ECOMOG, and Liberia." Centre for Development Research, Copenhagen. p.12.

[148] ACRIS International Investigative and Security Consultants. 1994. "Intelligence Report 'The situation in Liberia'." Monrovia.

[149] Conteh-Morgan, Earl. 1998b. "The Politics and Diplomacy of the Liberian Peace Process." In Peacekeeping in Africa: ECOMOG in Liberia, eds. Karl Magyar and Earl Conteh-Morgan. Basingstoke: Macmillan. p.42.

[150] Le Monde, 12th August. 1990. p.5.

[151] The trinity of principles around which peacekeeping operations hinge are: firstly, that the consent or toleration of all parties to the conflict must be obtained; secondly, that the peacekeeping force must be neutral and impartial; and thirdly, that the use of force is strictly limited to situations of self-defence, and that minimum force must be exercised in such situations. See: UN. 2008. "Peacekeeping Operations: Principles and Guidelines." United Nations Department of Peacekeeping Operations. p.31.

[152]West Africa Magazine, 23rd August. 1993., cited in: Conteh-Morgan, Earl. 1998a. "Adapting Peace-Making Mechanisms in an Era of Global Change." In Peacekeeping in Africa: ECOMOG in Liberia, eds. Karl Magyar and Earl Conteh-Morgan. Basingstoke: Macmillan. p.1.

clearly-defined goal, a chain of command not of a military model, despite its military structure,[153] poor financial and bureaucratic support,[154] and poorly-trained, ill-disciplined troops.[155]

This contrasted with the PMCs supporting ECOMOG, who were not dogged with problems of organization, chain of command, levels of expertise and training, or support structure. As will be shown in this chapter, ECOMOG's use of PMCs had a major bearing on the conflict, and in the subsequent use of PMCs in Liberia. This chapter will also consider how actions taken by ECOMOG in response to its internal political problems affected the nature, duration, and in some respects the outcome, of the Liberian civil war.

While Doe and Johnson agreed to the dispatch of the initial ECOMOG contingent of 4,000 troops, Taylor refused to accede to the deployment:

> *"For its part, the NPFL considered the dispatch of ECOMOG to Liberia as a conspiracy by certain powerful interests within the sub-region using the ECOWAS umbrella as a means to deprive it of seizing power in Monrovia which was almost at reach."*[156]

Despite Doe's agreement to the deployment of ECOMOG troops, his government expired with him in September 1990, when he was captured by Johnson, at ECOMOG's headquarters in Monrovia. Rumours that Johnson had been informed of Doe's presence by ECOMOG personnel – effectively handing him over to Johnson's men – seriously compromised ECOMOG's credibility.[157] According to Stephen Ellis:

---

[153] Gershoni, Yekutiel. 1997. "War Without End and an End to War: The Prolonged Wars in Liberia and Sierra Leone." African Studies Review 40(3):55-76.

[154] Howe, Herbert. 1996. "Lessons of Liberia: ECOMOG and Regional Peacekeeping." International Security 21(3):145-176.

[155] Ankomah, Baffour. 1995. "Liberia on a Knife Edge." In 'New African'. p.11.

[156] Goodridge, Reginald, Deputy Minister of State for Public Affairs ed. 1999. Republic of Liberia Presidential Papers 1997-1998. Monrovia: Liberian Department of Public Affairs. p.70.

[157] Gberie, Lansana. 2005. A Dirty War in West Africa. Indianapolis: Indiana University Press. p.57.

"ECOMOG's peacekeepers looked on as Johnson's men pushed Doe downstairs, bound him, and drove off to Prince Johnson's Caldwell base…"[158]

Doe was tortured to death at the hands of Prince Johnson, who then declared himself president. There then ensued a rush by all factions to claim the presidency:

"Prince Johnson declared himself President… Doe's people have appointed Colonel Nimley as temporary President. ECOWAS' President, University Professor Dr. Sawyer is out of the country. Rebel leader Charles Taylor proclaimed himself President… he controls 90% of the country"[159]

Taylor's response to ECOMOG's backing of Amos Sawyer as interim president was to launch a full-scale attack on Monrovia, using field artillery captured from the AFL. Despite intense pressure, ECOMOG, with additional logistical support from PAE, managed to hold the NPFL's advance, forcing Taylor to rethink. In the early stages of the war, he had been resolute in the use of force to achieve his ends. When he realized the weight that Nigeria was putting behind the now well-supplied ECOMOG, and that he also faced a fighting coalition of the AFL and INPFL, he understood clearly the need to further his cause beyond the use of force. His eventual move towards negotiation was borne of recognition that conciliation could be used, in conjunction with force, to accelerate progress toward his ultimate goal.

That goal was the presidency, not only of Liberia, but of an expanded 'Greater Liberia', which included areas on the western side of the Mano River, in Sierra Leone. Taylor, as will be shown here, was accomplished in combining of the use of force with the employment of political manoeuvre. Having recognized also that ECOMOG sought to avoid direct conflict, the eventual opportunity for a ceasefire

[158] Ellis, Stephen. 1999. The Mask of Anarchy: The Destruction of Liberia and the Religious Dimension of an African Civil War. London: Hurst. p.107.

[159] Elizabeth Blunt, BBC Reporter. BBC World Service Archive. 1990. "Report from Elizabeth Blunt, BBC Correspondent in Liberia. 2.10pm, Monday 10th September 1990." Archive Entry 400-440, p.94.

was an ideal option for him.[160, 161] He simply assumed the presidency, widening his power-base and influence through the establishment of patrimonial networks, funded by the sale of diamonds and other resources from the areas over which he had control.[162] While his National Patriotic Reconstruction Assembly was not recognized by any state, several overseas firms engaged in business with him.[163] It was estimated that at one stage, Taylor was bringing in some US$8 million a month through the sale of diamonds, gold, iron ore and timber.[164]

ECOMOG, in the meantime, had employed the PMC Pacific Architects and Engineers (PAE) to airlift yet further troops and equipment to Monrovia, increasing its strength to 6,000. But despite embarking on several offensives against the NPFL, it was still unable to drive them out of the city. Taylor saw this as a further opportunity to further his cause, and resorted once again to negotiation – following which he broke every accord that didn't suit his aspirations for power. With each negotiation, he came a step closer to his ultimate aim, and to a peace accord that would suit his purpose.

> *"Charles Taylor and his NPFL have been engaging in a game of cooperational defection because… peace accords may not guarantee them the peace that suits their needs."*[165]

---

[160] In: Zartmann, I. William. 2003. "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments." In Contemporary Peacemaking: Conflict, Violence and Peace Processes, eds. John Darby and Roger McGinty. New York: Palgrave. p.19., the concept of ripeness for negotiation is regarded as emanating primarily from a 'hurting stalemate'. Consideration of the situation would suggest that Taylor was in a position of relative strength, and that his motives were based more on the potential comparative advantage of negotiation.

[161] The relevance of this situation is examined later in this chapter when contrasts in the needs, political drivers and subsequent actions of ECOMOG – and the results of same – are drawn with those predominating in a similar situation in Sierra Leone in which PMCs were involved.

[162] Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

[163] Adebajo, Adekeye. 2002. Building Peace in West Africa. London: Lynne Rienner. p.54.

[164] Lowenkopf, Martin. 1995. "Liberia: Putting the State Back Together." In Collapsed States: The Disintegration and Restoration of Legitimate Authority, ed. I. William Zartmann. Boulder: Lynne Rienner. p.94.

[165] Conteh-Morgan, Earl. 1998b. "The Politics and Diplomacy of the Liberian Peace Process." In Peacekeeping in Africa: ECOMOG in Liberia, eds. Karl Magyar and Earl Conteh-Morgan. Basingstoke: Macmillan. p.40.

6.5.5 ECOMOG and the Warlords

Significantly, the actions of ECOMOG had shifted its role from peacekeeper to peace enforcer. There was also another problem – the proliferation of warlords and factions in Liberia. In 1991, the United Liberation Movement (ULIMO),[166] composed mainly of Krahn and Mandingo refugees who had fled to Sierra Leone, was formed. Over 10,000 strong, ULIMO subsequently split along ethnic lines, forming ULIMO-J, under Roosevelt Johnson, an ethnic Krahn, and ULIMO-K, under Mandingo leader Alhaji Kromah, the latter outnumbering the former by some 3,000.[167] Other factions included the Liberia Peace Council (LPC), formed in 1993 by former minister George Boley, who had served in both the Tolbert and Doe administrations, and, in Lofa County, the Lofa Defence Force (LDF), headed by François Massaquoi. This put ECOWAS in an increasingly difficult position; it could not ignore this proliferation of warlords, or allow their control over swathes of territory within the state of Liberia to continue expanding, but it was wary of the high costs and potential consequences of confrontation with them, and with the NPFL. From the point where ECOMOG had first deployed, its approach had been inconsistent; it had switched from a peacekeeping to peace enforcement, it had become unsure of its mandate,[168] and it was becoming regarded as increasingly partisan.[169] Its subsequent approach, and the nature of its further involvement in Liberia, are of key relevance to considerations of international intervention, regional intervention, and the involvement of PMCs, because in adopting the strategy that followed, ECOMOG shed what little remaining semblance of neutrality it had managed to maintain.[170]

The strategy adopted by ECOMOG, in seeking to achieve its ends while avoiding direct conflict, was to pit faction against faction, primarily through the use of Taylor's enemies as proxy forces to fight him, as they had done – unsuccessfully –

---

[166] ULIMO's full title was 'The United Liberation Movement of Liberia for Democracy'

[167] Adebajo, Adekeye. 2002. Building Peace in West Africa. London: Lynne Rienner. p.47.

[168] Ibid.p.44.

[169] Riley, Stephen. 1993. "Intervention in Liberia: too little, too partisan." The World Today Volume 49, No.3.

[170] Ibid.

with the INPFL in Monrovia. The outcome was that ECOMOG lost whatever veneer of neutrality it had managed to retain until that time, and reduced its level of control over the conflict – thereby prolonging it. Another outcome was that the benefits being gained by many of its members from the political economy of conflict were exposed.[171] This involved dealings with warlords who had established control over areas of the country, the resources of which they were then able to exploit. Liberia's resources provided the means for warlords to enrich themselves and to expand their capacity for warmaking. When ECOMOG took over control of the ports, the middlemen simply paid their officers off.[172]

With Nigeria supplying some 80% of ECOMOG's troops, other ECOWAS states became increasingly critical of Nigeria's troops. A group of former AFL soldiers – predominantly from the Krahn group – who formed the Liberian Peace Council (LPC), were clandestinely armed and supported by Nigerian contingents of ECOMOG.[173] Officers of contingents from other ECOWAS countries working with the Nigerians were particularly concerned with:

> *"what they perceived as the patronage relationship between Nigerian officers and soldiers, the involvement of Nigerian soldiers in various corrupt and illicit businesses, and command practices that compromised discipline and operational security".*[174]

In summary, there are considerable implications for this thesis in the use of regional peacekeepers, in comparison to that of international peacekeepers or PMCs. The actions of ECOMOG in Liberia reflect a major problem in the use of troops of

[171] Howe, Herbert. 2001. Ambiguous Order - Military Forces in African States. Boulder: Lynne Rienner., cited in: Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

[172] Ellis, Stephen. 1998. "Liberia's Warlord Insurgency." In African Guerrillas, ed. Christopher Clapham. Oxford: James Curry. pp.156-157.

[173] Hutchful, Eboe. 1999. "Peacekeeping Under Conditions of Resource Stringency." In From Peacekeeping to Complex Emergencies: Peace Support Missions in Africa, eds. Jakkie Cilliers and Greg Mills. Pretoria: ISS. p.5.

[174] Ibid. p.107.

regional origin, particularly where these are poorly motivated, trained and paid.[175,176] Atrocities aside – and many atrocities were committed against civilians by ECOMOG peacekeepers – [177] the plundering of villages and towns for supplies was a routine activity on the part of ECOMOG personnel, who were not regularly supplied with rations while in the field. UN troops and PMCs, being fully equipped and resupplied while in action, did not have to plunder to obtain supplies as did members of ECOMOG and Liberian and Sierra Leonean troops. In Sierra Leone, where reports of atrocities were mapped and investigated, some 300, including murder and torture, were found to have been perpetrated by ECOMOG peacekeepers.[178] In contrast, despite accusations to the contrary, no abuses of human rights were found to have been committed by PMC personnel, and the presence of PMCs brought about a significant reduction in human rights abuses.[179]

6.5.6 The Spread of Conflict to Sierra Leone

Taylor realized that a stalemate had developed; his strategy for overcoming it was to present ECOWAS with another, wider challenge. He understood the impact of ECOMOG's use of Sierra Leonean territory as an operational base, and its airport as a logistical hub. In November 1990, having threatened to attack and destroy the airport, describing it as a legitimate military target,[180] he was galled by Freetown's response: *"Sierra Leone has a trained army… we need not remind Charles Taylor of our performance…"*[181] After this, Taylor hinged his subsequent moves towards power around an extension of the war into Sierra Leone. He had several aims in taking the war across the border, the first of which was to drive a wedge between the member states of ECOMOG by demonstrating that it could neither maintain stability in Liberia, nor prevent conflict from spreading to other ECOWAS states;

---

[175] Gershoni, Yekutiel. 1997. "War Without End and an End to War: The Prolonged Wars in Liberia and Sierra Leone." African Studies Review 40(3):55-76.

[176] The actions and implications of regional peacekeepers in Sierra Leone are considered in a later part of this chapter.

[177] Sierra Leone Conflict Mapping Programme. 2004. Final Report: Violations of International Law from 1991 to 2002.; Sierra Leone Truth and Reconciliation Commission. 2004. "Statistical Appendix - Sierra Leone TRC Report."

[178] Ibid.

[179] Ibid.

[180] Koroma, Abdul. 1996. Sierra Leone: The Agony of a Nation. Freetown: Afromedia Publications. p.141.

[181] The New Citizen, Freetown, 8th November. 1990.

opening up a second front in Sierra Leone was a direct means of achieving this. Another aim was to force Sierra Leone into withdrawing its ECOMOG troops from Liberia in order to deal with the more pressing issue of homeland security. And a further aspiration on Taylor's part was to increase in his financial base through control of Sierra Leone's most productive diamond fields.

If, for ECOWAS, the Liberian conflict constituted *"the greatest threat to the stability of the sub-region"*[182], then the consequences of the spread of that conflict to Sierra Leone would surely be catastrophic – a situation that Charles Taylor understood fully. While the conflict in Sierra Leone materialized, the one in Liberia continued, the latter continuing to have a bearing on that in Sierra Leone. After 1996, although large-scale conflict in Liberia had ceased, action between warring factions continued to flare up. Large-scale conflict re-erupted from 1999 to 2003 when it was brought to an end by US and UN intervention, again with logistical support from PAE and other PMCs.

6.5.7 Summary – PMCs and the Liberian Conflict

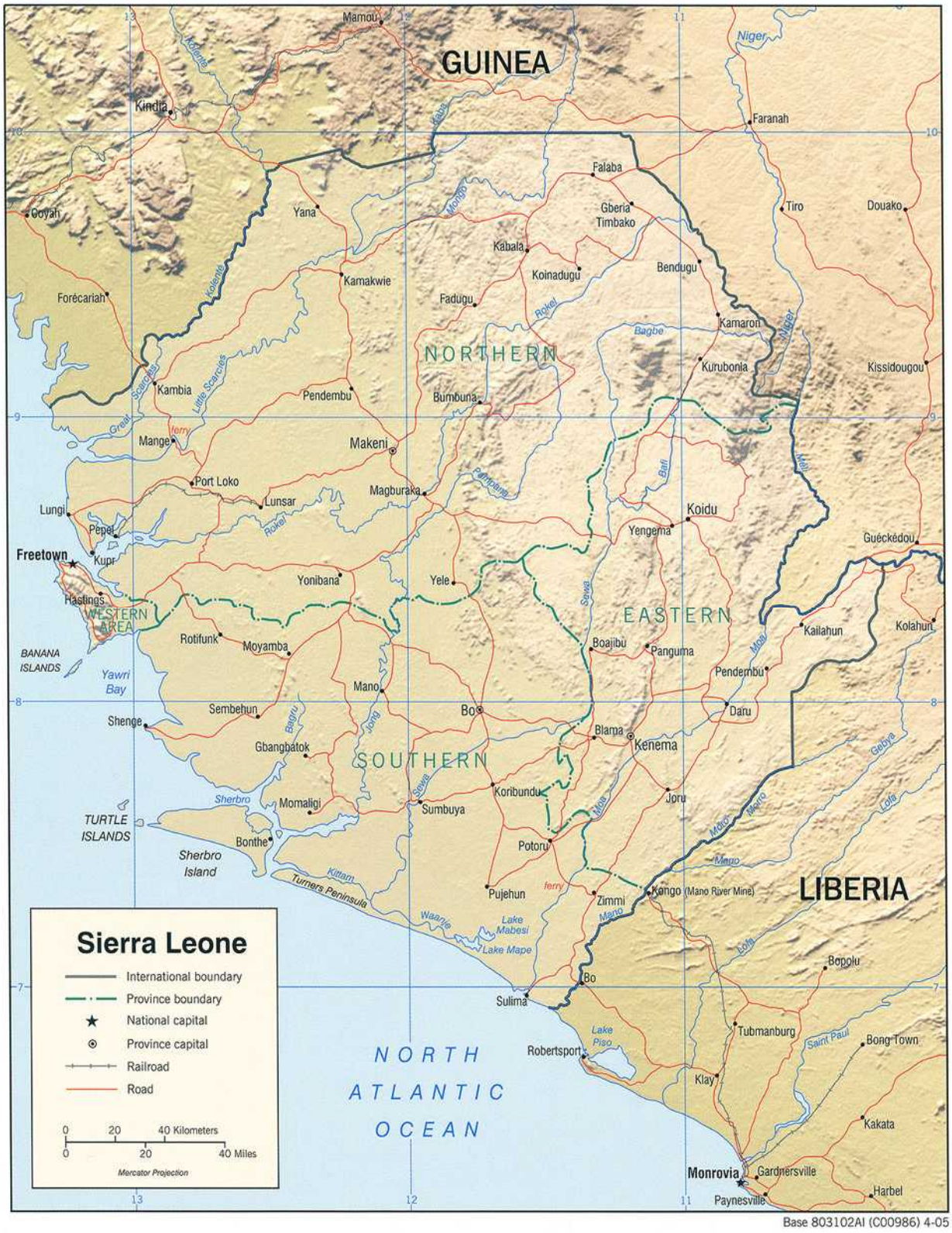
The part played by PMCs in the Liberian conflict was significant. Unprepared for deployment beyond their own borders, and not afforded the equipment to do so by the international community, ECOMOG's deployment – the formidable operation of airlifting thousands of Nigerian and Ghanaian ECOMOG peacekeepers and several thousand tonnes of equipment – was executed by the PMCs Pacific Architects and Engineers (PAE), and International Charter Incorporated (ICI). PAE continued to provide logistical support to the ECOMOG force throughout its campaign in Liberia, and airlifted thousands more troops and many tonnes of materiel in the subsequent reinforcement of Monrovia. The company's involvement in ECOMOG's effort was both crucial and extensive – as indeed it was in the UN peacekeeping operation that replaced ECOMOG. When UN peacekeepers took over from the regional force, PAE provided logistics and operational support. PAE was tasked subsequently with putting the infrastructure in place to rebuild the Armed Forces of Liberia, with recruitment, vetting and training of the new Liberian

[182] Mays, Terry. 1998. "Nigerian Foreign Policy." In Peacekeeping in Africa, eds. Earl Conteh-Morgan and Karl Magyar. New York: St. Martin's Press. p.135.

army being carried out by another PMC, DynCorp. DynCorp was also tasked with disarmament of fighters from Liberia's rebel groups – some 8,000 irregular troops in total. PAE and DynCorp continue to play a part in rebuilding Liberia's institutions of security.

6.6 Sierra Leone – Country Profile

Figure 11. Map of Sierra Leone



The most relevant part of the conflict in Sierra Leone to the subject of PMCs in Africa –

one that has engendered more contributions to the body of academic work on the matter than any other – hinges around one person, and his clear understanding of the limitations of the regional intervention force tasked to protect his country from the rebel forces that threatened it. Valentine Strasser, a junior military officer who had taken power in a bloodless coup, had served with ECOMOG and understood its limitations. He did not believe that ECOMOG could solve the problem posed by Foday Sankoh's Revolutionary United Front (RUF), nor that it would be able to prevent Sankoh from taking power. The events leading up to the RUF's invasion of Sierra Leone from Liberia will be discussed in this chapter, prior to considering Strasser's decision to turn to PMCs for assistance, the part played by PMCs in the conflict, and the wider implications of their involvement in Sierra Leone.

6.6.1 Political Background and Independence

Sierra Leone's early political history parallels that of Liberia, in that it is characterized by acrimony and conflict between resettled slaves – the Creole, or Krio – and the indigenous peoples of the interior. The peninsula on which Freetown was established saw the arrival, in 1787, of some 400 freed slaves from Britain, Nova Scotia and America. Had it not been for some of the settlers themselves resorting to slave trading, the British government would not have declared Freetown a crown colony. In 1808, having been a slave trading port since 1560, it became Britain's base for enforcement of the prohibition on slave trading, and the first crown colony in West Africa. The Royal Navy's interception of human cargos over the ensuing decades saw many more freed slaves – 'recaptives', as they were known –[183] resettled with the original 'freedmen' occupying the Crown Colony of Freetown. [184]

Similarly to the situation in Liberia, these settlers assimilated elements of the lifestyle of their parent nation. Detached from their origins, they developed a means of communicating – based, loosely, on the English language – across the diversity of their own languages; from this language, Creole, was derived their name. Over

[183] Davidson, Basil. 1992. The Black Man's Burden: Africa and the Curse of the Nation-State. London: James Currey. p.24.

[184] Marcus-Jones, W. 1981. Legal Development and Constitutional Change in Sierra Leone 1787-1971. London. p.5.

time, the Krio benefited from the advantages of Britain's strategic use of Freetown as headquarters for administration over the Gold Coast (now Ghana), and Gambia, and were afforded access to the first university in West Africa, Fourah Bay College, in Freetown, set up by the British in 1827. This – and other British-model educational establishments – meant that members of the Krio could gain standards of education not available to ethnic groups in the hinterland. This was evidenced by the notable success of trade carried out from the Krio's coastal settlement, and their dominance in political life over the indigenous peoples of the interior. It was not until 1896 that the remainder of what is now Sierra Leone was declared a British protectorate.

As in Liberia, early colonization of the interior had been characterized by struggle and rebellion on the part of the indigenous occupants against both British and Krio domination. Unlike the situation in Liberia, however, most of the early 20th century was relatively peaceful throughout Sierra Leone.[185] In 1961, Milton Margai was appointed Prime Minister of the independent Sierra Leone. This appointment, which had been bestowed from London, was endorsed in the first election in 1962, in which his party, the Sierra Leone Peoples' Party (SLPP) took power. On his death in 1964, Milton Margai's brother, Albert, assumed power until 1967, when the SLPP lost power to the All Peoples' Congress (APC), headed by Siaka Stevens. Stevens' takeover of power was delayed until 1968, while the first of many coups and counter-coups of Sierra Leone's history were played out.

6.6.2 The Development of Neopatrimonialism

The roots of Sierra Leone's civil war, similarly to that of Liberia, lie in the coercive and wealth-accumulative practices of successive governments – notably those of Siaka Stevens, from 1968 to 1985, and General Joseph Momoh, from 1985 until 1992. As with Liberia, the ruling elite and their neopatrimonial networks, combined with economic conditions that led to a drying up of income sources, were key contributory factors to the outbreak of conflict.

[185] There were, in 1955, large-scale protests against allegedly corruption politicians, two of whom, Albert Margai and Siaka Stevens, were destined to hold the position of Prime Minister. Also in the same year, and again in 1956, extensive protest took place against the oppressiveness of chiefs in the Northern Province.

Stevens' establishment of a neopatrimonial power base, from the earliest opportunity, was uncompromising; to ensure strong political support, he immediately set about creating a network of loyal clients. After several coup attempts by the armed forces, loyalty from that quarter was secured by a purge of senior officers, who were replaced by members of Stevens' network. The extent of his neopatrimonial web extended even into trades unions and business organizations, who were brought into government sway as part of his emasculation of civil society from political involvement.[186] Within 5 years, the prospect of democratic elections had evaporated. There were, however, two key groups who resisted Stevens' pervasive influence into civil society. The first of these was the press, who maintained their resolve to expose government corruption and, despite intimidation, remained critical of the president throughout his rule. The second group comprised students of the previously-mentioned Fourah Bay College – which had brought Freetown to become known as 'the Athens of West Africa' for its contribution to society and to the fostering of extra-societal and international friendships.[187] It was action by these two groups – demonstrations by students of Fourah Bay against the rigging of the 1977 elections, accompanied by outspoken press coverage – that engendered widespread objection against Stevens' hijacking of the democratic system. Stevens' actions had, however, secured him a further term in office, and he capitalized on this to convert Sierra Leone into a one-party state.

Similarly to the situation that had emerged in Liberia, Sierra Leone's revenues – those from diamonds in particular – were milked by Stevens to inflate his own wealth and to feed the needs of his expansive network of clients. The country's annual income from diamonds alone dropped, during Stevens' term of office, from US$200 million to less than US$100,000, and he amassed a personal wealth estimated at some US$500 million.[188] This, combined with the global commodity

[186] Adebajo, Adekeye. 2002. Building Peace in West Africa. London: Lynne Rienner. p.81

[187] West Africa Magazine, 20th June. 1977. "150 Years of Fourah Bay."

[188] Reno, William. 1998a. Warlord Politics and African States. Boulder: Lynne Rienner. p.116

price crisis leading to declining revenues from all of the country's main exports,[189] resulted in economic disaster.

In 1985, against the background of an economic crisis, a deeply divided ruling party, and a country in social turmoil, Stevens' handed over to power to the commander of Sierra Leone's army, General Joseph Momoh. Stevens' term of office had been marked by recurring conflicts between coercive elements of the APC government, and groups of increasingly radicalized students of Fourah Bay College. The handover of power to Momoh was marked by violent demonstrations from this group, after which a mass expulsion of students, and a number of its faculty members, ensued.[190]

Whether or not Momoh was expected, or himself expected, to make a positive difference to the situation, the opposite was the case. While exports of Sierra Leone's main source of wealth, its diamonds, declined from almost a third of all exported goods to less than a fifth, it is estimated that up to half of all diamonds gathered during Momoh's rule were smuggled out of the country.[191] By 1988, as well as struggling to cope with widespread deprivation, the impoverished population of Sierra Leone was faced with inflation in triple-digits

6.6.3 The Emergence of the Revolutionary United Front

Politics in Sierra Leone, as with its conflict-blighted neighbour, had progressed to an extreme form of neopatrimonialism.[192] As discussed in Chapter 3, the corruption that accompanies elements of neopatrimonialism becomes institutionalized in many African states,[193] and Sierra Leone was an extreme example. One description of politics in the country goes some way to illustrating the excessive form of

[189] Sierra Leone's main exports during this period, other than diamonds, were iron ore, cocoa and coffee.

[190] Bangura, Yusuf. 2002. "Strategic Policy Failure and State Fragmentation: Security, Peacekeeping and Democratization in Sierra Leone." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo Laremont. Portsmouth, NH: Heinemann. p.145.

[191] Richards, Paul. 1996. Fighting for the Rainforest: War, Youth, and Resources in Sierra Leone. Oxford: Heinemann. p.45.

[192] Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

[193] See also: Chabal, Patrick and Jean-Pascal Daloz. 1999. Africa Works: Disorder as a Political Instrument. Oxford and Bloomington, IN: James Currey and Indiana University Press. pp.95-109.

neopatrimonialism that had taken root in Sierra Leone:

> *"The pervasive nature of corruption in almost every kind of activity…allowed questionable practices to continue and eventually become an institutionalized way of life for Sierra Leoneans. Consequently…the whole bureaucratic structure was converted into an instrument of self-advancement and enrichment by prominent civil servants."*[194]

The politics of exclusion and self-enrichment, combined with inept and corrupt government, had brought about burgeoning numbers of disaffected youth throughout the country, and a young émigré intelligentsia that was now in the process of establishing links with Libyan intelligence.[195] It was from this group of radicalized students and their confrontations with the APC that the Revolutionary United Front (RUF) first emerged as an entity.[196] At the same time that abuses of power were increasing in Momoh's government, several of the expelled former students of Fourah Bay College were undergoing training in Libya,[197] with a view to 'revolution' against the APC government of Sierra Leone. Foday Sankoh, who had been imprisoned and subsequently dismissed from the Sierra Leonean Army for an alleged coup plot, saw the potential of this group as a means of achieving his own ambitions for power. Sankoh's contact with the leaders of this 'revolutionary' student group, whose followers were trained in the same Benghazi training camps as the NPFL, would lead him eventually to Charles Taylor.

---

[194] Kpundeh, Sahr. 1994. "Limiting Administrative Corruption in Sierra Leone." Journal of Modern African Studies 32(1):139-157.

[195] Bangura, Yusuf. 2002. "Strategic Policy Failure and State Fragmentation: Security, Peacekeeping and Democratization in Sierra Leone." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo Laremont. Portsmouth, NH: Heinemann. p.145.

[196] Rashid, Ismail. 1997. "Subaltern Reactions: Lumpens, Students and the Left." Africa Development 22(3/4):19-43. Note: The term 'Lumpens' refers to seasoned street-boys – the expansive population of disaffected youth that emerged from years of misrule by the APC – also known in local parlance as 'Raray-boys', who became the larger part of the rank and file of the RUF.

[197] Bangura, Yusuf. 2002. "Strategic Policy Failure and State Fragmentation: Security, Peacekeeping and Democratization in Sierra Leone." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo Laremont. Portsmouth, NH: Heinemann. p.145.

6.6.4 Civil War in Sierra Leone

Sankoh's desire to overthrow the government of Sierra Leone suited Charles Taylor's needs,[198] and Taylor's expertise assisted Sankoh in getting the RUF established sufficiently to form a rebel force. In March 1991, two columns of RUF insurgents, each backed by small groups of NPFL veterans, entered, from Liberia, the Pujehan and Kailahun districts in the diamond-rich south-east of Sierra Leone. Accompanying these columns were Burkinabe mercenaries – the product of Taylor's close ties with President Blaise Compoaré of Burkina Faso, and the manipulation of the Anglophone/Francophone split, both in ECOWAS, and in the region generally.[199] The initial incursion through Liberia, coupled with the involvement of these Burkinabe fighters, and the inability of his army to halt the rebels' advance, led Momoh to believe that this was an invasion by an external power, rather than an insurgency.[200]

In contrast to the support Charles Taylor was able to rally in the early stages of his rebellion, the RUF managed to recruit only small numbers of fighters, even in the traditionally militant Pujehan and Kailahun districts.[201] Despite this failure to garner support, they succeeded in pushing back the poorly trained and ill-equipped Sierra Leonean Army (SLA), and in taking control of the diamond mining areas in Kono district. In fact, frustrated at the lack of support he was able to rally, Sankoh's approach became even more intimidatory. Beatings, mutilations, torture and executions became a routine part of the arrival of the RUF to any area, engendering an ethos of fear, and serving to alienate, rather than to engage with, rural populations.

The contrast in the approach of the RUF to that taken by the NPFL in Liberia had many observers questioning the motives of this supposedly revolutionary group,

---

[198] See 6.5.6 – "The Spread of Conflict to Sierra Leone"

[199] Riley, Stephen. 1996. "Liberia and Sierra Leone: Anarchy or Peace in West Africa?" London: Research Institute for the Study of Conflict and Terrorism. p.13.

[200] Ibid.

[201] Richards, Paul. 1996. Fighting for the Rainforest: War, Youth, and Resources in Sierra Leone. Oxford: Heinemann. p.22.

whose initial targets were villagers, farmers and alluvial miners.

> *"...how rational is a movement whose methods of revolutionary struggle have simply served to alienate the bulk of society from its so-called revolutionary agenda?"*[202]

The RUF continued, nevertheless, to make gains in territory, focused primarily on the areas containing the greater part of Sierra Leone's mineral wealth. There was increasing frustration among Sierra Leoneans toward their president's corruption and incompetence; long before the arrival of the RUF, the government had stopped paying teachers and civil servants, and had weakened the army to prevent it from becoming a threat the government.[203] In April 1992, Momoh was overthrown by Valentine Strasser, a young army captain, whose first action was to seize and release to the public the supplies of fuel and rice that Momoh's cronies had hoarded in order to create artificial shortages and raise prices. This brought instant popularity to Strasser's National Provisional Ruling Council (NPRC).[204]

The expansion of the SLA from some 3,000 to over 12,000, – a desperate attempt to stem the tide of the advancing RUF – was the only response available to the government of Sierra Leone, requests for external assistance by both Momoh and Strasser having been rebuffed. But in the rush to expand the capacity of their armed forces, recruitment was indiscriminate. Disenfranchised youths, criminals released from prison, and even young children were recruited, and subsequently neither adequately trained, nor equipped, nor paid.[205] With the exception of a few early successes against the RUF in 1992 and 1993, the results were disastrous; the 'new' soldiers resorted to plundering from those they were ostensibly there to protect, and many colluded with the rebels and joined in their activities. The term 'sobel' – soldier by day, rebel by night – was coined to describe these 'soldiers'. The Sierra

[202] Bangura, Yusuf. 1997. "Understanding the Political and Cultural Dynamics of the Sierra Leone War." African Development 22(2/3):134.

[203] Singer, Peter W. 2003. Corporate Warriors: The Rise of the Privatized Military Industry. London: Cornell University Press. p.111.

[204] The Observer, 9 August. 1992. "The quiet coup of Captain Valentine."`

[205] Fanthorpe, Richard. 2001. "Neither Citizen nor Subject: 'Lumpen' Agency and the Legacy of Native Administration in Sierra Leone." African Affairs 100(400).

Leone Truth and Reconciliation Commission found that some 2,700 serious human rights abuses – of those reported to the Commission – were carried out by members of the SLA.[206] Further, many senior ranks colluded with the RUF in order to extract resources – primarily diamonds – from areas in which they were supposed to be engaging them in battle,[207] and some army units even fought against one another.[208] The few successes that the SLA had attained against the RUF in 1992 and 1993 were overridden by opportunities for plunder by troops, and the use by officers of their military units to gain *de facto* control of private mining assets.[209]

6.6.5 PMCs in the Sierra Leonean Civil War

The subsequent failure of the expanded army to deal with the RUF – who, by the end of 1994 looked poised to launch an attack on Freetown – and the negative response to further requests for external assistance, prompted Strasser to seek the assistance of private actors. Under Joseph Momoh, several PMCs had been involved in small-scale operations in Sierra Leone,[210] but the first to be appointed by Strasser's regime was Gurkha Security Guards (GSG), an organization that had conducted de-mining operations for the UN. GSG refused to become directly involved in combat, instead taking on a contract to train some 160 'specialist' troops – the 'Sierra Leonean Command Unit' (SLCU). GSG's leader, Robert McKenzie, on meeting the men of the SLCU, understood fully the difficulties he faced. Most of them were: *"...louts, having been enticed off the streets ... with offers of regular meals, uniforms, weapons and drugs."*[211] But McKenzie refused to allow members of his organization to take part in combat,[212] as did his successors after he and

---

[206] Ibid.

[207] Abraham, Arthur. 1997. "War and Transition to Peace: A Study of State Conspiracy in Perpetuating Armed Conflict." Africa Development 22(3, 4):101-116.

[208] Howe, Herbert. 1998. "Private security forces and African Stability: the case of Executive Outcomes." Journal of Modern African Studies 36(2):307-331.

[209] Reno, William. 1998a. Warlord Politics and African States. Boulder: Lynne Rienner. p.125.

[210] These included Frontline Security Forces, Special Projects Services, and Specialist Services International. See: Musah, Abdel-Fatau. 2000. "A Country Under Siege: State Decay and Corporate Military Intervention in Sierra Leone." In Mercenaries: An African Security Dilemma, eds. Abdel-Fatau Musah and Kayode Fayemi. London: Pluto Press. p.77.

[211] Venter, Al. 2006. War Dog: Fighting Other People's Wars; The Modern Mercenary in Combat. Havertown, PA: Casemate. p.448.

[212] Avant, Deborah. 2005. The Market for Force: The Consequences of Privatizing Security. Cambridge: Cambridge University Press. p.85.

several other GSG personnel were killed in an ambush while carrying out reconnaissance for a weapon-training site. Despite their losses, the company was committed to carrying out its contract. Strasser, however, wanted GSG to take part in combat. Having established itself as a reputable PMC, GSG was not prepared to compromise its client base by becoming directly involved in fighting, and would agree only to continue with the contracted task of training.[213]

By now, some 15,000 Sierra Leoneans had lost their lives and an estimated 4 million had been displaced.[214] Provision of the common good of security for the population of Sierra Leone was no longer a function of the state; the RUF's widespread occupation of the country and its imminent – or so it was thought – assault on the capital, Freetown, had put paid to any idea that security was an aspect of civil life in Sierra Leone. Loss of control of its natural resources to the RUF had ruined its economy. This combined threat to the security and economy of Sierra Leone, without external intervention or internal action, held only one outcome. As for internal action, Strasser understood fully the limitations of his army, and knew that his only option was to find a force that could engage the RUF directly and decisively. His problem was that the RUF's control of the country's resources meant that he did not have the funds to enable him to do so. But the combined security/economy threat was also of concern to those companies involved in extracting Sierra Leone's resources.

Branch Energy, a company that had seen its joint interests with the government of Angola rescued by Executive Outcomes (EO) less than a year earlier, proposed that Strasser employ EO to engage the RUF. But Strasser's coffers were drastically short of the US$15 Million fee required to secure the EO's services. Such was Branch's confidence that EO could stabilize the situation, they agreed to underwrite the costs until the Sierra Rutile mining operation was once again in the hands of the Sierra Leonean government, when the fee would be paid out of tax revenues raised

[213] Ibid.

[214] Howe, Herbert. 1998. "Private security forces and African Stability: the case of Executive Outcomes." Journal of Modern African Studies 36(2):307-331.

from Sierra Rutile.[215] Branch Energy evidently had a great deal of faith in EO's capability; with the mines in question in rebel-held territory, and all major roads in Sierra Leone controlled by the rebels, EO would not only have to recapture and defend the mining areas, but also regain the greater part of the country's infrastructure. In addition, there was an immediate need for them to regain control of the capital.

In May 1995, some 170 EO personnel arrived in Sierra Leone. Contrary to reports that their interest was solely in retaking the diamond, rutile and bauxite mining areas, and that they *"only went where the pay-offs were high,"*[216] their first priority was to identify concentrations of rebels close to Freetown, and to eliminate the RUF's imminent threat to the capital. The first phase of the plan EO had submitted to Strasser was to *"Relieve the pressure on Freetown and drive the RUF… as far away from the capital as possible."*[217] EO had allowed 3 months for completion of the first phase of the operation. It took 9 days.

It was only after this phase had been completed that EO entered the further phases of their operation, which involved dislodging the RUF from areas of natural resource concentration, thereby denying them the funding they needed to prosecute the war and giving the government the funding it urgently required to begin the restoration of order. EO also concentrated on breaking the RUF's operational, training and logistical functions, denying them the use of the country's roads as supply routes. EO continued to train the army and the civil defence forces (CDFs) in order to ensure that the gains made from the rebels would be consolidated and maintained.[218]

---

[215] Avant, Deborah. 2005. The Market for Force: The Consequences of Privatizing Security. Cambridge: Cambridge University Press. p.86.

[216] Brayton, Stephen. 2002. "Outsourcing War: Mercenaries and the Privatization of Peacekeeping." Journal of International Affairs 55:305-329.

[217] Barlow, Eeben. 2007. Executive Outcomes: Against All Odds. Alberton: Galago. p.334.

[218] The civil defence force was made up of rurally-based peoples' militias that had filled the vacuum left by the state's inability to provide security. The CDF progressed from groups of Kamajor tribesmen – hunters from the Mende ethnic group – who had emerged to fill the vacuum left by the state's inability to provide security in the South and East of the country, to similar forces of other ethnicities, but the *kamajoi* movement was the largest and best organized.

Within six months of the commencement of EO's operations in Sierra Leone,[219] the RUF, for the first time, had agreed to take part in peace negotiations. By the end of 1995 Strasser announced that elections would take place in February 1996. Ahmed Kabbah, a former UN administrator, was subsequently elected president, but Foday Sankoh resumed RUF attacks on the civilian population in an effort to demonstrate that the new government could not guarantee their security. EO, together with the CDFs and, to a lesser extent, the army, once again took the rebels on, and defeated them within weeks.[220] One of the conditions of the subsequent peace agreement laid down by the RUF was that EO was to withdraw from Sierra Leone. EO did so, but warned Kabbah that the RUF would regroup and re-start their offensive.[221] Within 3 months, Kabbah was ousted in a coup headed by Major Johnny Paul Koroma, who had colluded with Foday Sankoh. As part of the peace accord between Kabbah and the RUF, an ECOMOG force had been dispatched to Sierra Leone, but had deployed no further than Lungi Airport. Koroma's Armed Forces Revolutionary Council (AFRC) took power in May 1997 and, unopposed by the army, the RUF entered Freetown wreaking widespread destruction and savagery.

6.6.6 Regional Intervention

It took two attempts, and the deaths of many Nigerian and other regional troops, before Kabbah was restored to power in March 1998. The second attempt was supported by another PMC, Sandline International, who provided materiel but whose direct involvement, although part of Sandline's operational plan, was not implemented. This was due to Sandline having broken a UN arms embargo with at least the knowledge, if not the complicity, of the British government,[222] a situation that became known as the 'Arms to Africa affair'.

---

[219] Barlow, Eeben. 2007. Op. cit.

[220] By October 1996 the civil defence force numbered some 20,000, dwarfing the army. They had been trained by EO, and became a formidable fighting force under the command of the former Sierra Leonean Minister of Defence, a graduate of the Officers' School in Aldershot, UK. Norman was, however, indicted by the Special Court of Sierra Leone in March 2003 for crimes against humanity committed by various groupings of the CDF. The Sierra Leone Truth and Reconciliation Commission found that the CDFs, whose approach to warfare was along traditional tribal lines involving much ritual and superstition, were responsible for some 2,400 human rights violations from 1991 to 2000.

[221] Fowler, William. 2004. Operation Barras. London: Weidenfeld & Nicolson. p.42.

[222] See: McElvoy, Anne. 1999, December. "In Search of the Moral High Ground." In New Statesman, Vol.12, Issue 586.

Sierra Leone's long and bloody civil war was not to end with the return to power of their elected president. In January 1999, with Sankoh in prison appealing against a death sentence for treason, the RUF launched yet another attack, resulting in the deaths of a further 6,000 civilians and many members of ECOMOG.[223] Desperate to bring an end to the killing, Kabbah offered to share power with the RUF, an offer Sankoh accepted, and which was formalized under the Lomé agreement in July 1999.[224] But Sankoh's greed was to assure that this would not bring an end to war in Sierra Leone; he refused to give up control of Kono, the country's richest diamond area. When the UN, who had replaced ECOMOG under the Lomé agreement, declared that they were to deploy to Kono's diamond areas, they were attacked by the RUF. It was only when the RUF were directly engaged by British and Indian troops that order was once again restored.

6.6.7 Relative Successes of Intervention in Sierra Leone

The contrast in approaches adopted by the five actors that intervened in the Sierra Leone civil war, two of whom were PMCs, and their respective levels of success, are of central relevance to this thesis. The first of these actors, Gurkha Security Guards, adopted an approach that involved only the training of Sierra Leonean troops – one that proved unsuccessful. The second, Executive Outcomes, engaged the rebels directly, achieving success in a short space of time, and at a comparatively low cost; the entire EO operation, which was extended after the first successful phases, cost the Sierra Leonean government a total of US$35 million.[225] EO also trained the Civil Defence Forces in Sierra Leone, having identified them as a more effective force than the Sierra Leonean Army. The third, ECOMOG, was mired in political difficulties; the Francophone members of ECOWAS, and Ghana, were critical of the military operation and suspicious of Nigeria's motives;[226] they supported ECOWAS' embargo against the AFRC/RUF, but opposed military

[223] Tull, Denis and Andreas Mehler. 2005. "The Hidden Costs of Power-sharing: Reproducing Insurgent Violence in Africa." African Affairs 104(416).

[224] Ibid.

[225] Howe, Herbert. 1998. "Private security forces and African Stability: the case of Executive Outcomes." Journal of Modern African Studies 36(2):307-331.

[226] Nigeria had some 900 troops in Sierra Leone prior to the deployment of ECOMOG, under a bilateral agreement. See: M'baye, Ibrahima. 2002. "ECOMOG: Strengths and Weaknesses as a Regional Security Institution." ECOMOG Doc. AUL-MU 39080-53 M478E. p.5.

action, resulting in a confused approach that shifted between non-violent intervention and the use of direct force. Under Nigerian leadership, ECOMOG launched an offensive in February 1998 occupying Freetown and taking on the RUF, an episode that was characterized by high numbers of – mainly Nigerian – casualties, lack of discipline among its troops, looting, and human rights abuses against the civilian population.[227] The fourth intervention, that of the UN Mission in Sierra Leone (UNAMSIL), successor to the UN Observer Mission in Sierra Leone (UNOMSIL), comprised initially some 11,000 troops. UNAMSIL attempted to clear the diamond-mining areas of rebels in order to return them to the control of the government. UNAMSIL's approach contrasted starkly with that of EO, who some three years earlier had engaged the rebels directly and returned the mines to government control in a matter of weeks. The RUF's response to UNAMSIL's attempt to dislodge them from the mining areas was to attack its DDR centres, killing a number of peacekeepers and taking 500 of them hostage. The cost of UNAMSIL's operation in Sierra Leone was some US$450 million per annum.[228] The fifth intervention, carried out by British and Indian troops, was undertaken under the auspices of the UN, but involved the use of force, and was successful both in freeing the hostages and enabling the UN to occupy the mining areas.[229] British troops also used force, in September 2000, to release a number of its troops taken hostage by the West Side Boys, a splinter faction of the AFRC, in Operation Barras – a decisive action that effectively saw the end of rebel activity in Sierra Leone.

6.6.8 The End of Civil War

By October 2000, the RUF, with their leader in custody, their income stream from the plunder of the country's natural resources disrupted, and facing overwhelming opposition from an angry and emboldened public, started to crumble. UNOMSIL, the UN observer force that had been limited from the outset by conditions insisted

[227] Sierra Leone Conflict Mapping Programme. 2004. Final Report: Violations of International Law from 1991 to 2002.; Sierra Leone Truth and Reconciliation Commission. 2004. "Statistical Appendix - Sierra Leone TRC Report."

[228] UN. "http://www.un.org/en/peacekeeping/missions/past/unamsil/facts.html Accessed:15th January 2009."

[229] Operation Kukri took place in July 1999. See: Venter, Al. 2006. War Dog: Fighting Other People's Wars; The Modern Mercenary in Combat. Havertown, PA: Casemate. pp.122-123.

upon by Foday Sankoh in the Abidjan agreement,[230] was replaced, under the Lomé Accord, by UNAMSIL – a much larger force with a wider mandate than its predecessor. The latter force was prompted by Nigerian president Abacha's decision to withdraw his ECOMOG contingent from Sierra Leone, although some 3,500 Nigerian soldiers were controversially seconded to UNAMSIL as blue-helmetted troops.[231] But the Lomé Accord was little more than an *"appeasement of the RUF by West African leaders and an international community that had wearied of a protracted eight year conflict."*[232, 233] The UN moved into the mining areas in November 2000. By March 2001, UNAMSIL had a strength of some 17,500 troops – the largest UN contingent ever seen at the time – yet was unable to maintain a lasting ceasefire. Factors that brought the war to an end were the arrest of Foday Sankoh, and his removal as leader of the RUF, the actions of the Kamajors in tandem with the Guinean armed forces against RUF fighters, international action on the illegal diamond trade, international intervention to prevent Charles Taylor providing tangible support to the RUF, and the success of British forces against the West Side Boys. Two years later, the war was formally declared over by President Kabbah.

6.7 Summary

The conflicts that plagued the neighbouring states of Liberia and Sierra Leone were borne of factors driving conflict in many African states – a combination of ethnic rivalries, or more pertinently the manipulation of such rivalries,[234] the desire for control over resources, the development of extreme forms of neopatrimonialism,[235] and the

---

[230] Adebajo, Adekeye and David Keen. 2007. "Sierra Leone." In United Nations Interventionism, eds. Mats Berdal and Spyros Economides: Cambridge University Press. pp.246-270.

[231] While the inclusion of the Nigerian contingent was unpopular, both in Sierra Leone and among members of ECOWAS, the UN would not have been able to provide enough troops for the mission without it.

[232] Adebajo, Adekeye and David Keen. 2007. "Sierra Leone." In United Nations Interventionism, eds. Mats Berdal and Spyros Economides: Cambridge University Press. p.257.

[233] It was said of Foday Sankoh's team at the Lomé talks that they were unable to negotiate, or even to articulate their demands coherently. Interview with Head of Africa Section, Exclusive Analysis, in Sierra Leone, 5th October 2008.

[234] Braathen, Einar, Morten Bøås and Gjermund Sæther eds. 2000a. Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa. Basingstoke: Macmillan Press. p.3

[235] Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

politics of exclusion.[236] Compounded by weak institutions of state, particularly those of security, bringing such intrastate conflicts to an end is beyond the means of the state itself. Without timely intervention, conflicts of this nature are destined to descend further into brutality and destruction by all warring parties, including those of the state. Incidences of human rights abuses by all parties to conflicts increase with time, as demonstrated viscerally in Sierra Leone.[237] This is particularly true of low-intensity, intrastate conflicts – those conducted between factions rather than state armies. *"...the very process of combating low-intensity conflict will cause both sides to look alike, unless it can be brought to a quick end."*[238]

Successive interventions in Liberia and Sierra Leone, both by regional peacekeepers and those of the United Nations, failed to bring an end to fighting in either case. In Liberia, the actions of ECOMOG, in supporting some factions against others, both intensified and lengthened the conflict; ECOMOG was roundly criticized as being over-represented by Nigeria, the regional hegemon in West Africa, and as a partisan force rather than a neutral peacekeeping body.[239] In Sierra Leone, ECOMOG peacekeepers committed hundreds of human rights violations against ordinary Sierra Leoneans; the Sierra Leonean security forces themselves committed thousands of such atrocities against their own people.[240]

The part played by PMCs in both conflicts was significant. ECOMOG, whose forces were not fully equipped for cross-border deployments, and were not afforded the wherewithal to do so by the international community, were airlifted to their bases in Liberia and Sierra Leone by the PMC Pacific Architects and Engineers (PAE). PAE also transported several thousand tonnes of equipment, and provided logistical support to

---

[236] Ibid.

[237] Sierra Leone Conflict Mapping Programme. 2004. Final Report: Violations of International Law from 1991 to 2002.

[238] van Creveld, Martin. 1991. The Transformation of War. New York: Free Press. p.225.

[239] See: Riley, Stephen. 1993. "Intervention in Liberia: too little, too partisan." The World Today Volume 49, No.3.; Howe, Herbert. 1996. "Lessons of Liberia: ECOMOG and Regional Peacekeeping." International Security 21(3):145-176.

[240] Over 300 cases of human rights abuse were found to have been commited by ECOMOG, and some 2,800 by the SLA and SLP. See: Sierra Leone Conflict Mapping Programme. 2004. Final Report: Violations of International Law from 1991 to 2002., and Sierra Leone Truth and Reconciliation Commission. 2004. "Statistical Appendix - Sierra Leone TRC Report."

ECOMOG's entire operation for the duration of the conflict. When UN peacekeepers took over from the regional force, PAE continued to provide logistics and support, and was tasked subsequently with putting the infrastructure in place to rebuild the Armed Forces of Liberia (AFL), and with providing logistical services to the RSLMF.

The PMC DynCorp International took on the formidable task of disarming some 8,000 irregular troops, and recruiting, vetting and training the new, professional AFL from the ground up. In Sierra Leone, ECOMOG was supported by the PMC International Charter Incorporated (ICI), who provided logistics and medical evacuation. PAE now provides logistics and support to the RSLMF, and runs an extensive logistics training centre at Murray Town Barracks in Freetown. Other PMCs are involved in Security Sector Reform tasks in both countries, even to the level of providing national security advice to the Government of Sierra Leone in conjunction with DFID and IMATT.[241]

While the case of Executive Outcomes in Sierra Leone is the most written about in the history of PMCs, studies as to the level of involvement of other PMCs are limited.[242] There is little awareness as to the degree of PMC activity in support of post-conflict peacebuilding efforts in the region, and the wider extent to which the UN – which has used PMCs every major operation since 1990 –[243] and other aid agencies have become reliant on PMCs. While the exploits of Executive Outcomes – the more dramatic side of events, relating to combat, which PMCs no longer undertake – is the most written about, it is these later activities of PMCs that are the most relevant to international peacebuilding efforts in African states.

The following chapters of this thesis will outline my approach to research and analysis of the activities of PMCs in the two countries profiled in this chapter. The findings will

[241] The position of Senior Advisor to the Office of National Security in Sierra Leone, for example, is held by a private contractor.

[242] There are two such studies in: Gantz, Peter. 2003. "The Private Sector's Role in Peacekeeping and Peace Enforcement." Refugees International Bulletin, 18th November 2003., and in: Vaux, Tony. 2002. "European Aid Agencies and Their Use of Private Security Companies." In Humanitarian Action and Private Security Companies: Opening the Debate, eds. Tony Vaux, Chris Seiple, Greg Nakano and Koenraad Van Brabant. London: International Alert.

[243] UN. 2000. "General Assembly 55th Session. UN Doc.A/55/305-S/2000/809. Report of the Panel on United Nations Peace Operations: Comprehensive Review of the question of peacekeeping operations in all their aspects (The Brahimi Report)."

then be analysed in the context of the hypothesis that that PMCs are a viable option for direct involvement in conflict handling and peacebuilding operations in Africa.

Chapter 7

Perceptions I: PMCs or Mercenaries?

7.1 The PMC/Mercenary Issue

In Chapter 4, it was established that external perceptions of PMCs are based on the idea that they are simply 'modern manifestations' of the mercenaries that were active in African states in the 1960s and 1970s.[1] This was mirrored in the field research, where a central theme to emerge was that attitudes towards PMCs are based largely on the perception that they are mercenaries. This is a perception that persists irrespective of whether their activities are in support of governments, private companies, humanitarian agencies, NGOs or departments of the UN. In trying to get to the bottom of this perception, the immediate questions that arise are what is meant, and what is understood, by the term 'mercenary'.

7.2 Perceptions of PMCs as Mercenaries

As noted in the Chapter 6, perceptions of mercenaries in the popular mindset were fed by press coverage of their activities in post-independence African states in the 1960s and 70s.[2] The images conjured up by these reports, of 'hired guns' terrorizing the populations of newly-independent African states, still remain strong. In the 1990s, perceptions of PMCs were driven by media reports of their emergence as a 'new' phenomenon, with these organizations being labelled 'mercenaries' and 'Dogs of War'.[3] Michael Ashworth concludes that their popular image has been shaped by those *"pirates who operated throughout Africa in the Sixties and Seventies".*[4] Despite PMCs having operated in their

[1] McCoy, Kate. 2006. "Modern Mercenaries and Human Rights." Paper presented at the Annual Conference of the Law and Society Association, Amherst, MA.

[2] Most notably in Congo, Angola, and Biafra; some such articles approach the issue of mercenaries in isolation from the political context relating to their involvement. See, for example: The Observer, 7 May. 1961a. "Mercenary Activities in Congo."; The Observer, 10 September. 1961b. "A Duty to Evict Katangan Mercenaries."; The Times, 18 March. 1964. "Mercenaries in 'Threat to Congo'."; The Times, 7 July. 1967. "Mercenaries Blamed for Hostilities."; The Observer, 10 December. 1967. "Row as Mercenaries Feud over Nigeria."; The Times, 2 January. 1968. "The Threat of Mercenaries."

[3] O'Brien, Kevin. 2000a. "PMCs, Myths and Mercenaries." Royal United Services Institute Journal 145(1).

[4] The Independent, 16th September. 1996. "Africa's New Enforcers."

current form since the 1960s,[5] it was the involvement of Executive Outcomes in Angola and Sierra Leone from 1992 to 1995 that drew widespread attention to their activities in Africa. Being perhaps the most sensationalist issue of the PMC debate, the 'mercenary' label has become accepted by PMCs as an inevitable part of media coverage of their activities, albeit one they regard as unjustified. This chapter will address contentions as to whether the description of PMCs as mercenaries is apt.

7.3 'Modern' mercenaries and PMCs

While several respondents raised points supporting the argument that PMCs do not fall into the legal definition of mercenaries, they continue to be regarded as such, even by some respondents who are supportive of their work in African states. PMCs are still referred to consistently, in the press, as 'mercenaries', or, more commonly now, as the 'new mercenaries'.[6] One respondent, a representative for the British industry body for PMCs observed:

> *"...in media terms it's always going to be a good headline – "The Dogs of War"... why would the media do it any differently?... so it seems that the 'mercenary' tag will be around for a long time."* [7]

The view that the press would always opt for the sensationalism offered by the 'mercenary' label was shared by other respondents, among them the former manager of a PMC that carried out tasks in support of international community efforts in Sudan, Liberia and Sierra Leone:

---

[5] PMCs have, arguably, been operating since 1967, when WatchGuard International was registered as a company in Great Britain. WatchGuard evolved from the use of former British Special Forces personnel for operations in Yemen from 1962 to 1967.

[6] Milton, Thomas. 1997. "The New Mercenaries - Corporate Armies for Hire." Foreign Area Officer Association. Source: http://www.informationclearinghouse.info/article3394.htm., and McCoy, Kate. 2006. "Modern Mercenaries and Human Rights." Paper presented at the Annual Conference of the Law and Society Association, Amherst, MA.

[7] Interview with senior representative of the British Association of Private Security Companies (BAPSC), 30th May 2008. Note: The British Industry Body uses only the term 'Private Security Company' (PSC), and insists that it is apt to do so because it is indicative of the fact that while companies offer military support services, no company now offers military services of an offensive nature. The Director General of the BAPSC maintains: *"... a PSC provides defensive services and a PMC retains the option to provide an offensive service."* Source: as per this reference.

> *"The nature of the task we do, or the organization for whom we carry out the task, don't come into the equation. Even when we operate in support of peacekeeping operations, we're still represented as mercenaries… changing our image from 'Dogs of War' to agents of peace and democracy doesn't make good press, so we've accepted that it's a label we're going to be stuck with for a long time to come."*[8]

The term 'new mercenaries'[9] receives criticism not only from detractors of PMCs – as the title infers that they are not mercenaries in a true sense – but also from their proponents in that it infers that mercenary activity is now manifested through PMCs. The actions of Simon Mann and 69 others in 2004, whose intentions were clearly to overthrow the government of Equatorial Guinea, demonstrate that mercenarism proper has not disappeared,[10] and PMCs are quick to point out that they are not of the same genre:

> *"PMCs actually helped to foil Simon[Mann]'s ridiculous coup attempt. It was private intelligence-gathering companies who provided the information that led to the interception of his group of mercenaries.* [11] *Theirs is not the sort of activity that any PMC would get involved in, and I think most PMCs would be quick to take action to see that anybody attempting to go down that route was stopped from doing so."*[12]

Certainly, the activities of PMCs are far removed from those involved in the Equatorial

---

[8] Interview with former manager for DynCorp in Liberia, and for PAE in Sudan and Sierra Leone, 4th December 2008.

[9] Milton, Thomas. 1997. "The New Mercenaries - Corporate Armies for Hire." Foreign Area Officer Association. Source: http://www.informationclearinghouse.info/article3394.htm. Accessed 12th June 2008.

[10] McIntyre, Angela and Tanya Weiss. 2007a. "Africa's experience of mercenaries and PMCs." In From Mercenaries to Market, eds. Simon Chesterman and Chia Lehnardt. Oxford: OUP. p.77.

[11] This assertion is backed up by Adam Roberts, in his report of the Equatorial Guinea coup plot (see: Roberts, Adam. 2006. The Wonga Coup. London: Profile Books.).

[12] Interview with former PMC manager (Supra, Note 8).

Guinea coup attempt, but perceptions that PMCs and mercenaries are one and the same are deeply-held, and when probing for the root of these perceptions,[13] it seems that many of them are based on traditional 'dictionary' definitions, which take no account of the provisions and exceptions of the international conventions that form the accepted legal definition.[14] This is perhaps illustrated by the following quotes, from respondents interviewed in Sierra Leone and Liberia.

> *... if somebody gets paid to do things of a military nature in a country that isn't their own, they are a mercenary."*[15]

While this sounds a reasonable statement, it fails to take into account the provisions, in every relevant international convention, for the legal definition of mercenaries, without which UN troops – who are 'paid to do things of a military nature in a country that isn't their own' – would themselves fall into the legal category of mercenaries. Another respondent quotes:

> *"...three things: they're working in a country that isn't their own, they're earning high levels of money for what they're doing – Western rates of pay, not African ones – and they're doing military-related work. How are they any different to the mercenaries that were here immediately after independence?"*[16]

Once again, this quote could apply equally to UN troops, but one could argue that the most obvious way in which PMCs differ from the mercenaries that were in Africa immediately after independence – certainly in Sierra Leone and Liberia – is that their activities have been carried out in support of departments of the UN, of regional

---

[13] These give the definition in the simplest of terms, such as *'a soldier for hire'* (Chambers 2008), or *'a professional soldier hired to serve in a foreign army'* (Oxford 2008 11th Edition).

[14] Vis-à-vis: OAU. 1977b. "Organization of African Unity Convention for the Elimination of Mercenarism in Africa (CEMA), Doc. CM/817 (XXIX) Annex II Rev.1 (Revision of 1972 Convention: Doc.CM/433/Rev. L.).", and UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

[15] Interview with representative of human rights NGO in Monrovia, 13th November 2008.

[16] Interview with representative of humanitarian NGO at Lungi, 17th November 2008.

peacekeeping organizations, of humanitarian NGOs and of governments recognized by the international community.

A crucially important point raised by one respondent – a former senior British Army Officer, now the Managing Director of a PMC – regarding both preceding quotes, is that *'military-related work'* and *'things of a military nature'* have been in a state of continuous change for the last twenty years. State militaries have taken on an increasing humanitarian role; they have outsourced many of their support activities to PMCs, and the lines between the 'state' and the 'private' in military operations have become increasingly blurred.

> *"The US Army, and the British Army particularly among European armies, now rely on PMCs to operate… training, logistics and maintenance are outsourced … so why do people assume that when we use PMCs to do the same tasks in another country, it's some kind of insidious plot?"*[17]

Further, as pointed out by another respondent, PMCs, unlike mercenaries, carry out activities in support of the development and humanitarian communities, most of which fall within the scope of UN Development Assistance Frameworks. The same respondent points out:

> *"The only other work PMCs carry out here, apart from logistical support, or support to humanitarian and development organizations, is basic, unarmed security, and in Sierra Leone, that is overseen by the OSD,*[18] *and licensed by the government."*[19]

Most respondents who were critical of PMCs did not go so far as to say that PMCs are 'no different' than mercenaries who operated in Africa in the 1960s and 70s, but many

[17] Interview with representative of the Public Diplomacy Section, US Embassy in Liberia, 12th November 2008.

[18] The Operational Support Department, an armed wing of the Sierra Leone Police.

[19] Interview with Managing Director of a Sierra Leone based PMC, 21st October 2008.

were discomforted by the fact that there are fundamental attributes of mercenarism that attach themselves to PMCs and their employees. However, it was found that perceptions of PMCs as mercenaries was significantly greater among respondents from the UK and other European countries than among those from Liberia and Sierra Leone.[20] The situation was similar between those having worked with PMCs (whether in Sierra Leone, Liberia or elsewhere in Africa), and those having had no contact with them.[21]

> *"It's incredible how attitudes in Africa are so different from back home. When you read the papers in England, we're pariahs, but it's amazing how positive the coverage is here, and the response from people where we work is vastly more positive than negative."*[22]

Attitudes towards PMCs of respondents in these countries are based on first-hand experience of their activities, and are shaped by personal experience, as opposed to attitudes elsewhere, where, without any direct experience of PMC activities, perceptions are built up primarily from media reports, from the negative connotations of the word 'mercenary', and, in the case of one respondent, from advice given by those who had never encountered PMCs.

> *"I would say that working here opens your eyes to what's really happening. I mean, before you come here, you get all the stories about avoiding contact with them because they [PMCs] are completely at the other end of the spectrum to what we're trying to achieve, but then you come across them on an almost daily basis…*

---

[20] 11 of 27 formally-interviewed respondents, from the following categories, perceive PMCs as mercenaries: 2 from 'Observers and Analysts', 4 from 'Senior Staff' (of UNMIL, UNIOSIL, UNDP, IMATT and DFID), 1 from 'Organizations and NGOs working with PMCs', and 2 from 'Other Concerned Parties' (specifically: 1 respondent from Journalists for Human Rights and 1 from InterAction, a US NGO). Only 1 of these respondents was from Africa (from the Panos Institute NGO). Respondents from the categories 'Industry Body Representatives' and PMC Directors/Managers' were excluded from the sample.

[21] 6 of 7 respondents from NGOs, 3 of 4 Government Officials, and 11 of 13 other concerned parties having worked with PMCs did not believe that the term 'mercenary' was an apt description.

[22] Interview with former manager of the PMC DynCorp in Liberia and of PAE in Sudan and Sierra Leone, 4th December 2008.

> *you begin to see that their tasks are supporting yours, and you realize that, well, to some extent, you've been misinformed. There are still some people who won't go to the same bar as them though, and won't sit in the same room, and I think you'd be hard pushed to ever shift their view of them as mercenaries."*[23]

Indeed, 'shifting the view' of PMCs as mercenaries is seen by some as nothing more than a propaganda campaign on the part of PMCs and their supporters.

Several respondents who took part in the research were of the opinion that perceptions of external military or security orientated activity in Africa, not directly executed by the forces of states or of the UN, are coloured by images and perceptions of mercenaries that endure from post-colonial times.[24] One such respondent, the managing director of a PMC, believes that organizations such as his should give up trying to fight the 'mercenary' tag:

> *"Yes, there's definitely a long hangover from the days of mercenaries in Africa, and I think it's still the number one driver of opinions about us. We even looked at allocating a budget to publicise what we do, to show… that we're a million miles from that, but when you open up to people from outside, especially reporters, you very quickly learn that no amount of trying is going to convince them. I mean, it just doesn't make good press, does it. So we just have to get on with it and hope that eventually more people will understand that… we're making a positive contribution."*[25]

Many respondents, whether from PMCs, NGOs, or departments of the UN, believe that

[23] Interview with representative of Democracy Institute (NGO), 6th November 2008.

[24] 23 of 36 formally-interviewed respondents from the following categories: 2 from 'Observers and Analysts', 2 from 'Industry Representatives', 6 from 'Senior Staff' (of UNMIL, UNIOSIL, UNDP, IMATT and DFID), 7 from 'PMC Directors/Managers', 4 from 'Organizations and NGOs working with PMCs', and 2 from 'Other Concerned Parties' (specifically: 1 Ministry of Mineral Resources official, and 1 manager from the Koidu Kimberlite Project).

[25] Interview with PMC managing director in Sierra Leone, 21st October 2008.

this situation will not change until such time as these organizations are regulated in some form.[26] But there are also respondents who do not wish to see PMCs gain the respectability that regulation would confer, as they feel that regardless of the legal status of PMCs as organizations, their employees are still *"soldiers for hire",* which makes them mercenaries.[27] This is a perception which is central in influencing attitudes towards PMCs; it is important therefore to explore the nature and characteristics of PMCs in order to develop a clear understanding of the drivers of this perception. The following section will consider perceptions as to the nature and characteristics of PMCs, their defining features as organizations, and their modus operandi, in order to draw conclusions as to whether these negative perceptions are justifiable.

7.4 The Nature and Characteristics of PMCs.

As with general perceptions of PMCs, those of their nature and characteristics, and of the individuals working for them, hinge – perhaps more understandably in the latter case – around the conviction that they are mercenaries. Mercenaries are individuals; every internationally-recognized definition as to what constitutes a mercenary contains the phrase *"any person who…".*[28] A perception of PMCs is that they are commercial organizations that have emerged to circumvent the proscription of mercenaries in international law:

> *"PMCs are creating a situation where mercenaries take on some kind of legality by being part of a company. That's why there was such an expansion after the Cold War".*[29]

---

[26] 16 of 20 formally-interviewed respondents from the following categories: 7 from 'Senior Staff' (of UNMIL, UNIOSIL, UNDP, IMATT and DFID), 2 from 'Industry Representatives', 7 from 'PMC Directors/Managers', and 2 from 'Organizations working with PMCs'.

[27] Interview with representative of humanitarian NGO at Lungi, 17th November 2008. The respondent went on to explain that the acid test used by many in the humanitarian and development organizations to categorize somebody as a mercenary is to decide if they fall into the definition *"soldier for hire".*

[28] OAU. 1977b. "Organization of African Unity Convention for the Elimination of Mercenarism in Africa (CEMA), Doc. CM/817 (XXIX) Annex II Rev.1 (Revision of 1972 Convention: Doc.CM/433/Rev. L.).", UNOHCR. 1977. "Article 47.2 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1).", and UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

[29] Interview with representative of JHR (Journalists for Human Rights), 13th November 2008.

This perception also needs to be explored in order to decide whether it is justified. The ending of the Cold War was, indeed, the single most significant event leading to the current involvement of PMCs in Africa, but it is important to put this occurrence into context, in terms of the political situation that most African states were caught up in at the time. From December 1991,[30] on a scale never seen before, a global withdrawal, reduction and rationalization of armed forces took place. The subsequent outflow of some six million individuals,[31] with skills related to combat and all of its support operations, from logistics to intelligence, found a ready market for those skills. The greatest part of this market, in the immediate aftermath of the Cold War, was in African states for which the stability afforded by the confrontation of ideological dichotomies, through the perceived need for strategic influence, had now been removed.

Many perceptions of the companies involved in this new market, and the individuals employed by them, were driven by the concept of former soldiers selling their combat skills as mercenaries, motivated purely by financial gain, and with no regard for the nature of tasks they may be required to carry out. PMCs argue that this is far from the truth, and some respondents are highly critical of the part of the legal definition in CEMA as to motivation by private gain, 32 which they believe is both wrongly cited and over-used in arguments against them.

> *"This whole 'motivated by money' thing is flawed. ...the rule that mercenaries are people who are paid more than local armed forces is ridiculous.[33] Do you know how much a soldier in the RSLAF [Republic of Sierra Leone Armed Forces] earns? Less than $100 [US dollars] a month. How can you possibly employ anybody*

[30] The precise date of the ending of the Cold War is a moot point; the falling of the Berlin Wall on 9th November 1989 is regarded as the most symbolic event, but the date most widely regarded as the official ending of the Cold War is 8th December 1991, when the Union of Soviet Socialist Republics were dissolved with the signing of the Belazheva Accords.

[31] Singer, Peter W. 2001. "Corporate Warriors: The Rise of the Privatized Military Industry and Its Ramifications for International Security." International Security 26(3):186-220.

[32] OAU. 1977b. "Organization of African Unity Convention for the Elimination of Mercenarism in Africa (CEMA), Doc. CM/817 (XXIX) Annex II Rev.1 (Revision of 1972 Convention: Doc.CM/433/Rev. L.)."

[33] Under CEMA, at Article 47, Para.1.(c)., mercenaries are: "… *promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party."*

> *without paying substantially more than that? No expatriate, PMC or not, gets less than that. Even the stipend that some 'volunteer' workers get over here is more than that. So that part of the criteria is unrealistic. It's outdated, and it's completely irrelevant to the situation in Africa now."*[34]

The section of CEMA in question was also regarded by other respondents as unrealistic, partly because of the low comparative pay of African soldiers and police,[35] but primarily because the comparison with *"combatants… in the armed forces"*[36] infers a situation of inter-state conflict. Another point brought up by many of the same respondents was that one of the key motivators for PMC employees is lifestyle choice, and – for those with no working experience other than in the military – a lack of alternatives. A similar theme emerged from discussion with respondents who work for NGOs, whose choices are driven by a desire to work overseas and the nature of expatriate life, many of whom found it difficult to contemplate a different lifestyle.

> *"Most of the guys I employ have tried… many times to resettle into normal civilian life, but it just doesn't work for them. They've spent a whole career in the forces – some of them have been retired after 22 years of service at the tender age of 40, and this is a lifestyle choice for them. They don't know anything else. They don't have any other skills after that long in the services. I've been in that situation myself, and I can tell you that money is not the main motivation."*[37]

But what of the organizations that employ these individuals? Most PMCs comprise a

---

[34] Interview with former French Foreign Legion NCO, Managing Director of a PMC during and after the conflict in Sierra Leone, 28th October 2008.

[35] 21 of 36 formally-interviewed respondents from the following categories: 3 from 'Observers and Analysts', 4 from 'Senior Staff' (of UNIOSIL, UNDP, IMATT and DFID), 2 from 'Industry Representatives', 7 from 'PMC Directors/Managers', and 5 from 'Organizations working with PMCs'.

[36] OAU. 1977b. "Organization of African Unity Convention for the Elimination of Mercenarism in Africa (CEMA), Doc. CM/817 (XXIX) Annex II Rev.1 (Revision of 1972 Convention: Doc.CM/433/Rev. L.)."

[37] Interview with PMC Managing Director (Supra, Note 34).

permanent staff of three people or less,[38] taking on employees, usually on a short-term basis, when a contract is won. Observations by respondents who run PMCs are indicative of the nature of the market, and of the employment pool available to PMCs. Specialized staff, such as intelligence experts, operators and maintenance personnel for sophisticated weapons systems, and those with experience in specific locations, are highly sought-after. Finding personnel to carry out tasks such as these can be a problem for PMCs, and the sellers' market that results when specialists are needed invariably results in bidding wars, in terms of salaries offered to attract those with the requisite skills. Apart from making the choices of would-be employees easier, this highlights two other features of the PMC industry, one of which is that many companies bid for the same contracts, and the other, that the pool of employees is common to all.

The downside to this is that until a PMC has actually won a contract, it cannot start to recruit. In situations where time is of the essence, this has potentially negative consequences for the quality of personnel recruited for a task. While PMCs maintain lists of vetted personnel, and alert potential employees during the process of tendering for contract, there is little time for vetting new employees where large numbers of personnel are recruited for deployment at short notice. This was demonstrated graphically when an employee of ArmorGroup, a PMC with a hitherto impeccable record,[39] shot dead two of his colleagues in Iraq.[40] This surely has implications for the need for regulation, together with mechanisms for inspection and enforcement.[41]

In an increasingly sophisticated market, the eventual outcome – and it is an outcome that is already becoming manifest – is that larger, established companies survive where smaller operations do not, and high-level expertise is carried from company to company. Examples of both phenomena are demonstrated by the takeover of the British PMC Defence Systems Limited (DSL) by Armor Holdings in 1997. Founded in 1981 by former officers of 22 SAS, DSL continued to draw on the expertise of former officers from the Regiment, two of whom went on to found the now well-established PMCs

[38] Interview with policy director of the BAPSC, 2nd July 2008.

[39] See10.4.1. See also: International Alert. 2002. "Humanitarian Action and Private Security Companies: Opening the Debate." pp.15-16.

[40] The Times, 10th August. 2009. "Briton May Hang for Shootings in Iraq."

[41] See 10.4.5 and 10.4.6.

Erinys,[42] and The Hart Group. Armor Holdings were themselves acquired by Group 4 Security in 2008.

> *"It's not about expertise anymore; you can buy that. We're chasing a contract right now that needs expertise in petroleum installations, and we've taken on two experts to put together the tender for us. That's taken a huge lump out of our budget, but if we manage to build up enough contracts, we become attractive for a takeover from one of the big boys, and right now, I would bite their hands off, because there are people in bigger companies than us with big fat address books full of influential contacts, and they're hell bent on getting a big chunk of this market".*[43]

In contrast, where the demand is for personnel such as security guards, logistics personnel and trainers, the situation is very much one of a buyers' market. Salaries of PMC employees are no higher than they were 5 years ago,[44] and further pressure is being exerted on salaries due to the level of competition, and a shrinking employment pool.

> *"It's been twenty years since the demobilizations that followed the end of the Cold War, and the number of potential employees coming into the pool has plummeted. Everybody thought that the numbers in Iraq would drop and the pool would take a lift, but we got that wrong – as well as chronic troop shortages, the nature of the task over there has moved more to a security focus so demand there has actually increased, and Afghanistan looks like it's going the same way."*[45]

There is a noticeable difference between respondents' perceptions of soldiers serving in

[42] Now a joint British/South African company, Erinys International.

[43] Interview with Managing Director of a British PMC working in Sierra Leone, 4th December 2008.

[44] Interview with Policy Director of the BAPSC, 2nd July 2008.

[45] Interview with Risk and Security Consultant (former manager of the PMC DynCorp in Liberia, and of Pacific Architects and Engineers in Sudan and Sierra Leone), 4th December 2008.

national armies and former soldiers now serving with PMCs, and this is true in both strong and weak states. One respondent, an NCO from the RSLAF, made a noteworthy observation about attitudes of army officers towards former soldiers now serving with PMCs:

> *"These officers are very proud of our soldiers, and that is rightly so. We have a well-trained army now, but in the last round of reductions, 3,000 men were discharged.*[46] *Some of my friends who were discharged… have got work with PMCs now, but our officers are very critical of them, because they say that people who work for those companies lack… the morals of soldiers. But why? Is the training they received so poor that they have forgotten it all? Have their morals suddenly changed? Of course not. They are still the same people inside. They are good people, and they just want to work, and somebody needs their skills, and I thank God for them".*[47]

The same analogy could be drawn of the disparity between many respondents' perceptions of those former soldiers from developed states who work for PMCs and those of serving soldiers in those states. One PMC manager pointed out that he was compulsorily 'retired' – as were many of his employees – at the age of 40, having completed a full term of service in the British armed forces. Most attitudes towards serving soldiers encompass perceptions of patriotism, integrity, heroism and high moral standards. On leaving the services and joining a PMC, however, it seems that there is a perception that these qualities, built up during careers spanning more than 20 years, are replaced within days by those commonly perceived as the attributes of mercenaries – motivation driven only by personal gain, and disregard for human rights. I considered exploring, during the field research, whether these opinions might be underpinned by nationalist ideologies, but concluded that the nature of my research, and of the majority of respondents, were not conducive to that avenue of analysis.

---

[46] The RSLAF was 'rightsized' by some 3,000 personnel in 2007-2008 ('rightsizing' has taken preference over the term 'downsizing' in Sierra Leone).

[47] Interview with RSLAF NCO, 7th November 2008.

On a final note to this section, one observation was made several times in social settings during the field research in Sierra Leone. The number of social venues frequented by expatriates, after the Tourism Department of GoSL had demolished some fifteen of the bars most popular with them,[48] became quite limited. Two of the remaining venues, in particular, were popular with staff of the UN, IMATT, the many NGOs based in Freetown, and other expatriates – including those running PMCs operating in Sierra Leone. On occasion, I joined in conversation with groups made up of individuals from several of these organizations; many members of PMCs had former colleagues in IMATT, and in some cases, in humanitarian NGOs, having previously served with them in H.M Forces. In conversing with these individuals, and in listening to their conversations with one another, it became evident that they shared many of the same aims, concerns and values. In discussion with members of other NGOs in non-social situations, however, I learned that there were others with extremely negative views towards PMCs, who would either avoid those venues they were known to frequent, or if in the same venue, would leave or avoid contact with them.

> *"I know of members of NGOs who won't eat in the same dining facility as members of their security teams, and I've heard of cases where they won't sit in the same room."*[49]

7.5 The Issue of Legal Definition

When asked to draw distinctions between mercenaries and PMCs, or to define PMCs, respondents invariably referred to the definitions laid down in the 1977 Convention for the Elimination of Mercenarism in Africa (CEMA),[50] the 1979 UNOHCR Additional Protocol to the Geneva Conventions,[51] or the 1989 International Convention.[52] Most were aware of the fact that there is no accepted definition for a PMC, and believed that

[48] This was a move by the Department of Tourism to rid the most popular beach along the Freetown peninsula of bars. The demolitions were carried out on 8th October 2008.

[49] Interview with UNWFP representative, 27th November 2008.

[50] OAU. 1977b. "Organization of African Unity Convention for the Elimination of Mercenarism in Africa (CEMA), Doc. CM/817 (XXIX) Annex II Rev.1 (Revision of 1972 Convention: Doc.CM/433/Rev. L.)."

[51] UNOHCR. 1977. "Article 47.2 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1)."

[52] UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

this, combined with a 'defaulting' to the conventions against mercenarism for a definition, was – at least in part – the root of perceptions of PMCs as mercenaries.

Most respondents from PMCs interviewed in the course of the research accepted that the backgrounds of most of their employees, and the fact that the majority of their work is carried out in conflict or post-conflict situations, could be perceived as attributes of mercenarism.[53]

> *"...the fact that most of us are former military or former police is one of the obvious things that gets us pigeon-holed as mercenaries, but the other thing is that the only time we're in the public eye is when there's a conflict, or when there's been a conflict and things are still unstable; when there's a heightened need for security and the state is too weak to provide it...."*[54]

Those interviewed were, however, clear as to the distinction between their activities and those of mercenaries.[55] The main differences articulated by these respondents were that the activities of PMCs are transparent insofar as they go through tendering and contracting processes whereby all aspects of their operations are clearly laid out, that they operate only at the request of the state or legal body for whom those operations are being carried out, and that both the companies and their individual employees operate within the law, and in observance of the Voluntary Principles of Security and Human Rights.[56] One respondent, a PMC manager with many years experience in Africa, sees a clear need for differentiation between PMCs and mercenaries on the part of the international community:

[53] From formal interviews with 7 respondents from the category 'PMC Directors/Managers' and 2 from the category 'Industry Body Representatives', and informal discussion with 9 other members of PMCs.

[54] Interview with PMC Manager in Sierra Leone, 4th December 2008.

[55] From a total of 18 respondents; 2 from the category 'Industry Body Representatives, 7 from the category 'PMC Directors/Managers', and a further 9 employees of PMCs.

[56] OECD. 2006. "Risk Awareness Tools for Multinational Enterprises in Weak Governance Zones."

> *"One of the main reasons for the 'false start'[57] of the 1989 Convention was that it is part of an obsolete concept. In 2004, after she took over as Special Rapporteur, Shaista Shameem's first action was to question why states didn't want to ratify the convention.[58] Her suggestion was that it was because of shortcomings in the way it defines mercenaries, and she called for international recognition of accountable, bona fide companies …and that's what we've been calling for, for as long as I can remember."[59]*

Several respondents external to, but with experience of working with PMCs, hold similar perceptions as to the practical differences between those organizations and mercenaries.[60] They observe firstly that PMCs are primarily business ventures, with centrally planned and organized operations involving personnel employed under a corporate umbrella, in contrast with mercenaries, and the motivations of individual financial gain and adventure-seeking on the part of most involved in the post-independence mercenary 'boom' in Africa of the 1960s and 70s.[61]

The second observation of this group of respondents is that these corporate ventures exhibit a high degree of professionalism at every level of their operations – indeed they see it as vital that they do so if they are to survive – and operate in observance of

---

[57] This was a reference to the time taken for the 1989 Convention to be ratified by the 22 states required for it to enter into force, which was not completed until October 2001. There are currently 35 ratifying states and a further 9 signatories whose governments will not ratify the Convention. The UK did not sign the Convention on the grounds that it would not be enforceable (in: Hansard. 2000, 15th June.).

[58] The question raised by Shaista Shameem, as to the reluctance of states to ratify the 1989 convention, will be considered in a later chapter, when policy issues regarding PMCs are analysed.

[59] Interview with Managing Director of PMC in Sierra Leone on 28th October 2008. The respondent was referring to Shaista Shameem's concerns as to the 1989 definition, and her suggestions for licensing and regulating companies, in: UN. 2004a. "E/CN.4/2004/15 - 60th Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of right of the peoples to self-determination."

[60] 12 formally-interviewed respondents from the following categories: 3 from 'Senior Staff' (of UNIOSIL, UNDP, and DFID), 6 from 'Organizations and NGOs working with PMCs', and 3 from 'Other Concerned Parties' (specifically: 1 representative of the Sierra Leone Ministry of Mineral Resources, 1 NGO Executive Director, and 1 UN Programme Coordinator).

[61] See, for example: Mockler, Anthony. 1987. The New Mercenaries: The History of the Hired Soldier from the Congo to the Seychelles. New York: Paragon House.; Arnold, Guy. 1999. Mercenaries: The Scourge of the Third World. London: Macmillan.

internationally accepted norms and standards. Two respondents argued that, while there is evidence to back up this claim on the part of PMCs based in western countries,[62] there is little in respect of companies from other parts of the world.

> *"...companies here operate within the Voluntary Principles of Security and Human Rights.[63] I don't think there are any western PMSCs who haven't adopted that as policy, but... there are companies operating elsewhere in Africa that don't have any stated policy at all."[64]*

> *"PMCs from some of the former Soviet bloc countries have no recognized overseeing bodies working towards internationally accepted norms, or towards regulation, and of course they have no link to the EU or the OECD where a lot of the norms relating to human rights have emanated from."[65]*

When engaging with respondents from UN agencies, IGOs, and NGOs, perceptions as to the role that PMCs can play in their fields of operations were mostly positive.[66] While most were less inclined to articulate, in simple terms, what they considered to be the defining aspects of PMCs as opposed to mercenaries, they expressed a need for pragmatism, particularly in the light of recent use of PMCs in UN operations.[67] They were, however, very cautious about criticizing the conventions laying down the definitions of mercenaries. Most accepted the need for an internationally recognized and

---

[62] In the United Kingdom, the BAPSC (British Association of Private Security Contractors) lays down standards that must be adhered to by its members, while the overseeing body in the United States is the IPOA (International Peace Operations Association).

[63] OECD. 2006. "Risk Awareness Tools for Multinational Enterprises in Weak Governance Zones."

[64] Interview with UNDSS representative, Sierra Leone, 7th December 2008.

[65] Interview with Risk and Security Consultant (former employee of Pacific Architects and Engineers (PAE) and Dyncorp), 4th December 2008.

[66] Specifically from the categories 'Senior Staff' (of UNMIL, UNIOSIL, UNDP, and DFID), and 'Organizations working with PMCs'; 16 of 18 respondents held positive perceptions.

[67] This was a reference to logistics, training, and security operations carried out for the UN by PMCs such as PAE and DynCorp

accepted definition of PMCs as a baseline from which to move forward.[68]

> *"The current situation is one of confusion, and that needs to be sorted out from an international law aspect, regardless of whether we conceive them [PMCs] to be good or bad, or whether IGOs or NGOs are going to work with them."*[69]

There was concern among some respondents that the basis for current definitions of mercenaries, the 1977 definition, which, itself, superseded attempts at defining mercenaries put forward in 1967 and 1972,[70] has always been subject to challenges even from some of those supporting it,[71] and that the subsequent conventions and protocols continue to be challenged both from within and without the UN.[72]

A common theme arising from the research, among respondents from PMCs, NGOs and UN agencies alike, is that there are deficiencies in the conventions. Critics argue that applying the conventions to PMCs infers that some reputable companies, such as the Mines Advisory Group (MAG) – a company registered as a charity in the UK and employed by DFID and the UN – when operating in zones of conflict, are mercenary organisations.[73] The same inference can be drawn for companies that were employed by the UN to carry out air movements and logistics for the Economic Community of West African States (ECOWAS) during the Liberian civil war. On the other hand, companies committing themselves to direct involvement in conflict have been able to avoid falling under the definition – Executive Outcomes in Sierra Leone because it contracted itself to the state during its involvement in the civil war, and Sandline International in Papua New Guinea by having its operatives enlisted as Special Constables in the Royal PNG

[68] Thirteen respondents, from 18 drawn only from the categories 'Senior Staff' (8 respondents from a total of 11), and 'Organizations working with PMCs (5 respondents from a total of 7).

[69] Interview with IMATT training officer, 6th December 2008.

[70] This was preceded by OAU. 1967. "Resolution on the Activities of Mercenaries, AHG/Res.49 (IV)."

[71] International Alert made recommendations for the modification of CEMA in 1997, but, fearful of delaying ratification yet further, urged UN member states to ratify it and address its inadequacies through the introduction of domestic laws. It was not until 2001 that the Convention was ratified.

[72] The UN Commission on Human Rights has, since the 53rd Session in 1997, proposed changes to CEMA and Additional Protocol 1.

[73] The Mines Advisory Group, while a company limited by guarantee, is a profit-making organization whose employees in the field fall into Article 1.2.(b) of the 1989 Convention.

Constabulary.

Some proponents of the conventions were dismissive of the need for a 'redefinition' of PMCs.[74] Two viewpoints were expressed: the first is that a definition separate and independent from the conventions on mercenarism would afford an element of undeserved respectability to these organizations, and the second, that there is no need for a complex definition:

> *"No, I can never remember the UN definition, and I don't know many people who can, because it's so complex, but unless you're a lawyer, you don't need to, because what it comes down to is this: if somebody gets paid to do things of a military nature in a country that isn't their own, they are a mercenary."*[75]

Once again, perceptions as to what constitutes a mercenary are driven by the basic 'soldier for hire' analogy, but no consideration is given to the fact that others being paid to do things of a military nature in a country that is not their own – UN peacekeepers, for example – fall into this definition. As mentioned before in this chapter, many conceptions of PMCs as mercenaries are based on similar, classic definitions – as are those appearing in most authoritative dictionaries – along the lines of 'one serving for wages in a foreign army', or, as previously mentioned, 'a soldier for hire'. Much of the difficulty with the definitions laid down in the conventions lies in their complexity, but the above quote, and to some extent the classic 'dictionary definition' infers that UN troops are mercenaries. Those supporting the conventions argue, therefore, that the many codicils that form part of these complex definitions, while clouding the issue, are necessary, and should not, as one respondent put it, be *'tinkered with'*. But another respondent pointed out:

> *"In 1997, when we [Executive Outcomes] were still operating, a*

[74] 5 of 11 respondents supporting the conventions would not support a move to define PMCs separately from mercenaries.

[75] Interview with representative of the NGO JHR (Journalists for Human Rights), 13th November 2008.

UN report stated that our legal status was not mercenaries"[76]

For the UN Special Rapporteur – whose views consistently opposed the activities of PMCs during his term of office – to express reservations as to the applicability of the conventions to these companies,[77] there would have to be some evidence that there is indeed a need for some form of 'tinkering'. These definitions were drawn up in a climate of inter-state conflict, which is far from the situation in which PMCs emerged. Mainstream conceptions of African states are, largely, of more cohesive political units than is, generally speaking, the case, and where *intra*-state conflict is concerned, the concept of interference in sovereign states by external actors is not one that sits comfortably in the popular mindset, particularly when those external actors are private, profit-seeking companies.

The issue of definition was further complicated when, at a meeting between the UN Special Rapporteur and UK and US companies representing the industry vis-à-vis the International Peace Operations Association (IPOA),[78] the representatives 'rebranded' themselves 'Peace and Security Companies', on the basis of their extensive work with the UN and other humanitarian organizations.

> *"In light of the fact that PSCs [Peace and Security Companies] are frequently employed by UN Member States and the UN's own entities, we strongly recommend that the UN re-examine the relevance of the term "mercenary". This derogatory term is completely unacceptable and is too often used to describe fully legal and legitimate companies engaged in vital support operations*

[76] Interview with former member of Executive Outcomes, 5th December 2008. Further research suggests that the respondent's information emanates from the 1997 UN Report on mercenarism, which stated *"…the contracts which private military advisory, training and security companies conclude with States and the personnel working for them, even when they have a military background and are highly paid, cannot be strictly considered as coming within the legal scope of mercenary status…"* UN. 1997. "E/CN.4/1997/24 - 53rd Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur 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."

[77] Ibid.

[78] UN. 2005. "UN Document A/60/263. Annex II - Communication of Peace and Security Companies at meeting with the Special Rapporteur - London, 27th-28th June 2005, in Report of the Sixtieth Session of the General Assembly."

for humanitarian peace and stability operations."[79]

The Special Rapporteur, at a subsequent UN meeting to consider the issues, concluded:

> *"…there is ambiguity with regard to the status of Private Military and Security Companies [who]… are under contract with Member States, non-governmental organizations, and, increasingly, the United Nations… the core issue revolves around the question of who is entitled to legitimacy in the use of force in the current political and security climate."*[80]

This reflects increasing recognition within the UN as to the complexity of the issue of PMCs in peace and security-related tasks, and increasing engagement with the issue by the UN Working Group on Mercenaries.

7.6 Summary

Differences between mercenaries and PMCs, to some respondents, are striking; to others, mercenaries and PMCs are one and the same. As can be seen throughout this chapter, perceptions vary even among groups of respondents from similar categories, key factors being the nature and level of their experiences of PMCs. Defining PMCs cannot therefore be carried out in a vacuum, isolated from the context in which they perform their tasks, or from the people and agencies for whom they carry out those tasks. As discussed in depth, in this and earlier chapters, the political climate in African states, which has driven the use of PMCs, and the nature of political change and progress in those states, are of critical relevance to the issue. They are also critical to respondents' perceptions of PMCs. In summary, it is not the organization, but the task, that defines whether mercenary activity is taking place. To put this into context, the following chapter details the findings from field research into the nature of tasks undertaken by PMCs in African states from the eyes of respondents who study, work with, observe, or are affected by the actions of PMCs.

---

[79] Ibid.

[80] Ibid.

Chapter 8

Perceptions II: Tasks and Activities of PMCs

8.1 Perceptions – Tasks and Activities of PMCs

Perceptions of PMC activity in African states today is still driven largely by the nature of the involvement of the PMC Executive Outcomes in Angola and Sierra Leone in the early 1990s. The subject of mercenarism, which, prior to this involvement, had been virtually absent from the press since the mid 1970s, resurfaced in 1992, and the issue of PMCs saw more coverage in the 1990s, in terms of press reports and academic commentary, than almost any other security issue.[1] Given the public perception of mercenaries driven by press articles in the immediate post-independence period, and the correlation generated by those of Executive Outcomes in the 1990s, the association between the terms 'mercenary' and 'PMC' is a major driver of perceptions of the type of activity carried out by PMCs in African states. Key issues emanating from the field research are perceptions that PMCs are agents of economic recolonization, that they are used as foreign policy proxies to effect non-attributable objectives on the part of state governments, and that PMC activity undermines state sovereignty – as did mercenary activity in African states in the 1960s and 70s. There is also a widely held perception that PMCs perform the same tasks as did Executive Outcomes (EO) in Angola and Sierra Leone in the 1990s.[2]

EO was directly involved in combat, both in Angola and in Sierra Leone. The perception that PMCs perform tasks of the same nature that EO carried out in those states is true, to a point. EO trained the Sierra Leonean Army; PMCs are still involved in training armed forces, but no PMC in any country today offers services directly involving their employees in combat,[3] and the legal situation in Liberia and Sierra Leone precludes the bearing of arms by any PMC working in those countries.[4] This latter point

[1] With the exception of the conflicts in the Balkans. See: O'Brien, Kevin. 2000a. "PMCs, Myths and Mercenaries." Royal United Services Institute Journal 145(1).

[2] Interview with Director of Policy, BAPSC, 2nd July 2008.

[3] Although there are arguments that some activities carried out by PMCs in support of combat troops (the operation of surveillance drones and the delivery of materiel, for example) are an integral part of war-fighting.

[4] In Liberia and Sierra Leone, the law prohibits the bearing of arms by private companies.

has not prevented the expansion of PMC activity in either country.

> *"What we do here [Sierra Leone] is the same as we do anywhere else – advice, training and support for security forces. We don't want, in fact no company wants, to have their staff carrying weapons unless it is absolutely necessary – what's the point? We as a company don't have any task, anywhere, where our people carry firearms… so the work we do here, and the number of contracts we've taken on, hasn't been in any way affected by the legal situation on firearms. So the accusations that we're 'guns for hire', or that we're about work that involves lethal force just don't hold water."*[5]

In response to this argument, detractors point out – correctly – that the legal definition of a mercenary does not exclude unarmed individuals, and they argue that peripheral tasks in support of armed forces fall into the definition of combat. PMCs accept that much of their *raison d'être* is based on their former expertise in combat, and in combat support tasks. But, in Liberia and Sierra Leone particularly – regardless as to misconceptions as to the nature of their activities – they argue that accusations that they are mercenaries are legally incorrect in any case, because neither country is at war.[6]

> *"… take MAG [Mines Advisory Group]. They're a part of the same expansion of military type services as we are. They do de-mining, we do de-mining. They're managed and staffed by ex-military personnel. We're managed and staffed by ex-military personnel. Ok, they're registered as a charity, but they're a profit-making organization, and their expats are paid substantially more*

[5] Interview with Managing Director of a British PMC in Sierra Leone, 4th December 2008.

[6] The definitions in OAU. 1972. "Convention for the Elimination of Mercenaries in Africa, Doc.CM/433/Rev. L. Annex I.", UNOHCR. 1977. "Article 47.2 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1).", and UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34." carry the stipulation that a mercenary is "*specially recruited locally or abroad in order to fight in an armed conflict* and "*does, in fact, take a direct part in the hostilities"*

than the armed forces where they work, just like ours, so if the situation is seen as one of combat, then legally, they are mercenaries."[7]

The point argued by the respondent was that the proliferation of activities by companies such as his own is no different than the wider expansion of tasks related to post-conflict recovery and development that are carried out by many NGOs; MAG, for example, are employed by DFID as part of many of their post-conflict recovery programmes.

In Sierra Leone and Liberia, much of the work carried out by PMCs is similar to that undertaken by private security companies in the UK – unarmed security guarding, but with the difference that small cadres of expatriate managers provide training and management for locally-recruited personnel. The question, then, as to what constitutes a PMC, or what differentiates a PMC from a PSC, is a matter that comes down largely to perception. Some independent security contractors see themselves as PMCs, while others distance themselves from any suggestion that they might fall into that category. Similarly, external perceptions tend to 'pigeon-hole' certain security contractors as PMCs, but not others, regardless of the fact that their employees are from the same pool – former members of the uniformed, disciplined services – and that they have the capacity to offer combat-related services.

"I regard my company as a PMC, and I know that we're regarded externally as a PMC, because we make it clear that the range of services we can provide includes training and support for combat groups, but the only service we provide here [Sierra Leone] is unarmed security and security consultancy. And it's the same for most companies I know who call themselves PSCs – they know full well that they could, and probably would, provide combat-related services if a good opportunity presented itself, but the term PSC is less controversial so they're discreet about that part of their

[7] Interview with PMC manager in Sierra Leone, 4th December 2008, referring to de-mining operations in DRC. The Mines Advisory Group is registered as a charitable organization in the UK.

portfolio."[8]

The Security Sector Manager for Sierra Leone, a position with responsibility for country-wide strategic development of the security sector, and for advice and guidance to the Office of National Security, is a former British Police officer contracted to DFID as a consultant.

> *"I had worked for the UN here previously… I've moved from the UN to the private sector; the post of Security Sector Manager is contracted out by DFID… so I suppose you could say I'm a private contractor, but I wouldn't say I fall into the category of a PSC…"*[9]

The status of 'one-man security contractor' is held by a number of respondents interviewed in the course of the research – all former servicemen – who regard themselves as PSCs, but would not rule out taking on work of a combat support nature.[10]

> *"... most PSCs are very small companies – sometimes no more than two or three people, and quite often just a one man band with a list of useful contacts."*[11]

Many respondents, particularly those from NGOs and organs of the UN, do not differentiate between PSCs and PMCs. Some refer to them as Private Military/Security Companies (PMSCs), a blanket term used increasingly in publications on the subject of these organizations.[12]

---

[8] Interview with PMC Managing Director, Freetown, 4th December 2008.

[9] Interview with Senior Advisor to Sierra Leonean Office of National Security, 15th October 2008.

[10] Specifically: 1 independent consultant for mines security in Kailahun, 1 security training consultant on contract with African Minerals, and 1 technical security consultant (a former member of Executive Outcomes) at Lungi Airport in Sierra Leone.

[11] Interview with BAPSC Director of Policy, 2nd July 2008.

[12] See, for example: War on Want. 2006. "Corporate Mercenaries: The Threat of PMSCs."; UN. 2007a. "PMSCs and Challenges to the UN Working Group on the Use of Mercenaries."; Swiss Initiative/International Committee of the Red Cross. 2008. "Pertinent International Legal Obligations and Good Practices for States related to Operations of PMSCs."

> *"We have chosen to use the term private military and security companies (PMSCs)… in order to express the essential continuity between the military and security services provided by the companies in question."*[13]

Doug Brooks, president of the International Peace Operations Association (IPOA),[14] takes the concept further, using the term Military Service Providers (MSPs) to encompass all companies involved in the private military and security sector. Under the blanket of MSPs come:[15]

- PMCs, who deliver Military Training and Offensive Combat
- PSCs, who provide protection for embassies, industrial sites and humanitarian organizations, and
- Non-lethal Service Providers (NSPs), who carry out such tasks as logistics and mine clearance

Once again, the existence of companies providing services spanning two or three of the categories listed above – not necessarily in the same country – or those who provide one category of service but have an ability and a willingness to consider tasks in another category, suggests that it is the task, and not the company, that should be categorized.

This is not, however, the case where perceptions of the activities of PMCs is concerned; the true nature of their current involvement in African states is not widely known. For example, the extent to which PMCs are used by the UN – they have taken part in every multi-lateral UN peace operation since 1990,[16] was not commonly known among respondents who had not worked with PMCs. But even among many of those who are aware of the extent to which the UN employs PMCs, and even in cases of benign activity

[13] War on Want. 2006. "Corporate Mercenaries: The Threat of PMSCs."

[14] The IPOA is the US industry body for the private military and security sector.

[15] Brooks, Doug. 2002. Protecting People: the PMC Potential. Alexandria, VA: IPOA.

[16] Avant, Deborah. 2005. The Market for Force: The Consequences of Privatizing Security. Cambridge: Cambridge University Press., p.7.

– one example being the provision of water tankers in Sierra Leone –[17] they are criticized. One might conclude, therefore, that it is what they are, rather than what they do, that is the primary driver of perceptions of PMCs. This was the subject of interviews with some 40 respondents, and the three main issues that came to the fore will be discussed in the following section.

8.2 Issues of primary concern

As outlined at the beginning of this chapter, respondents expressed three main concerns regarding the use of PMCs in African states. The first is that they undermine state sovereignty, particularly in weak and failing states. The second concern is that they are part of an 'economic recolonization' – a means of maintaining control of resources in African states. And the third is that they are used as proxies to pursue Foreign Policy objectives in a way that cannot be attributed directly to state governments. This section will address each of these issues in turn.

8.2.1 Undermining state sovereignty

A perception that drives one of the central arguments against PMCs is that they usurp the state's monopoly over the use of coercive force. In both cases where PMCs have become directly involved in the use of force in African states – those of EO in Angola and Sierra Leone – their involvement was at the request of the states' respective host governments. This raises the question as to whether the state, in employing a contractor to fulfil a need, which it has decided is necessary but cannot itself fulfil, is being usurped. If the contractor is working for the state, to assist the state in achieving its legitimate ends, then it is surely the case that the state has not relinquished control over the use of force. Regarding arguments that it is a dereliction on the part of the state to employ a PMC, one could argue that, where the state is unable to protect its people and its government, and no assistance is available from the international community, the greatest dereliction would be for the state to take no action. Further, it could be argued that the state, in subcontracting the use of force to a PMC, has regained the definitive element of sovereignty by recovering its monopoly on the use of coercive force.

[17] Part of PAE's contract for logistics includes the supply and maintenance of water tankers. While this works conveniently for all parties, it has been subject to criticism in Sierra Leone.

> *"... there's pressure from the international community to reduce the size of states' military and police, and to concentrate more on infrastructure and social needs... . But smaller and less capable security forces lead to security vacuums being filled by non-state actors... [who] can eventually become powerful enough to challenge the state... the monopoly over force is lost to non-state groups, which is essentially the involuntary transfer of force to private hands."*[18]

This transfer of force to private hands – of a malignant nature towards the state – contrasts with the employment of a PMC, which, one could argue, is a *voluntary* transfer of force to private hands, and one whose terms are dictated by the state. The point regarding the transfer of power to warlords – the loss of the monopoly of force to private actors bent on controlling at least part of the state – was seen by some respondents as the greatest potential danger to weak states.[19] It was regarded as such because it can quickly overturn efforts of the state, and indeed the international community, towards greater democratization and development. It was also seen as the primary driver for what the international community most wants to avoid – the need for external intervention. The same group of respondents, with the exception of one representative of UNMIL (whose strength in Liberia at the time of writing is some 15,000 personnel),[20] did not believe that the international community or the African Union could, or would, mount sufficiently fast, sizeable, or robust interventions to deal decisively with such a threat. Some respondents pointed to difficulties encountered the current UN missions in Darfur (UNAMID)

[18] Interview with representative of humanitarian NGO at Lungi, 17th November 2008.

[19] 23 of 34 formally-interviewed respondents: 4 from the category Observers and Analysts, 8 from the category Senior Staff (of UNMIL, UNIOSIL, UNDP, IMATT and DFID), 6 from the category PMC Directors/Managers, 3 from the category Organizations, NGOs working with PMCs, and 2 from the category Other Concerned Parties (specifically: 1 from the Sierra Leonean Ministry of Mineral Resources, and 1 Risk and Security Manager for African Minerals).

[20] The presence of UNMIL in Liberia is an intervention in progress; the respondent believed it likely that UNMIL would be swiftly redeployed under Chapter VII of the UN Charter to deal with any threat in Liberia, or in the states on Liberia's borders.

and Congo (MONUC) as evidence of this.[21] Others argued that PMCs were preferable to UN troops because the quality of troops sent by the international community did not inspire confidence in the ability of the UN mission.

> *"Last year, European armies had nearly 10,000 soldiers seconded to the UN. How many of those were in Africa? Less than 300. So there's no credibility in the West's interest in Africa in the first place, and there's very little credibility in the troops the UN send here. Now try telling people the UN will protect them better than a PMC. You might get sympathy in some places, but not here. They've seen what happened under ECOMOG and the UN, and they've seen what happened when a private company came in… and they've seen what happened when that company was forced out."*[22]

The argument for self-reliance through larger and stronger African armies, as a means of avoiding the need for intervention by the AU or the UN, or by private entities, was not supported by many respondents.

> *"… strong armies have more often than not been a threat to African governments, rather than being their protectors."*[23]

The recent coup in Guinea,[24] which has evolved as a more military dominated state than its neighbours in the Mano River Union, is a demonstration of the latter point.

---

[21] Most of these difficulties were related to troop numbers. At the time of writing, UNAMID had a shortfall of 4,896 UN troops (19,555 authorised, 14,659 actual), and MONUC a shortfall of 2,971 troops (19,815 authorised, 16,844 actual). Source: UN. 2009b. "UN DPKO Current Operations." Accessed at: http://www.un.org/Depts/dpko/dpko/currentops.shtml/africa.

[22] Interview with Security Manager, Lungi Airport, Sierra Leone, 5th December 2008. In 2007, 8,000 of the UN's entire contingent of European blue-helmetted troops were in Lebanon; less than 300 were deployed in Africa. These figures are corroborated in: Gowan, Richard. 2007. "The EU's Africa Strategy: What are the lessons of the Congo Mission?" Security & Defence Agenda Discussion Paper. p.29.

[23] Interview with representative of UNMIL's Public Information Department, 14th November 2008.

[24] On 23rd December 2008, some six hours after the death of President Aboubacar Somparé, Captain Moussa Dadis Camara of the Republic of Guinea Armed Forces (RGAF) announced a dissolution of the government, a suspension of the constitution and a National Ruling Council, 'le Conseil National pour la Démocratie et le Développement' (CNDD) consisting of 26 officers of the RGAF, and 6 civilians.

In an interview with the Chief Advisor to the Office of National Security in Sierra Leone, prior to the Guinea coup, he pointed out that:

> *"In Sierra Leone they have a concept of human security... aimed at encompassing and involving civil society... in Guinea they just don't have the same concept – theirs is a very militaristic approach."*[25, 26]

While PMCs have neither taken part in, nor proffered services for, direct involvement in combat for more than a decade, their prior involvement has been instrumental in driving perceptions as to the nature of their current activities.

> *"Even my former army colleagues don't believe me when I tell them how mundane it all is. Everybody seems to think we're running around in combat gear like a load of mercenaries."*[27]

Operations currently performed by PMCs in Liberia and Sierra Leone are typical of those carried out in other African states. They fall into three main categories. The first consists of tasks forming part of development operations, or Security Sector Reform tasks, on behalf of international community bodies such as the UN and DFID. These include the training of the AFL in Liberia, and elements of Security Sector Reform and the Justice Sector Development Programme (JSDP) in Sierra Leone.[28] The second is the provision of security to enable NGOs to operate in dangerous areas – 'securing the humanitarian space' – which is carried out by arrangement between the PMCs and NGOs in question. The third is the provision of consultancy, training, and security operations to private companies or individuals. In Sierra Leone and Liberia, the latter requires that PMCs are

[25] Interview with Senior Advisor to the Sierra Leonean Office of National Security, 15th October 2008.

[26] As demonstrated clearly by the actions of *bérets rouges units of the* RGAF against anti-government protestors on 28th September 2009. See, for example: International Crisis Group. 2009. "Africa Policy Briefing No. 66 - Guinea: Military Rule Must End."

[27] Interview with PMC Managing Director, Freetown, 28th October 2008

[28] The Senior Advisor to the Sierra Leonean Office of National Security, and head of the Sierra Leone Security Sector Reform Programme (SILSEP), is a private contractor seconded by DFID to the Government of Sierra Leone.

registered with the government of the host country, and other African states have similar registration and licensing arrangements. This, however, is not the image of PMC operations that predominates in the popular mindset, where their use is "*equated with the use of private armies, or worse, with mercenaries".*[29] The operations of PMCs are overt, and are conducted within the law of the country in which they operate. Far from usurping the power of the state, the range of activities PMCs are involved in augments the state's ability to provide the public good of security.

On the downside to this argument, some respondents in Liberia and Sierra Leone expressed concerns that in areas where PMCs operate, whether performing private security for extractive companies, or services under the auspices of the international community, the population experiences levels of security that are not representative of the wider security situation. These respondents felt that the higher levels of security in these areas take the onus off the state to invest overstretched resources in state security mechanisms.[30] Some see this as the point where progress ceases to be made in the reform of the state's security forces, and, with little prospect of change, a situation where dependence on PMCs is likely to be a long term factor. This is considered further in Chapter 9, where the situation regarding state institutions that draw support from PMCs is analysed.

In summary, the perception that PMC activities undermine the sovereignty of states in which they operate is not the reality of the situation. The record shows that PMCs augment the state's ability to provide the public good of security, and that they bolster the ability of weak states to prevent the rise of anti-state actors where, previously, the state's institutions of security had insufficient capability to do so. What is evident is that states will endeavour to gain maximum advantage from the use of PMCs, and several respondents believed that this could translate into a situation where the state fails to reform or rebuild its security forces, thereby

[29] From a survey conducted by International Alert. (See: International Alert. 2002. "Humanitarian Action and Private Security Companies: Opening the Debate." p.9).

[30] 14 of 34 formally-interviewed respondents: 2 from the category Observers and Analysts, 6 from the category Senior Staff (of UNMIL, UNDP, IMATT and DFID), and 4 from the category Organizations, NGOs working with PMCs.

making dependence on PMCs a long term necessity.[31] Many respondents, as the following section will show, believe that this dependence could be part of a calculated policy whereby Western states – those from whose territories PMCs originate – also endeavour to gain maximum advantage from the continued need for PMCs in weak African states.

8.2.2 PMCs as agents of 'economic recolonization'

A perception that has emerged strongly from the field research is that the proliferation of PMCs is part of a neoliberal consensus; that they are proxies of Western governments in a 'recolonization' of African states, linked primarily to resource wealth.

> *"The reason most PMCs are here is to protect Western companies in their efforts to maintain control of resources."*[32]

Many respondents from, or working closely with, PMCs, are acutely aware of this perception,[33] but argue that much of their work is for local as well as for Western companies. In Sierra Leone, while the protection of companies involved in resource extraction does not make up the bulk of PMCs' work, the demand for the current level of resource-related contracts is unlikely to decrease as it is with SSR-related activity. While not a precondition of the involvement of overseas companies in Sierra Leone's extractive industry, they have little choice but to use PMCs to provide security for their facilities. The Sierra Leone Police (SLP) do not have the capacity to provide even the levels of public policing demanded of it.

> *"There's no way the SLP could handle the kind of security the private mining sector needs. They're stretched enough as it is.*

[31] Supra, Note 30.

[32] Interview with representative of a Human Rights NGO, 13th November 2008.

[33] 29 of 36 formally-interviewed respondents: 4 from the category Observers and Analysts, 2 from the category Industry Representatives, 9 from the category Senior Staff (of UNMIL, UNIOSIL, UNDP, IMATT and DFID), 7 from the category PMC Directors/Managers, 4 from the category Organizations, NGOs working with PMCs, and 3 from the category Other Concerned Parties (specifically: 1 from the Sierra Leonean Ministry of Mineral Resources, 1 from the Public Diplomacy Section of the US Embassy in Liberia, and 1 Independent Consultant for Mines Security).

> *They were supposed to have been expanded from a strength of about 6,000 to 9,500… which they have, strictly speaking, but the extra 3,500 are all OSD [Operational Support Department],*[34] *and the OSD are not involved in that kind of policing, so the situation is no different from about 5 years ago; there still aren't enough police."*[35]

Much of the work of PMCs in Africa has come about from the need to augment states' institutions of security. This is true of Sierra Leone, where PMCs supplant the shortfall, in terms of numbers and capability, of the SLP. But while PMCs provide the professional levels of service that extractive companies require in terms of securing their expansive and complex facilities, they cannot provide armed security, and recent events have shown that an armed presence is necessary in facilities that deal with high value resources.[36] Companies involved in resource extraction have no option therefore but to employ members of the OSD to provide armed backup for their permanent security teams. The cost per armed OSD officer is 500,000 Leones per month,[37] and the hirer is required to provide subsistence and accommodation for each officer. While this system ensures that the monopoly over the use of armed force remains with the state, it is unpopular even with agencies of the UN. Essentially, the Government of Sierra Leone has addressed the international community's desire for it to re-monopolise the use of armed force by making the OSD a government-run PMC.

> *"We don't agree with the way they use the police as a sort of government-run private security force, because it is a state monopoly on private armed security, and it's limited to those who can afford to pay for it.*[38]

---

[34] The Operational Support Department (OSD) is an armed government department whose personnel can be hired by private companies. Although ostensibly part of the SLP, OSD officers are drawn from the RSLAF.

[35] Interview with Mining Manager, Kono District, 29th October 2008.

[36] An example is the attempted 'invasion' of the Koidu mine by local townspeople in December 2007.

[37] Approximately US$175.

[38] Interview with representative of the UNDP DDR Programme in Liberia, 12th November 2008.

The main concern voiced by respondents from UN agencies is that this reduces the numbers of officers carrying out the primary police role of providing the public good of security, defeating the object of UN Development Assistance Framework aims. There is also a belief among some respondents who employ OSD officers that some are involved in local criminal networks, as are many members of local security companies.[39]

> *"The Ministry [of Mineral Resources] feels more secure with overseas… companies, because there is much corruption among Salone[40] companies. As far as security is concerned, I prefer to deal with British-managed security companies than local ones, because from our experience it gets around the problem of local companies being involved in criminal networks. Obviously… there needs to be some sort of state input, and that comes through the OSD, and through our own force of Mine Monitors. But I have to say, even they are not above suspicion..."*[41]

The respondent stressed that it was the management of these companies that was an issue; most companies used by the Ministry of Mines are made up of local guards, but with foreign managers. In Sierra Leone, with the winding down of UN operations, and the associated reduction in the number of PMCs supporting those operations, the percentage of PMC work in support of mining operations is estimated to be higher than that in Liberia, although the actual number of employees involved in such operations in Sierra Leone is considerably lower than in Liberia.[42]

In Liberia, large US PMCs in particular are the target of accusations of being an insidious element of 'economic recolonization'. Part of this perception is that the proliferation of PMCs from the US is a new phenomenon in Africa, but two of the

[39] Interview with Sierra Leonean Ministry of Mineral Resources representative, 7th December 2008.

[40] 'Salone' is a local 'Krio' expression meaning 'Sierra Leone', or 'Sierra Leonean'.

[41] Interview with Ministry of Mineral Resources representative (Supra, Note 39).

[42] Supra, Note. 39.

largest North American PMCs, DynCorp, and Pacific Architects and Engineers (PAE), have provided logistics and support to the UN in West Africa since 1990. In Liberia, where the bulk of PMCs' work is linked to the international community's development efforts, it is estimated that the number of PMCs operating in support of Western mining companies makes up only a small proportion of their total work.[43]

Another commentator argues that perceptions of the use of PMCs as part of an expansionist consensus are unfounded because their use in supporting governments at home has become a liberal norm:

> *"The US Army, and the British Army particularly among European armies, now rely on PMCs to operate, and that's evolved completely separately from the use of PMCs in failed states. Things like training, logistics and maintenance are outsourced even in our own countries, and PMCs are used firstly because they achieve financial efficiencies, and secondly because they free up a lot of capacity in armies that are thinly stretched… so why do people assume that when we use PMCs to do the same tasks in another country, it's some kind of insidious plot?"*[44]

In sum, claims that PMCs are part of a Western attempt to maintain control of resources are regarded by many respondents as part of the throwback to the activities of mercenaries in 1960s post-independence Africa – when it was indeed the case. But African governments are today seeking to regain control of their resources, and a carrot-and-stick approach to the granting and withdrawing of mining concessions ensures that control is being recaptured by the state. Efforts by the Sierra Leonean and Liberian governments to reduce the influence of multinationals have been demonstrated recently, in Sierra Leone with the withdrawal of Sierra Rutile's exclusive legal right to maintain their own armed

[43] In interviews with Senior Staff of IGOs, PMC Directors/Managers, NGOs, and two others (specifically: 1 Military Training Advisor, and 1 former Chief of Police), estimates varied from 'less than a quarter' to 'less than 20%'.

[44] Interview with representative of Public Diplomacy Section, US Embassy in Liberia, 12th November 2008.

security presence, and in Liberia with a review of the institutional framework of concession agreements with the Government of Liberia.[45] The perception, however, that foreign governments exploit the opportunity presented by the presence of PMCs in African states, remains. There is a deeply-held suspicion that Western governments use PMCs as a non-attributable means of pursuing Foreign Policy objectives.

8.2.3 PMCs as Foreign Policy Proxies

A phrase used quite often to describe PMCs – invariably in a derisory sense – is 'foreign policy proxies.' This gives rise to a number of questions: if the elements of foreign policy in question are not, in themselves, bad – and there is a general consensus that current British foreign policy, towards Sierra Leone, in particular, is ethical – then why should the use of a proxy to effect such policy be seen as bad?

> *"Should it be regarded as negative that proxies are used, where the institutions of the state are so overstretched that, without their use the policy would be neglected?"*[46]

One might perhaps draw the inference of 'plausible deniability' – that there may be instances where the use of PMCs offers an opportunity to diverge from stated policy; some respondents pointed out the Sandline 'Arms to Africa' affair as an example of this.[47] In most cases, however, it is evident that it is not the use of a proxy to carry out foreign policy that is being criticized, but the proxy itself, the inference being that PMCs are unsuitable for use as agents of foreign policy. In Sierra Leone and Liberia, however – two countries in which the use of PMCs is central to post-conflict rebuilding of the state – that is not an opinion that predominates, either among those whose work brings them into contact with PMCs, or those whose daily lives are affected by the activities of these organizations.

[45] The Informer, Monrovia, 20th July. 2009.

[46] Interview with representative of the US Embassy Public Diplomacy Section, Liberia, 12th November 2008.

[47] In 1996, the PMC Sandline International attempted to import weapons into Sierra Leone in apparent violation of a UN arms embargo. An inquiry concluded that Sandline's actions were carried out with the knowledge and tacit approval of the British Foreign and Commonwealth Office.

Perceptions and realities of the nature and outcomes of the activities of PMC, in Liberia and Sierra Leone, are closely linked to the Security Sector Reform (SSR) process, and comprise mainly the provision of private security. The central aim of SSR in post-conflict states is to re-establish (or in many cases, to establish from scratch) what is considered the minimum requirement for stability vis-à-vis functioning institutions of public security and law-and-order. In Sierra Leone, this is the keystone of British foreign policy, implemented through DFID, and in Liberia, it is the first requirement of the UN Development Assistance Framework (UNDAF),[48] implemented by the UNDP. Attitudes towards PMCs working for both of these agencies, from their detractors, falls into the 'foreign policy proxy' argument, with one of the more evident perceptions being that foreign policy has been delegated to agents who are not morally suited to carry it out.

Another concern is that PMCs could become involved in activities that are contrary to the foreign policies of their home states. It is the explicit policy of PMCs – at least those from western states –[49] to avoid taking on contracts counter to the national interests of their own state.[50] This took on new importance after the Sandline 'Arms to Africa' Affair,[51] the apparent complicity by elements of the British Government leading the then Under-secretary of State to conclude:

> *...the Sandline Sierra Leone affair was something that was not only embarrassing but I would say quite damaging to the government."*[52]

PMCs have, since then, kept at the top of their agenda the need to be seen to be working only with internationally-accepted governments and agencies, and within

[48] UN. 2007b. "United Nations Development Assistance Framework for Liberia 2008-2012 - Consolidating Peace and National Recovery for Sustainable Development."

[49] Both the British Industry body – the BAPSC – and that of the US, the International Peace Operations Association (IPOA), maintain that no registered PMC will entertain any task that runs contrary to national interests, to the interests of the international community, or to the Voluntary Principles of Security and Human Rights.

[50] House of Commons. 2002. "House of Commons Select Committee on Foreign Affairs. Ninth Report: Private Military Companies."

[51] Sir Thomas Legg KCB QC and Sir Robin Ibbs KBE. 1998. "Report of the Sierra Leone Arms Investigation (the Legg Report)." p.75.

[52] Ibid., quoted by Dr. Dennis McShane, then Under-secretary of State for the Foreign Office.

the Foreign Policy aims of their governments.

> *"It would be commercial suicide to take on a job that conflicts with any small part of the national interest. The media would have a field day. Some of my guys worked for a company that turned down millions of pounds worth of contracts because they weren't sure about the ethics – a massive pipeline security contract, a load of investigation work and a high-value load transportation job, all within a few months of each other."*[53]

Advocates of PMCs argue that their activities in relation to foreign policy are benign. The foreign policy aims of most governments towards African states are analogous with the aims of the UN.

> *"Most nations' [foreign] policies towards Africa are centered around development and democratization, which mirrors UN policy towards Africa, so the use of PMSCs to support the UN, and their use in SSR, reflects those foreign policy aims."*[54]

> *"Well, DFID and the FCO are the main British Foreign Policy agents in most African states. British foreign policy hinges around ensuring stability as a vehicle to democratization and development, and SSR is a keystone of that policy, which mirrors the UN Development Assistance Framework. In fact, the aims of DFID and the UNDP are practically the same in many areas...."*[55]

Supporters of PMCs also argued that without their involvement, the aims of many

[53] Interview with PMC Managing Director, 4th December 2008. The company in question is believed to be ArmorGroup, who claim also to have turned down a contract in the same year to supply equipment to a government they suspected might use it to suppress democratic movements. There is evidence of this in the 2002 Select Committee Report on PMCs (see: House of Commons. 2002. "House of Commons Select Committee on Foreign Affairs. Ninth Report: Private Military Companies.").

[54] Interview with representative of UNMIL, 14th November 2008.

[55] Interview with representative of DFID, 24th November 2008.

ethical policies would not be achieved.

> *"PMCs can help to pursue ethical foreign policy aims. Should it be regarded as negative ...where the institutions of the state are so overstretched that, without their use the policy would be neglected?"*[56]

Those opposed to the use of PMCs argue that regardless as to how innocuous a foreign policy may be, its delegation to non-state organizations sets a dangerous precedent. Should a government decide that a divergence from stated policy is a necessary evil, the availability of PMCs as a 'foreign policy tool' affords the opportunity for plausible deniability. The Sandline 'Arms to Africa' affair is cited by most detractors as an example of how the use of PMCs can become an insidious element of governments' foreign policy aims.

Many proponents of the use of PMCs, and some who were not so supportive,[57] were satisfied that, after the international outcry generated by the Sandline affair, the declassification of many revealing documents, and the advent of the Freedom of Information Act,[58] the likelihood of PMCs being used as clandestine government proxies is not a realistic prospect. While some are satisfied that, provided the foreign policy aim is ethical, the use of private companies to achieve it is a positive act, others believe that PMCs should not, under any circumstances, be used to pursue foreign policy aims, whether ethical or not. PMCs are well aware of this allegation, but argue that it is policies backed by the international community that drives their activities. This is particularly so in Liberia.

> *"Well there's no arguing that we fill a foreign policy need, but it's actually driven by the international community, not the US*

[56] Interview with representative of the US Embassy Public Diplomacy Section, Liberia, 12th November 2008.

[57] 17 of 29 formally-interviewed respondents from the following categories: 2 from 'Observers and Analysts', 3 from 'Senior Staff' (of UNMIL, UNDP, and DFID), 2 from 'Industry Representatives', 7 from 'PMC Directors/Managers', and 3 from 'Organizations working with PMCs' (specifically, 1 representative of the NGO 'InterAction', 1 from the NGO 'DDI International', and 1 from UNWFP).

[58] See: UK Parliament. 2000. "Freedom of Information Act, Chapter 36."

Government. The training of the AFL [Armed Forces of Liberia] wasn't a unilateral decision by the US; it's part of the UN framework, but would attitudes be any different if it was US troops doing the job? I mean, wouldn't that be even more like a 'recolonization', as they put it, than a PMC doing it?"[59]

On the issue of delegation of tasks by governments to PMCs, proponents and critics of PMCs used the same argument to back up their point of view. Both argued that the use of PMCs enables governments to delegate tasks they feel are necessary, but from which they wish to distance themselves for political or financial reasons.

8.3 Summary

Taking the issues discussed in this chapter to their broadest context, one can see that the provision of military and security related activities by private entities does not sit comfortably in conventional political thought. This is reflected in the field research, by those respondents who regard the actions of PMCs as undermining state sovereignty, regardless as to the positive effect they might have on the security and stability of the state Security and stability are matters regarded as being the duty of the state, and the duty of state institutions, rather than private actors.

Mainstream IR Theory – that of a system in which states have, for centuries, held the monopoly on governance and moral license – cannot adequately account for the growing significance of the activities of private actors in matters of state security. The United Nations is an association of states; the primacy of the sovereign state in the international system dictates that there can be no departure from states as principal agents in the consideration of international ethical norms related to the use of force. But the rise of private military and security actors demonstrates such a precipitous and radical alteration in the public/private divide – at international as well as national levels – that the actions of states cannot meaningfully be contemplated without consideration of these actors.

The following chapter considers the implications of the increasing use of private military and security actors in matters of state security, their effects on the wider security

[59] Interview with former DynCorp Manager, 4th December 2008.

situation at regional and international levels, and, most importantly for the central theme of this thesis, their growing involvement in peacekeeping operations.

Chapter 9

PMCs in Practice

9.1 Introduction

While the majority of respondents interviewed in the course of field research felt that PMCs have, overall, made a positive contribution to the security situation in those African states in which they have been involved,[1] not all were convinced that they are a desirable addition to the political landscape in the longer term, or an optimal addition to all of the operations of IGOs and NGOs. Most striking was the lack of awareness among many respondents as to the extent of involvement of PMCs in peace support operations and Security Sector Reform tasks.[2] There were, however, some commonalities in the views of those with opposing standpoints towards PMCs, and these are likely to give some indication as to probable future developments in the private military and security sectors as they relate to African states.[3] In Liberia and Sierra Leone particularly, where PMCs have been involved continuously for several years, many respondents believe there are areas of expertise that show potential for growth.[4] Three areas in particular that were seen as holding promise for the future of PMCs in Africa were:

- Security Sector Reform
- Support for state institutions, and empowerment of the weak state
- Securing the 'Humanitarian Space'

[1] 23 of 35 respondents. The sample excluded those managing, or employed by PMCs.

[2] Other than those respondents in the categories Observers/Analysts, Senior Staff (of UN bodies, IMATT and DFID), Industry Body Representatives, and PMC Directors/Managers.

[3] The sample includes those with specific knowledge of policy towards the use of private companies; 4 Observers/Analysts, 11 Senior Staff (of UNMIL, UNIOSIL, UNDP, IMATT, DFID), 2 Industry Body Representatives, 4 Government Representatives, and 7 from Organizations working with PMCs.

[4] 19 of 35 respondents (as with the sample outlined in Note 1, above, this excluded those managing, or in the employ of PMCs).

9.2 Security Sector Reform

Both in Liberia and Sierra Leone, those respondents tasked with Security Sector Reform, the central component of the UN's Development Assistance Framework, acknowledge the positive nature of the involvement of PMCs in the SSR process. The following quote reflects the sentiments of many working in UN departments that regularly use the services of PMCs:[5]

> *"…the process that underpins the UN framework is Security Sector Reform. The need to provide basic human security and prevent violence is central to all the outcomes, because that is central to stability… it's a long process, and it permeates all the security institutions of the state, and all aspects of security. So it's not a process that can be micro-managed, and, whether we're comfortable with it or not, it's come to involve the input of private companies…"*[6]

This suggests an acceptance, in some departments of the UN, of a deepening need for, and an increasing involvement of, PMCs. Counterbalancing this, however, is entrenched recalcitrance on the part of others. This is wholly representative of the turmoil within the UN that surrounds not just the use of PMCs, but their very presence, and it is important to consider this issue further here.

Throughout the research, it proved difficult to get anybody from the UN to provide information as to their use of PMCs.[7] A 2002 survey found that UN staff members' denial of their involvement with private security companies was due to press and public perceptions that their use equated to the use of mercenaries.[8] An interview with a former

---

[5] Vaux, Tony. 2002. "European Aid Agencies and Their Use of Private Security Companies." In Humanitarian Action and Private Security Companies: Opening the Debate, eds. Tony Vaux, Chris Seiple, Greg Nakano and Koenraad Van Brabant. London: International Alert. pp.8-9.

[6] Interview with representative of the UNDP in Liberia, 11th November 2008.

[7] PMCs employed extensively by the UN since 1990 include Aegis, ArmorGroup, DynCorp, DSL, Hart, and PAE, all of whom are UN Approved Contractors (UN. 2007. "UN Office of Central Support Services. List of Approved Suppliers.").

[8] International Alert. 2002. "Humanitarian Action and Private Security Companies: Opening the Debate." p.9.

Deputy Special Representative of the UN Secretary General (now Chairman of the British Association of Private Security Companies) was particularly informative with regard to this issue:

> *"...the UN maintains the position that it would never, ever accept a PSC or deal with a PSC, but it then... allows the UN operational agencies to work with PSCs… so the 38th floor may well never have employed or given a contract to a PSC, but the same is certainly not true of UNHCR, UNDP, etc."*[9]

This is perhaps an indicator of unease, within elements of the UN, of the involvement of private actors in any international community effort in which the UN has a leading role. Sarah Percy talks of 'institutional discomfort' in UN agencies, where the use of PMCs is concerned, and points out that there are still some players within the UN who adopt an abolitionist stance, based on moral objection to the involvement of private companies.[10] This stance is regarded as short-sighted by some, and hypocritical by other respondents from PMCs:

> *"We're told that the UN has an aversion to force being put into the hands of private actors, and to those actors being incorporated in their framework, but central to their approach to peacebuilding is doing deals and making compromises with warlords and other non-state actors who exercise force of a horrific nature, outside of any framework."*[11]

This was reflected nowhere better than in Liberia, where peacekeeping forces pitted

[9] Interview with senior representative of the British Association of Private Security Companies (formerly Head of the Emergency Aid Department of the ODA, Deputy High Representative of Reconstruction in Sarajevo, Deputy Special Representative of the Secretary General in charge of the European Union Pillar of the United Nations Mission in Kosovo, and Director of Operations for the Coalition Provisional Authority in Iraq), 30th May 2008.

[10] Percy, Sarah. 2007. "Morality and regulation." In From Mercenaries to Market: The Rise and Regulation of Private Military Companies, eds. Simon Chesterman and Chia Lehnardt. Oxford: Oxford University Press. p.24.

[11] Interview with Managing Director of a Private Security Organization in Sierra Leone, 5th December 2008.

faction against faction in an attempt to contain violence that instead brought about an escalation, a situation that is being reflected today in Congo.[12] In Sierra Leone, UNAMSIL's approach to negotiating with the RUF was characterized by deals that brought about accusations of the UN being biased in their favour.[13] Further frustration is echoed in the words of a PMC manager who has worked alongside organizations forming part of the international community's SSR operations:

> *"The most annoying thing for me is that there are so many senior UN staff who know the scale of the contribution we make… they've used PMCs in every major operation they've done for over 25 years… but there's no way they're going to weigh into the argument… that would attract bad press for them, I guess..."*[14]

This quote is a clear reflection of the impact of wider, negative perceptions of PMCs, as discussed in chapters 7 and 8. Departments of the UN, having employed the services of PMCs for many years, have built up an understanding of the nature, the capabilities, and the contribution these organizations can make to the wider peacekeeping effort. While the voices of the abolitionist camp have not managed to preclude this long-standing use of PMCs, it raises the question as to how the current, softened, approach of the UN Working Group on Mercenaries fits with the wider, negative views, and how it is perceived among abolitionists within the UN. From 2005, the UN Commission on Human Rights' Special Rapporteur adopted an approach that proposed:

> *"… a fundamental rethinking of the issue of mercenarism … a substantive and comprehensive review of the legal definition of mercenaries… contacts with private military and security companies and… efforts to encourage the development of a code of conduct for that sector, including through consultations with*

[12] The East African, 30th November. 2009. "UN Must Stop Backing Congo's Disastrous Operation Against Marauding Rebel Militias."

[13] Concessions made by the UN to the RUF, including the release of three senior RUF leaders, the legalized control of diamond resources, and the guarantee of senior positions in government for former RUF leaders, prompted accusations of bias. See: 'Unwillingness to Use Force', in: International Crisis Group. 2001. "Sierra Leone: Managing Uncertainty." Africa Report No.35. pp.7-8.

[14] Interview with PMC Managing Director, Sierra Leone, 4th December 2008.

representatives of the relevant organizations."[15]

This was a departure from the approach advocated by the previous Special Rapporteur, and is perhaps the clearest indicator of turmoil within the UN over the issue of PMCs. Some regard the use of PMCs in SSR as acceptable only if it is carried out within parameters specified by, and under the authority of, the international community, regardless as to how positive an outcome it may otherwise achieve. This sits comfortably among those who believe that authority for SSR must rest between the state and agents of the international community whose specific task is to put it into effect.

Significantly, even among those who feel that there are negative aspects of the use of PMCs in SSR, there is consensus that they fill the 'capability gap' – the lacuna between what the international community wishes to achieve and the limitations of the instruments at its disposal. In Sierra Leone, where the UN presence has been wound down to less than 100 personnel, the issue is not whether PMCs should be involved in SSR, but how long they should remain involved.[16]

> *"Right now, we need them [PMCs], because without them I don't think we would have been able to maintain the stability that can attract foreign investment and kick-start economic reform. They continue to play a part in that, but we would not wish them to be seen as a permanent part of our security structure, or even a long-term part of that structure… there is still work to be done, but how long it will take, I cannot tell you."*[17]

The issue, for this respondent, was how long it should be before the institutions of the state can function effectively without support – regardless as to whether this support comes from organs of the UN, or from private actors. This issue is analysed critically in Section 9.3 of this chapter. PMCs are allocated SSR tasks largely because they have a

[15] UN. 2005. "60th Session of the UN Commission on Human Rights. Report of the Special Rapporteur 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." p.2.

[16] See Section 9.3 below ('Support for State Institutions and Empowerment of the Weak State').

[17] Interview with representative of the Sierra Leonean Ministry of Mineral Resources, 7th December 2008.

ready source of expertise, but the allocation of such tasks to PMCs, even within a UN framework, is not universally accepted.

9.2.1 Task allocation in SSR

The market for SSR services is, in fact dominated by consultants and risk management companies on contract to the UN,[18] but PMCs pick up many 'on-the-ground' tasks as a result of the need to recruit from qualified and experienced personnel from a wide range of backgrounds, and to deploy them relatively quickly. An example of this was the provision of equipment and training to RSLAF troops for response to internal crises, where a private company was employed to put into practice a contingency plan conceived within a department of the UN.[19]

> *"People aren't looking at the root of the problem. The root of the problem is that expertise in the nitty-gritty of SSR is held by PMSCs, so instead of attacking the use of PMSCs we should be attacking the lack of capability in the UN that makes it necessary to use them."*[20]

While there is little criticism of the capability of PMCs, or their performance on such tasks, there is a desire within the UN to see such operations brought in-house. But the experiences of one UN project manager, whose department considered setting up an internal team to provide security for their operators, is demonstrative of the difficulties of trying to bring such tasks in-house:

> *"...the only potential candidates were working for private security companies already..."*[21]

Another respondent who worked alongside the UN during the conflicts in Liberia,

[18] Interview with Managing Director, ACRIS International Investigation Consultancy, 19th January 2009.

[19] PAE were tasked to provide equipment and logistics training to the RSLAF for response to internal emergencies.

[20] Interview with representative of a humanitarian NGO at Lungi, 17th November 2008.

[21] Interview with UNWFP representative, Sierra Leone, 27th November 2008.

Côte d'Ivoire and Sierra Leone, told of a desire within the UN to expand their 'organic capability' to encompass the needs of SSR from within their own organization:

> *"PMCs don't dominate the SSR process. There's a whole lot of consultation between the UN, national governments and local institutions before anything takes place in SSR, and that's dominated by development consultants, risk managers, advisory NGOs and a host of other freelance experts. The capability gap in the UN is with people who are qualified to actually carry out the work. PMCs either have people with that expertise, or can recruit them, and deploy them quickly. If the UN wanted to take that under its own umbrella and expand its own organic capability, it would be recruiting largely from the same pool… the task on the ground would be the same, but the budget would be massively higher."*[22]

This would suggest that, while in an ideal scenario, the UN would have this expertise on board, it cannot do so for reasons of cost. The nature of SSR operations is wide-ranging, and to employ sufficient personnel to cater for every eventuality would present not only huge financial costs, but the need for an extensive infrastructure to oversee recruitment, training, warehousing, administration, planning, command, and operational control. Some respondents commented that concern about the use of private companies was greater within the UN than in the governments of the states in which they are employed. In Sierra Leone, the SSR advisor to the Office of National Security is a private security contractor – a former British police officer – on contract as part of the SSR process.[23] Current SSR operations, both in Sierra Leone and Liberia, were the subject of lengthy consultation with the respective host governments prior to their commencement.

> *"A lot of people in the UN have a hang-up about it, but many*

[22] Interview with Managing Director, ACRIS International Investigation Consultancy, 19th January 2009.

[23] Interview with Senior Advisor to the Sierra Leonean Office of National Security, 15th October 2008.

people here don't care whether they deal with the UN or private companies… some don't even perceive that there's a difference… as far as they're concerned they're all foreign and they're all working towards the same ends. There are international agencies working in these countries whose policies include the input of private companies in SSR, and they have driven much of the planning for the ongoing SSR operations that you see over here."[24]

One such agency is the OECD's Development Assistance Committee (DAC), which provides guidance for donors and actors on best practice in SSR, and whose operations include the activities of private actors in its SSR frameworks.[25] The DAC's Implementation Framework on Security Sector Reform (IF-SSR), on which the incorporation of SSR into the development framework in Sierra Leone is based, gives guidelines for engaging both state and non-state actors. This is at odds with UN policy, in which no consideration is given to the use of PMCs in UN Development Assistance Frameworks (UNDAFs), despite their having been used in many UN operations. There, is, however, increasing recognition within the UN as to the contribution the private sector can make in SSR.

"… there is a widening view that SSR has to embrace all the actors that are involved in bringing about a secure social environment if it's to be successful. In other words, there is a view that if it's to be effective, SSR has to include the role played by the private sector."[26]

It was also apparent in several interviews that SSR is regarded as a task for which PMCs are well suited.[27]

---

[24] Interview with representative of Democracy Institute (NGO), 6th November 2008.

[25] OECD Development Assistance Committee. 2007. "Handbook on Security System Reform - Supporting Security and Justice." p.22.

[26] Interview with representative of the UNDP, 11th November 2008.

[27] 14 of 22 respondents from pertinent categories. Specifically: 3 Observers/Analysts, 4 staff of UNIOSIL, UNDP and DFID, 3 Government representatives, 4 staff of organizations working with PMCs. Industry Representatives and PMC Staff and employees were excluded from the sample.

> *"As long as they [PMCs] are carrying out the task within a UN framework and with clearly defined boundaries, and are not in a position where they can cross those boundaries, for example by taking on a task outside that framework, then the potential dangers that we perceive are addressed, and there may be a part for them to play, to which they are suited."*[28]

In summary, it would seem that SSR is an area that could offer a sustainable role for PMCs. Insofar as SSR takes place during post-conflict periods in which an international community presence is maintained, it is also an area that offers scope for the formal inclusion of PMCs in UN Development Assistance Frameworks. Formalization of any relationship with PMCs is, however, subject to equivocation within the UN because, in doing so, it is thought that the UN would open the gates for the formal involvement of PMCs in other, more contentious activities. The counter argument is that formalization would ensure that the authority for SSR remains between the state and agents of the international community whose task is to ensure that it is carried out effectively. As it is unlikely that the UN could carry out sufficient expansion of its 'organic capability' to encompass the needs of SSR from within its own organization,[29] the ability of PMCs to fill the capability gap makes them an ideal option for SSR tasks within a UN framework. While it is therefore likely that SSR is an area in which the use of PMCs will not only continue, but will continue to expand, the prospect of PMCs providing support to state institutions outside of a UN framework is a deeply contentious issue. This issue is explored in depth in the following section.

9.3 Support for State Institutions and Empowerment of the Weak State.[30]

Central to the proliferation of PMCs, in Africa as a whole, is the lack of capacity of weak states to provide security as a public good. At another level, it is the inability of state security mechanisms to provide the levels of security required to protect high-value

[28] Interview with representative of the UNDP's DDR Programme in Liberia, 12th November 2008.

[29] Supra, Note 22.

[30] This section discusses support for state institutions outside the scope of Security Sector Reform.

natural resources from non-state actors – or, as in the case of the Democratic Republic of Congo, from other states –[31] that drives the proliferation of PMCs. Gaining control of resources – as has been demonstrated all too clearly in West Africa – can provide non-state actors with the financial means to pose a serious threat to the state.

9.3.1 The PMC/State Institution balance

This lack of state capacity, even, in some cases, after long periods of SSR, combined with a widespread distrust of state security mechanisms, contributes to the proliferation of PMCs. Sierra Leone is a case in point. Despite several years of SSR in Sierra Leone, there is still lack of confidence in the ability of the SLP to provide the public good of security.[32] Many Sierra Leoneans – particularly those outside the capital – prefer to rely on non-state methods of effecting their own security, and of deterring and dealing with crime.[33] Bruce Baker's extensive research in Sierra Leone drew him to conclude:

> *"It is not only the public that have doubts about the efficiency of the state police forces. Even governments sometimes do not trust them to handle serious crime."*[34]

While there is acceptance that the SSR process in Sierra Leone has re-established the security forces, the general feeling is that there has been no reform in the true sense of the word, and that the aim of SSR – to bring about a situation whereby institutions of security and law-and-order have the public interest as a priority – has not been fully achieved.

---

[31] Several nations involved in the conflict in the Democratic Republic of Congo have been accused of seeking access to DRC's rich reserves of columbite-tantalite, tin, copper, cassiterite and timber, among other resources. Uganda and Rwanda in particular were alleged to have sought to exploit DRC's resources of diamonds and water. See, for example: International Crisis Group. 1999. "Democratic Republic of Congo Report No.4: Africa's Seven-Nation War."

[32] No interviewee expressed confidence in the SLP, and it was found throughout the research that lack of confidence and trust in the SLP and RSLAF are common. Notable in this respect are the findings of extensive research by Rita Abrahamsen and Michael Williams (in: Abrahamsen, Rita and Michael Williams. 2005. "The Globalisation of Private Security. Country Report: Sierra Leone."). pp.4-6.

[33] For example, community policing. See: Baker, Bruce. 2005. "Who Do People Turn to for Policing in Sierra Leone?" Journal of Contemporary African Studies 23(3):371-390.

[34] Baker, Bruce. 2006. "Beyond the State Police in Urban Uganda and Sierra Leone." Afrika Spectrum 41(1):55-76.

> *"You could say that the institutions of public security have been re-formed, that would be true, but you could not truthfully say they have been reformed."*[35]

PMCs, managed by non-Sierra Leoneans, are therefore employed by many organizations preferring not to rely on the SLP, and are favoured by many of the local populace over their own security forces. Key organizations and NGOs involved in SSR, commercial businesses, and even private individuals who can afford to do so – including some government ministers – employ PMCs to provide them with security in preference to relying on the SLP. The state, however, maintains a strong grip where its interests are involved. An example of this surfaced when a conflict of interest developed between a government-contracted private company and the department of state for whom it carried out its services.

> *"The demand for electricity in Freetown has become so high that we're being pressured by the government [of Sierra Leone] to provide services way in excess of our contract. When we said we'd have to renegotiate or consider pulling out, the OSD got involved and now we can't get any security company to guard our equipment – and those generators are worth hundreds of thousands each. So not only can we not get protection for them while they're in operation, but if we pull out, we lose them. Now if you ask me, that's an example of the OSD being used as a government tool to intimidate us into continuing our contract when it isn't in our interest."*[36]

This is an indicator of the level to which the OSD is an enabler of the state's monopoly on the use of coercive force. Even where PMCs are employed to bolster the capacity of state security institutions, the state maintains its hold on the balance

[35] Interview with representative of humanitarian NGO at Lungi, 17th November 2008.

[36] Interview with consultant to the Energis Electric Power Project for Freetown, 1st November 2008.

of power through the OSD.[37] But, conversely, the OSD is also reliant on the additional capacity provided by PMCs. At a lower level, this additional capacity has resulted in the involvement of some PMCs in community policing projects.

9.3.2 PMCs and 'Community Policing'

In terms of policing, the combination of lack of capacity and low levels of public trust has also resulted in a civil network of citizens who:

> *"...would rather avoid contact with the police, so you're seeing more and more people taking things into their own hands, which could lead to mob-policing and vigilantism."*[38]

Many groups in Sierra Leone have taken the initiative to assure order and security through forms of non-state policing, or through partnership boards authorised and overseen by the SLP. That it has embraced these partnerships is an indication of recognition by the SLP of its own limitations, but some see it more as an attempt to control the worst excesses of vigilantism. In some cases, PMCs have become informally involved in these local partnerships and policing groups, and have become an accepted part of what could be considered 'community policing'. While this might imply a 'quasi-official' status on the part of PMCs in community policing, they are quick to point out that there is no official tie-in between them and local community groups.

On the negative side, this has raised concerns with some respondents that, combined with the extent of security provided by PMCs to areas in which extractive industries are concentrated, the spread of their activities to the local communities around those areas would create enclaves of security that are unrepresentative of the wider security environment. This has the effect of giving a false overall impression as to levels of security across the country generally. It is, however, part of a wider tendency in weak African states where confidence in the police is low, and where, as reflected by Les Johnson's research, citizens:

---

[37] See 8.2.2.

[38] Interview with representative of Womens' Social Action Group in Freetown, 25th October 2008.

"...rather than being the passive consumers of police services, engage in a variety of productive security activities".[39]

The involvement of PMCs in 'community policing', even though not formalised, is seen by some respondents as a cynical move. Respondents from PMCs, while they understand why it is criticised, assert that their motives are positive:

"Well you can understand why they would be cynical. Yes, of course it's in the self-interest of PMCs to gain as much local knowledge as possible, but it's a relationship that works both for us and for the local community. And some of the things we do in the community aren't driven by necessity. We're even looking at sponsoring some of the local soccer teams."[40]

This would imply a 'hearts and minds' approach on the part of PMCs, and in discussions with them, it is evident than they have drawn on their military past in this approach to establishing relationships with local populations. Many community representatives, and even some SLP officers working with local Police Partnership Boards, see the involvement of PMCs as positive.

"Yes, it benefits us. It brings a lot of goodwill, because it's a private resource, but it's benefiting the wider community."[41]

In cases where PMCs have had input into the police partnership boards, feedback has been positive, and the partnership boards themselves have been found to be popular among local communities. This is reflected in Bruce Baker's research into community policing in Sierra Leone:

---

[39] Johnston, Les. 2001. "Crime, Fear and Civil Policing." Urban Studies 38(5):959-976.

[40] Interview with PMC Managing Director, Freetown, 28th October 2008.

[41] Interview with representative of Sierra Leonean Christian Mission Association, 24th November 2008.

"…the partnership boards are universally valued, and are not seen as unwelcome foreign imports".[42]

PMCs are, therefore, continuing to provide considerable support, not only to institutions of the state, but indirectly – significantly more so than through those formal activities coming under the public gaze – to the wider security situation, and to the security of ordinary people in areas where they operate. In Sierra Leone particularly, where the UN and IMATT are winding down their operations, businesses and individuals, not yet convinced that the SSR process has sufficiently empowered the security mechanisms of the state, are turning more to the private sector as a means of ensuring their security. Further, NGOs, and UN agencies still operating in Sierra Leone, such as the UN World Food Programme, continue to incorporate security elements in their operations, and this mirrors a significant proportion of PMCs' wider work, which involves providing for the safety of humanitarian workers. This, one of the mainstays of PMCs' operations in Africa, is discussed in the following section.

9.4 Securing the 'Humanitarian Space'

As discussed in depth in chapters 7 and 8, external perceptions as to the nature and legal status of PMCs is a limiting factor, both for PMCs themselves, and for those who would avail of their services. This has been particularly relevant in their use as providers of security to humanitarian organizations and departments of the UN. A survey conducted by International Alert in 2002 found that, because their use *"… in the press, and in public perception… can easily be equated with the use of private armies, or worse, with mercenaries",*[43] individual staff members within UN organizations and international NGOs had been led to:

"flatly deny, contrary to the facts, that their organization has ever sought advice from a private security company or used one for

[42] From review of: Baker, Bruce. 2008. "Community Policing in Freetown, Sierra Leone: Foreign Import or Local Solution?" Journal of Intervention and Statebuilding 2(1):23-42.

[43] International Alert. 2002. "Humanitarian Action and Private Security Companies: Opening the Debate." p.9.

more substantive services."[44]

There are cases where agencies have assigned additional funding for the specific purpose of employing private security providers; in 2001, DFID went further, allocating funds to explore ways to deal with the issue of their involvement in humanitarian operations.[45] But despite the sensitivity of the issue, the use of PMCs on the part of NGOs has continued to grow. In more dangerous areas, PMC support to humanitarian groups has grown proportionally with the activities of those groups.[46]

9.4.1 The Link between PMCs and Humanitarian Operations

The background to this link between PMCs and humanitarian organizations originated with the surge of humanitarian activity in response to crises that had arisen as a result of the ending – or those that had been masked by the presence – of superpower patronage in African states. The withdrawal of external patronage had exacerbated the effects of poor governance, corruption, and ethnic rivalries, contributing to an increase in conflict within those states,[47] and a shrinking of the 'humanitarian space'.[48]

> *"Historically, aid organizations have been considered as external to conflict, and operated on what was regarded as a consent-based model, but the targeting of aid organizations is now commonplace; in fact in many cases it's a deliberate tactic, so we're forced to seek ways to ensure the safety of our people operating in dangerous environments."*[49]

NGOs aside, the UN has seen continuing escalation in acts of violence against its

---

[44] Ibid.

[45] DFID. 2001. "Security Management Arrangements for International Humanitarian Activities."

[46] Interview with Risk and Security Consultant, former employee of the PMC Dyncorp in Liberia, and of PAE in Sierra Leone and Sudan, 4th December 2008.

[47] Kaldor, Mary. 1999. New and Old Wars: Organized Violence in a Global Era. Cambridge: Blackwell/Polity Press. p.92.

[48] von Pilar, Ulrike. 1999. "Humanitarian Space Under Siege." In Europe and Humanitarian Aid - What Future? Learning from Crisis. Paper presented at Bad Neuenahr Conference, 22nd - 23rd April 1999.

[49] Interview with representative of humanitarian NGO in Liberia, 14th November 2008.

staff, including murder, kidnap, rape, sexual assault, and armed robbery.[50]

> *"The targeting of civilians and non-state actors has become the norm in conflict within states, and that includes targeting people working in humanitarian organizations… conceptions of human rights and war crimes are not a part of the psyche of many of those involved, and humanitarians are an easy target for spoilers of peace initiatives,…so security has become a primary consideration."*[51]

The surge, after the Cold War, in the number of humanitarian actors working in increasingly dangerous environments, combined with the simultaneous phenomenon of the proliferation of PMCs, has resulted in a mutually beneficial, albeit uncomfortable, convergence between these disparate organizations.

The crux of the relationship between these actors is that, while the former wish to distance themselves from involvement with any military-related organization, the desire to continue their work, even in the most dangerous of environments, leaves them with no choice but to seek assistance from those with expertise in the field of security. Some regard the use of PMCs as a backward step, fearing that an overt security presence – particularly one that is evidently made up of outsiders – will simply compound the conditions bringing about the need for security, leading ultimately to a further shrinking of the humanitarian space.

> *"It's a dilemma for us, because we feel that hiring PMCs detracts from our image as an unarmed, neutral party, but where security is necessary, if it is provided by the forces of the state, we run the risk of being seen as siding with a party to the conflict, and using local guards presents problems of its own."* [52, 53]

[50] UN. 2003b. "Strengthening staff security: priorities and challenges - 'Protecting the Protectors'." UN Chronicle June-August.

[51] Interview with representative of humanitarian NGO at Lungi, 17th November 2008.

[52] Interview with UNWFP representative, 27th November 2008.

Problems associated with the hiring of local guards include disputes between groups within humanitarian organizations' areas of operation, the involvement of local guards in protection rackets, affiliations between local groups and parties to a conflict, or simply an impression that the organization favours the occupants of one locality over another.[54]

> *"...if we hire guards from one village, it can be seen by those in a neighbouring village as lacking impartiality."*[55]

Arguments by respondents working for NGOs, that contracting PMCs to provide security is a negative step, are contested by other respondents from the same category of respondents. The countervailing view is that the use of PMCs, who are, in effect, neutral parties, is a more impartial move than hiring locals or relying on the forces of the state, and is more in keeping with the neutrality of humanitarian organizations.

CARE International, after many years of avoiding the use of private companies to provide protection, began to use PMCs after a report from CARE Canada concluded that, in the absence of reliable protection from the host state, or from the UN, its operational staff should *"...consider the privatization of security for humanitarian purposes".*[56] In Sierra Leone, CARE has made use of a PMC run by a former officer of Executive Outcomes to provide protection to its operations, as has the INGO World Vision.[57]

---

[53] This is the case in Congo, where UN backing of the Congolese army has brought the FDLR to question the neutrality of UN forces being guarded by Congolese troops. See, for example, The East African, 30th November. 2009. "UN Must Stop Backing Congo's Disastrous Operation Against Marauding Rebel Militias."

[54] See, for example: Perrin, Benjamin. 2009. "Humanitarian Assistance and the Private Security Debate: An International Humanitarian Law Perspective." Liu Institute for Global Issues, University of British Columbia. p.29.

[55] Interview with UNWFP representative, 27th November 2008.

[56] CARE. 1999. Mean Times: Humanitarian Action in Complex Political Emergencies. Stark Choices, Cruel Dilemmas. Ottowa: CARE Canada.

[57] Interview with Security Company Manager, former member of Executive Outcomes, 5th December 2008. The company in question is Southern Cross.

The need for humanitarian organizations to move from an 'acceptance' strategy – whereby belligerents consent, or at least do not object, to their presence – to those of 'protection' and 'deterrence',[58] has brought the need for the sort of expertise and capability offered by PMCs. 'Protection' can be used to supplement both of the other strategies; where acceptance is present, largely as a precautionary measure, with a 'soft' approach to security, or, where this is insufficient, a 'hard' strategy, combining protection with deterrence. While the latter, higher-profile approach does not sit well with many humanitarian organizations, the UNHCR and the ICRC have acknowledged that, in a number of their operations they accept it as necessary, and have adopted it accordingly.[59, 60]

The UN World Food Programme (WFP) is a case in point. While there is a mechanism for WFP coordinators to apply for UN staff to provide protection, the nature of the coordinators' work is such that the need for protection varies widely from task to task and from location to location. The internal UN mechanism – which is subject to tight budgetary controls – is not geared to cope with such variances in demand for ad hoc activity, let alone security. And this is not a new problem for UN agencies; in 1999, a senior member of WFP staff reported to an inter-agency collaboration:

> *"The budgetary process to allocate security officers is time-consuming and inflexible. The only fast way to deploy security staff… was through professional security companies."*[61]

Where the WFP are concerned, and also the humanitarian organization CARE

[58] These strategies have been used as a basis for security in humanitarian operations by the UN and NGOs since 1998. See: Brabant, Koenraad van. 1998. "Cool Ground for Aid Providers: Towards Better Security Management in Aid Agencies." Disasters 22(2):109-125.

[59] UNHCR. 2004. "Managing UNHCR Country Programme Security." In UNHCR Management Seminar, 28-30 July. Bangkok.

[60] International Committee of the Red Cross. 2004. Proceedings of Expert Meeting. "Direct Participation in Hostilities under International Humanitarian Law." In Expert Meeting on Hostilities under IHL. ICRC: The Hague, Netherlands.

[61] UN. 2000. "WFP. Programme Notes for Security Consultation: Inter-Agency Collaboration on Field Security for Humanitarian Actors." Geneva: UN Publications.

International, while the use of personnel from private companies to provide protection to aid convoys in dangerous areas is acceptable, use of the terms 'PMSC' and 'PMC' are avoided by staff of both organizations. [62]

> *"The perception of UN agencies being involved with PMSCs has the potential to undermine their impartiality; you have to be careful even how you use the word 'security' in conversation, because it can give the impression of a barrier between you and the communities you're working in, and, internally… within the UN, the term PSC is dodgy enough, but the terms PMC and PMSC are taboo."*[63]

Perceptions also play a part in swaying those who support or oppose the use of PMCs to provide security for humanitarian workers. Some respondents – those who had not experienced the nature of personal protection offered by PMCs – regarded them as 'militaristic', whereas those who had worked with operatives provided by PMCs were satisfied that their approach was discreet enough so as not to draw undue attention.

> *"Our operators are briefed on the customs of the areas in which they're going to be operating, and in the way they should behave in the presence of locals. They're trained to adopt a low-key approach, and, if they're armed, to keep their weapons out of sight. Some of our operators have expressed real concern about the lack of situational awareness of some of the staff they protect, and their lack of local knowledge."*[64]

9.4.2 The Legal Status of PMCs in Humanitarian Operations

Two respondents working for NGOs expressed concern that, if accompanied by security personnel carrying weapons, they would forego their neutrality, or their

[62] Regarding use of the terms 'PMSC', and 'PSC', see 4.10.

[63] Interview with UNWFP representative, 27th November 2008.

[64] Interview with PMC Managing Director, 4th December 2008.

status as non-combatants. Further, they were concerned that if a situation arose where security personnel had to fire a weapon, their organizations would be regarded as taking part in hostilities on the basis that they had contracted the person using force, and the organization would therefore have breached its impartiality.

> *"It's never happened to us, but I know of PMCs who have turned down contracts because they were expected to provide unarmed guards so that the contractor couldn't be seen as taking an aggressive role. That's ok in some places, but if the contractor is underestimating the level of risk, then it's a no-go."*[65]

Other respondents were unsure as to the situation. Further research leads to the conclusion that international law does not rule specifically on breaches of neutrality in such situations, but the status of security personnel, and the use of weapons by those providing protection to humanitarian workers are covered in detail. Under International Humanitarian Law, as dictated by the 1977 Additional Protocols,[66] Article 43 of Additional Protocol I specifies only that humanitarian personnel are civilians, but on the basis of the exclusions detailed at Article 50, which defines those accepted as civilians, security personnel would also be regarded as such, "*unless and until such time as they take a direct part in hostilities"*.[67]

Two important questions arise. Firstly, what constitutes taking a *direct part* in hostilities? This has been the subject of much debate, with some positing that the presence of armed escorts in a humanitarian operation would make it a military operation, which would therefore constitute direct participation.[68] Legal advice to the International Committee of the Red Cross has, however, concluded that

---

[65] Interview with risk and security consultant, former employee of the PMCs Dyncorp and PAE, 4th December 2008.

[66] Geneva Conventions. 1977. "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977."

[67] Gillard, Emanuela-Chiara. 2006. "Business Goes to War: Private Military/Security Companies and International Humanitarian Law." International Review of the Red Cross(863):525-572.

[68] See, for example: Schrier, Fred and Marina Caparini. 2005. "Privatising Security: Law, Practice and Governance of Private Military and Security Companies." Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper No. 6.

members of PMCs hired by organizations *"other than states"* are entitled to civilian status. Their presence alone does not, therefore, mean that they or their charges are taking a direct part in hostilities. Given that a situation could arise where members of a PMC may have to resort to the use of a weapon to defend their charges, or indeed themselves, this leads to the second important question. Would the use of a weapon in self-defence, or in the defence of another, constitute direct participation in hostilities? The UN Safety Convention, at Article 21, asserts the right to act in self-defence.[69] Further, and more specifically, the ICRC rules that: *"...if a private security contractor's role is defensive and involves defending persons who are not legitimate targets... then they should not be regarded as engaged in direct participation in hostilities...."*[70]

It is clear therefore that the contracting of PMCs by humanitarian organizations to provide for the security of their personnel would comprise neither direct participation in hostilities, nor a breach of international humanitarian law. It can also be concluded that employees of PMCs contracted to provide protection to humanitarian organizations would not be taking a direct part in hostilities, either in the carrying of weapons, or in their use in situations of self-defence, or the defence of their charges.

9.4.3 Indirect Support to Humanitarian Organizations

The provision of security personnel to protect staff is not, however, the mainstay of PMCs' work with humanitarian organizations. Most of their contracts are carried out before the deployment of humanitarian staff, and two respondents, both members of PMCs providing protection to humanitarian organizations, viewed this as preferable to direct participation on the ground for all parties concerned.

> *"Our biggest contracts are for risk analysis and crisis management, and I know it's the same for most companies. The most useful thing we offer is situational awareness training, and*

[69] UN. 1994. "Convention on the Safety of United Nations and Associated Personnel."

[70] International Committee of the Red Cross. 2004. Proceedings of Expert Meeting. "Direct Participation in Hostilities under International Humanitarian Law." In Expert Meeting on Hostilities under IHL. ICRC: The Hague, Netherlands.

it's been taken up by quite a few organizations now. It works both ways because they would rather do that than have us directly involved in their operations, but as they're getting to know our capabilities, and that we're not a bunch of 'Rambos', we're building up a relationship with them, so hopefully we might start to provide other services"[71]

"What we fear the most is our people actually having to respond to a threat with force, because the likely outcome is not positive at any level, so our emphasis is on prevention… operators who can spot a situation that's likely to get out of hand and get their people away from the threat before the situation becomes dangerous."[72]

Several PMCs have gained considerable experience in the protection of humanitarian agencies. The largest of these, ArmorGroup, DSL, and Hart – all of whom are now approved by the UN as security contractors – [73] provide services to several large agencies, national and international, governmental and non-governmental. ArmorGroup, for example, is contracted to DFID, the International Committee of the Red Cross, CARE International, USAID, and the International Rescue Committee, and is held in high regard among these organizations.[74]

"PMCs that do have those kinds of contracts have always been hopeful that their ability to respond quickly, their professionalism, and their adherence to humanitarian law and human rights principles would lead to wider involvement in the humanitarian sphere, but most humanitarian organizations want to keep their involvement quiet."[75]

[71] Interview with Security Company Operations Manager, 28th November 2008.

[72] Interview with PMC Managing Director, 4th December 2008.

[73] UN. 2007. "UN Office of Central Support Services. List of Approved Suppliers."

[74] International Alert. 2002. "Humanitarian Action and Private Security Companies: Opening the Debate." pp.14-16.

[75] Interview with PMC Managing Director, 4th December 2008.

PMCs have amassed a wealth of experience working with humanitarian organizations in conflict and post-conflict situations. Yet, having built up a good reputation, they continue to struggle for recognition and acceptance.

9.5 Summary

From the views expressed by respondents involved in this aspect of the research on the record of PMCs' involvement in SSR, in support to the institutions of weak and failing states, and in the protection of humanitarian workers – it would be reasonable to surmise that there are few reservations as to their capability. Central to this thesis' hypothesis – that PMCs are a viable option for direct involvement in peacekeeping operations in Africa – are questions not only relating to capability, but also to the suitability of PMCs. The question of suiitability, is an extremely sensitive issue, due primarily, as discussed at length in Chapters 7 and 8, to fears that the use of PMCs could be equated with the use of mercenaries.[76] This sensitivity plays a great part in driving official policy towards the use of PMCs. But, as this chapter has shown, the situation in practice is at a variance with declared policy. PMCs provide the additional capacity needed during the implementation of development and assistance frameworks. They empower humanitarian organizations by providing security for their operations. They have established close working relationships with humanitarian organizations, and have demonstrated an ability to operate with the high levels of restraint demanded by these actors. A demonstration of the aptness of PMCs in this area is the fact that many PMCs have been granted approved status as contractors for such organizations.[77] PMCs thrive in states with weak institutions of security; they empower such states through the provision of support to their security institutions – whether as part of an international effort, or contracted by states themselves – and by providing security at local levels. This empowerment, however, if not carried out as part of a wider framework, and unaccompanied by investment in institutions of state, can lead to long-term dependence on PMCs, and could ultimately have a disempowering effect.

---

[76] From a survey conducted by International Alert. (See: International Alert. 2002. "Humanitarian Action and Private Security Companies: Opening the Debate." p.9).

[77] Examples of PMCs with expertise in humanitarian operations are Hart and ArmorGroup, the latter of which is an approved contractor for CARE International, USAID, the International Committee of the Red Cross and the International Rescue Committee. See Chapter 9, Section 34.

Despite negative perceptions, PMCs operating in Africa have demonstrated themselves to be capable, and to have made a positive contribution where SSR, assistance to state institutions, and support to humanitarian organizations is concerned.[78] Whether the reputation they have built up has done enough to drive appetites for their use in other areas is one of the key questions this thesis attempts to address. This issue is clouded largely by confusion as to the legal status of PMCs, and concerns as to how control and accountability might be exercised in the event of their becoming directly involved in peacekeeping operations. The following chapter will argue that these problems are not insurmountable, and that the use of PMCs would enhance the UN's ability to achieve its aims, in terms of the urgent needs of peacekeeping, as clearly outlined by the DPKO.[79]

[78] International Alert. 2002. "Humanitarian Action and Private Security Companies: Opening the Debate."

[79] UN. 2003a. "Handbook on United Nations Multidimensional Peacekeeping Operations." United Nations Department of Peacekeeping Operations.

Chapter 10

PMCs as Peacekeepers?

10.1 Introduction

One of the clearest indicators of the need to address the issue of alternatives to the current method of raising troops for peacekeeping missions is the UN's ongoing consideration of other options.[1] Proposals for two such alternatives – those of an international policing force provided by individual states in rotation, and of member states providing forces on permanent stand-by – were dismissed at an early stage. This was due to the potential problem of conflicts of allegiance, whereby the primary loyalty of troops seconded to the UN must not be to national governments or national interests, in order to ensure the apolitical nature of UN peacekeeping forces.[2,3] There is an implication in this for the use of PMCs; the primary indictment against them, that they are motivated by profit alone, reinforces their own assertion that they are apolitical and focus only on the task to which they are assigned, within parameters dictated by the prime actor to whom they are contracted. A further proposal to deal with the problem of raising *ad hoc* forces was that of a standing UN army. Despite being heavily criticized at an early stage,[4] the idea has been through many proposed incarnations. On

[1] See, for example: UN. 2000. "General Assembly 55th Session. UN Doc.A/55/305-S/2000/809. Report of the Panel on United Nations Peace Operations: Comprehensive Review of the question of peacekeeping operations in all their aspects (The Brahimi Report).", McCarthy, Patrick. 2000. "Building a Reliable Rapid-reaction Capability for the United Nations." International Peacekeeping 7(2):139-154., Roberts, Adam. 1995. "Proposal for UN Standing Forces: History, Task and Obstacles." In UN Rapid Reaction Capabilities: Requirements and Prospects, eds. David Cox and Albert Legault. Clementsport, NS: Canadian Peacekeeping Press., and Childers, Erskine and Brian Urquhart. 1994. "Renewing the United Nations System." In Development Dialogue 1994:1. Uppsala, Sweden: Dag Hammarskjöld Foundation. pp.112-115 and pp.198-200.

[2] Morgenthau, Hans. 1963. "The Political Conditions for an International Police Force." International Organization 17(2):393-403.

[3] While enshrined in UN doctrine, the first principle of peacekeeping: *"that operations should be UN operations; formed by the UN, commanded in the field by a UN-appointed officer, under the ultimate authority of the UN Security Council…",* was violated with the UNs' mandating of the US-led UNITAF force in Somalia. See: Goulding, Marrack. 1993. "The Evolution of United Nations Peacekeeping." International Affairs 69(3):451-464., and UN. 2008a. "Peacekeeping Operations: Principles and Guidelines." United Nations Department of Peacekeeping Operations. Indeed all five principles of peacekeeping have been violated in the missions in Somalia and Bosnia. See: Hillen, John. 1994. "UN Collective Security: Chapter Six and a Half." In Biennial Conference of the Inter-university Seminar on Armed Forces and Society.

[4] See: Morrison, Alex. 1994. "The Fiction of a Standing UN Army." Fletcher Forum on World Affairs 18(1):83-96.

examination, these would seem to reflect the doctrines of the militaries from which each of the respective proposals originated; perhaps an indicator of the root of some of the problems encountered in raising *ad hoc* forces.[5] These included suggestions for a Corps-sized force, which would number in excess of 50,000 troops,[6] a reinforced Infantry Brigade – some 15,000 troops excluding logistical support –,[7] a UN 'Fire Brigade', some 5,000 to 10,000 in number,[8] and a light 'rapid deployment' brigade of 2,000 to 5,000 troops.[9] The eventual manifestation of these proposals was the UN Standing High Readiness Brigade (SHIRBRIG), which opened for business on 1st January 2000. Despite having been used in UN missions to Ethiopia & Eritrea, Côte d'Ivoire, Liberia and Sudan, SHIRBRIG was quietly disbanded in June 2009 *"with barely a whisper of its demise".*[10] As with the UN Standby Arrangements System (UNSAS), which was disastrously unsuccessful in Rwanda when each of the 19 participating nations failed to implement an undertaking to provide military forces,[11] SHIRBRIG's demise was due to a lack of political and military will on the part of participating nations, which became manifestly evident with the reluctance of every participating nation to continue to provide troops.[12]

The idea of a UN rapid-reaction force has not, however, died completely; even before the demise of SHIRBRIG, other options were being considered.[13] These later proposals for the option of a UN standing army have implications where PMCs are concerned, insofar as many of the personnel recruited for such a force would come from the same

[5] Reservations by national military commanders have dogged the UN in the past, with many current forces

[6] Thomas, Lieutenant Colonel Timothy. "The UN's Vietnam?" Military Review February 1994.

[7] Meacham, James. "From Peacekeeping to Peacemaking: The United Nations Faces a Changing Role." International Defense Review March 1992.

[8] Haynes, Lukas and Timothy Stanley. 1995. "To Create a United Nations Fire Brigade." Comparative Strategy 14(1):7-21.

[9] Foreign Affairs and Defence Ministries of the Netherlands. "A UN Rapid Deployment Brigade: A Preliminary Study." January 1995.

[10] Meyer, Carl. 2010. In Embassy - Canada's Foreign Policy Paper. Issue 01/10

[11] UN. 1995. "Supplement to 'An Agenda for Peace': Position Paper of the Secretary General on the Occasion of the 50th Anniversary of the United Nations. UN Doc. A/50/60-S/1995/1."

[12] In: 'Embassy' - Canadian Foreign Policy Paper. 2010, January.

[13] See: Langille, Peter. 2000. "Conflict Prevention: Options for Rapid Deployment and UN Standing Forces." In Warlords, Hawks and Doves: Peacekeeping as Conflict Resolution, eds. Oliver Ramsbotham and Tom Woodhouse. London: Frank Cass.

pool of employees as that used by PMCs.[14] More pertinent, however, is that the major impediments to a UN standing army are simply a mirror of problems encountered in past and current use of *ad hoc* UN troops. Paradoxically, since end of the Cold War, the largest reduction in troops ever seen has coincided with a seven-fold increase in the demand for peacekeepers.[15] Nations with the most suitable troops for peacekeeping missions – the best trained and equipped, and now massively 'downsized' – have also seen huge increases in demand for their troops elsewhere. These nations have become less inclined to provide troops for UN peacekeeping missions, particularly to operations in Africa. Richard Gowan, of the European Council on Foreign Relations (ECFR), points out that of some 10,000 European troops seconded to the UN in 2007, only 300 were deployed to African states.[16]

One private group, the Global Security Partnership Project,[17] came up with a proposal to enable states to fulfil their obligations to the UN with private individuals instead of national troops. The organization suggested the establishment of a database of some 5,000 former servicemen willing to offer their services as UN peacekeepers – an idea put forward originally by the IPOA –[18] but to be managed by a not-for-profit company rather than a PMC, and overseen by a board of trustees. This, it was suggested, would provide troops motivated by a desire to help the international community rather than by personal reward – an argument that failed to convince its detractors, who pointed out that, under all the anti-mercenary conventions – the 1977 Convention for the Elimination of Mercenarism in Africa (CEMA),[19] the 1979 UNOHCR Additional Protocol to the Geneva Conventions,[20] and the 1989 International Convention –[21] these individuals

[14] Rochester, Christopher. 2007. "A Private Alternative to a Standing United Nations Peacekeeping Force." Washington: Peace Operations Institute.

[15] In 1989, there were 11,000 peacekeepers deployed worldwide. Today, there are some 82,000. Source: UN. 2009a. "DPI/1634/Rev.103 - United Nations Peacekeeping Operations."

[16] Gowan, Richard. 2007. "The EU's Africa Strategy: What are the lessons of the Congo Mission?" Security & Defence Agenda Discussion Paper. Richard Gowan specializes in UN affairs for the ECFR.

[17] The Financial Times, 6th November. 2003b. "Proposal for Private Soldiers in Peacekeeping Gathers Steam." The Global Security Partnership Project was subsequently renamed the Global Peace and Security Partnership (GPSP).

[18] The International Peace Operations Association – the US industry body for PMCs.

[19] OAU. 1977. "Organization of African Unity Convention for the Elimination of Mercenarism in Africa (CEMA), Doc. CM/817 (XXIX) Annex II Rev.1 (Revision of 1972 Convention: Doc.CM/433/Rev. L.)."

[20] UNOHCR. 1977. "Article 47.2 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1)."

would still be mercenaries under international law.

So, with the increasing reluctance of nations with the most suitably equipped and trained armies to provide troops for peacekeeping missions or any form of standby force,[22] and saddled with a lack of alternatives, the UN has become reliant on less affluent nations whose troops are poorly trained, equipped and motivated. Peter Gantz, Peacekeeping Associate with Refugees International, and Coordinator of the Partnership for Effective Peace Operations, is succinct in his observations as to the quality of UN troops:

> *"The UN is forced to take what it can get… Most peace operations in Africa, for instance, rely on troops from developing nations. These troops are frequently ill-trained, poorly equipped, and often prove to be incapable…"*[23]

Even Kofi Annan, UN Secretary General from 1997 to 2006, expressed concerns as to the poor quality of troops used for peacekeeping operations, citing it as a reason for failings in UN peacekeeping operations.[24] The Secretary General's main concern was that, with the reluctance of countries with well-trained armies to provide troops, or an inability to do so on the basis of much-reduced capacity, the UN has to rely on those countries with sufficient manpower to provide large contingencies of troops at short notice.

One respondent expressed concerns as to the motivation of those countries providing most troops for UN peacekeeping missions:

> *"The motivations of a lot of countries providing peacekeepers are driven by economics, and using those troops is surely morally*

---

[21] UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

[22] Gowan, Richard. 2007. "The EU's Africa Strategy: What are the lessons of the Congo Mission?" Security & Defence Agenda Discussion Paper.

[23] Gantz, Peter. 2003. "The Private Sector's Role in Peacekeeping and Peace Enforcement." Refugees International Bulletin, 18th November 2003.

[24] *"Our soldiers are badly trained and badly equipped."* Interview with Kofi Annan: Le Monde, 12 May. 2000. "Annan Admits Failings."

similar to using private companies. If the involvement of PMCs can overcome difficulties being faced by the UN, isn't that enough of a moral expedient to employ them?"[25]

A comparison is being drawn here, regarding the perceived morality of financial motivation in the field of peacekeeping. PMCs providing personnel for peace missions, in pursuit of profit, are considered to be immoral, one of the bases for this argument being the broad assumption that PMCs are inherently iniquitous and national forces inherently virtuous. The provision of military troops by states, on the other hand, whose providers derive substantial income from the provision of such troops, is not considered so. Were these troops drawn from the ranks of their states' standing armies, this would not be so contentious, but it would seem that many are recruited and trained solely for secondment to the UN.

"Well, we shouldn't make any assumptions as to the benevolence of the countries that provide so many troops, or their desire to be part of an international community effort, but what they get from the UN for each soldier far exceeds what they pay them, so providing peacekeepers is a handy source of foreign exchange. In fact, in many cases, if those troops weren't seconded to the UN, it's doubtful that their national armies would sustain them in such numbers."[26]

While one should not reject the idea that philanthropy might play a part in the motivation for these states to provide troops, nor dismiss the fact that it is the most populous developing countries that have the human capacity necessary to provide the numbers of troops needed for peacekeeping operations,[27] the fact remains that many such troops

[25] Interview with Operations Manager of a Sierra Leonean Security Group, 28th October 2008.

[26] Interview with representative of UNMIL, 14th November 2008.

[27] Pakistan, Bangladesh, India and Nigeria provided almost half of the 80,000 currently deployed UN peacekeeping troops. UNDPKO. 2009. "United Nations Peacekeeping Fact Sheet. UN Doc.DPI/2429/Rev.6."

arrive in theatre: *"…ill-trained, poorly equipped, and often… incapable…"*[28]. The UN Peacekeeping Soldier's Training Manual states: *"Many of the skills required for peacekeeping are basic military ones which form part of military training in the forces of most Member states…"*[29]

But not all troops sent for UN duties have had the same military training or experience as their counterparts in national armies; some arrive in theatre just weeks after having been recruited into the army in their home states. Military experience is not a trait possessed by the majority of UN peacekeeping troops; many are hastily processed for secondment to the UN.

> *"…they continue to get training after they arrive, but you can see that most of them haven't been in uniform for very long, and it doesn't exactly inspire confidence."*[30]

The nature, quality and capability of troops seconded to the UN is a contentious issue even among its own ranks. The need for an alternative, or at least an enhancement, to the current means of obtaining troops for peacekeeping missions is clear and urgent.

10.2 Prospects for the involvement of PMCs in UN peacekeeping operations

There are two areas of discussion on the prospect of PMC involvement in peacekeeping missions. The first is concerned with the concept of PMCs providing support functions to UN peacekeepers. The second, more contentious area of discussion, surrounds the concept of PMCs as peacekeepers.

10.2.1 Support Functions

Many respondents see the proliferation of PMCs in Africa as having come about primarily through 'piggy-backing' the operations of IGOs and NGOs in post-conflict situations, and in providing additional capacity for these organizations to

[28] Gantz, Peter. 2003. "The Private Sector's Role in Peacekeeping and Peace Enforcement." Refugees International Bulletin, 18th November 2003.

[29] UNDPKO. 2008. United Nations Peacekeeping Training Manual. New York: United Nations Publications. p.4

[30] Interview with UNWFP representative, 27th November 2008.

achieve their aims. As discussed at length in Chapter 9, SSR operations, and activities in support of humanitarian organizations, have made a considerable contribution to the growth and proliferation of PMCs. Private companies fill the vacuum presented by shortcomings in state security mechanisms and gaps in capacity of the UN and other IGOs. But neither of these areas of activity forms the mainstay of PMC operations. The provision of ancillary services by PMCs to peacebuilding operations, such as logistics, intelligence services, security, and medical support, has been an integral part of every major UN operation since 1990. Peter Gantz observes, as was reflected in the Brahimi Report,[31] that the UN is now reliant on external agencies to provide these functions:

> *"The UN does not have a proper command and control system, intelligence capabilities, or… logistical support system."*[32]

Logistics, intelligence and command functions that can adapt and expand to cope with differing operational needs are vital if the UN is to be effective.[33] While comparisons with national armies or regional systems such as NATO are not apt, insofar as the UN is not geared primarily as a fighting force, these capabilities are crucial to UN operations because most contributing nations do not provide these functions beyond the needs of their own sub-units seconded to the UN.[34] The provision of these services, including command and control support functions,[35] forms a major part of the activities of several PMCs, and to the extent that PMCs

---

[31] UN. 2000. "General Assembly 55th Session. UN Doc.A/55/305-S/2000/809. Report of the Panel on United Nations Peace Operations: Comprehensive Review of the question of peacekeeping operations in all their aspects (The Brahimi Report)."

[32] See: Gantz, Peter. 2006. "Creating a Capability to Protect." One World, 10th April 2006 Accessed at: http://www.oneworld.net/node/130669. Peter Gantz is a Peacekeeping Associate with Refugees International.

[33] UN. 2000. "General Assembly 55th Session. UN Doc.A/55/305-S/2000/809. Report of the Panel on United Nations Peace Operations: Comprehensive Review of the question of peacekeeping operations in all their aspects (The Brahimi Report)."

[34] In Liberia, for example, of the 10 member-states who provide peacekeeping troops to UNMIL – Bangladesh, China, Ghana, Jordan, Nepal, Nigeria, Mongolia, Philippines, Pakistan¸ and Ukraine – only Nigeria and Bangladesh have dedicated signals units, with Nigeria providing signals for UNMIL HQ.

[35] The linking of gathered intelligence data directly into command and control systems is a feature of systems employed by many PMCs. Two such companies provided the intelligence that led to the interception of Simon Mann's group of mercenaries in 2004. See: Roberts, Adam. 2006. The Wonga Coup. London: Profile Books.

have provided such services to the UN, they have proven their worth in the eyes of many respondents who have worked with them.

> *"These peripheral activities are vital to the success of UN operations, but they are not the core of what the UN is there to do, and it is evident when you see these people [PMCs] in operation that things are getting done efficiently, possibly better than might be expected otherwise. And things like the movement of troops and supplies being contracted to an outside organization don't cause too much of a ripple – in fact, they're largely welcomed by those who have worked on the ground. But the idea of taking it further than that is a very sticky issue."*[36]

The respondent's 'sticky issue' concern hinges around those in the UN who adopt an abolitionist stance towards PMCs.[37] Among the respondents interviewed for this thesis, it is evident that issues of the moral aptness of using PMCs as peacekeepers are pitted against issues of operational efficiency. Several respondents, both in Sierra Leone and Liberia, made the observation that, generally, UN troops are not up to the standard required for the type of operation they are tasked to carry out.[38] In an address to the Security Council in 2004, Kofi Annan, then the UN Secretary General, voiced his own frustrations:

> *"UN missions remain hampered by a lack of specialized military capacities, generally available from the military forces of developed countries. Unfortunately, these countries today make only limited contributions of troops to UN peacekeeping operations."*[39]

---

[36] Interview with representative of UNDSS, 7th December 2008.

[37] See 9.2.

[38] 21 of 33 respondents questioned, from a sample including those with direct experience of UN Peacekeeping Operations; 9 Senior Staff (of UNMIL, UNIOSIL, UNDP, IMATT, DFID), 2 Industry Body Representatives, 2 Government Representatives, and 8 from other organizations, IGOs and NGOs.

[39] UN. 2004a. "Address of the Secretary General to the Security Council, May 2004. UN Doc. SG/SM/9311."

A few months earlier, a press article had highlighted the difficulties being voiced by representatives of the DPKO: *"…the quality of the peacekeepers, most now drawn from poor countries, is often questionable."*[40] Others were reluctant to voice the same conclusion openly, but most were of the opinion that the UN will not, in the foreseeable future, be able to obtain, from those states with well-trained armies, troops in sufficient numbers for peacekeeping operations.[41]

Even in urgent situations, when the DPKO gets a clear mandate from the Security Council for rapid deployment of a peacekeeping force, it is invariably unable to respond in quick time, due to the disinclination or inability of states to provide troops and equipment.[42] As a result, many UN operations take longer to get off the ground than first mandated by the Security Council, and are ultimately carried out with fewer troops than planned for.[43] Most importantly, those troops that do eventually make up the peacekeeping force are, largely, poorly trained and equipped.[44] Former UN Secretary General Kofi Annan expressed concerns as to the poor quality of troops used for peacekeeping operations, citing it as a reason for failings in UN peacekeeping operations.[45] But this was not the Secretary General's primary concern:

> *"There are cases where the speed of the action may be far more crucial than the size of the force. Personally, I am haunted by the experience of Rwanda in 1994: a terrible demonstration of what can happen when there is no intervention, or at least none in the crucial early weeks of a crisis. Surely, things would have been*

[40] The Financial Times, 5th November. 2003a. "UN: Proposal for Private Soldiers Gathers Steam."

[41] Ibid.

[42] Mandel, Robert. 2002. Armies Without States: The Privatization of Security. London: Lynne Rienner. p.17.

[43] At the time of writing, UN peacekeeping operations in Darfur and Congo alone had a shortfall of 7,867 troops (39,370 mandated, 31,503 actual). See: UN. 2009b. "UN DPKO Current Operations." Accessed at: http://www.un.org/Depts/dpko/dpko/currentops.shtml/africa.

[44] Mandel, Robert. 2002. Armies Without States: The Privatization of Security. London: Lynne Rienner. p.17.

[45] *"Our soldiers are badly trained and badly equipped."* Interview with Kofi Annan: Le Monde, 12 May. 2000. "Annan Admits Failings."

different if the Security Council had had at its disposal a small rapid reaction force."[46]

At the beginning of this chapter, I highlighted the demise of the UN's Standing High-Readiness Brigade, which has left the UN with no rapid reaction capability. In his speech marking 50 years of UN intervention, Kofi Annan went on to say:

"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."[47]

The two major shortcomings in UN capacity, poor quality troops and lack of a rapid reaction capability, are perhaps the strongest arguments, in practical terms, for consideration of the use of PMCs in UN operations.

10.2.2 PMCs as Peacekeepers?

Support for the concept of PMCs as peacekeepers has come from what some regard as an unexpected source. Peter Gantz, a peacekeeping associate with Refugees International is clear in his view as to a means of overcoming the shortcomings in the quality of troops and the speed of response that limit the UN's ability to deploy quickly and effectively:

".... if the UN is saddled with troops from developing nations that are not up to the task, then perhaps the UN should hire the private sector to save the day. This idea has appeal because it promises a rapid response to protect victims of systematic, large-scale violence."[48]

---

[46] UN. 1998. "UN Chronicle, Autumn 1998 - Secretary General's speech on 50 years of UN Intervention."

[47] Ibid.

[48] Gantz, Peter. 2003. "The Private Sector's Role in Peacekeeping and Peace Enforcement." Refugees International Bulletin, 18th November 2003.

Gantz expresses his frustration with the inability of the UN to act with speed or efficiency, and argues that the use of PMCs offers the advantage of getting a holding force on the ground within timeframes specified in Security Council mandates. While PMCs could not provide anywhere near the number of UN troops currently deployed on peacekeeping operations in Africa – nor would they wish to do so – their approach embraces a crucial principle of intervention. It is one that is guided not by numbers of troops alone, but by capability; it is the ability to project credible force against belligerents.[49] The importance of this doctrine was demonstrated clearly by the two successful interventions in Sierra Leone, brought about by small numbers of troops, where thousands of ECOMOG and UN peacekeepers had failed. Exercising this doctrine, these successful interventions – carried out by Executive Outcomes with a force of less than 300, and subsequently by a small contingent of British troops – suppressed the ability of belligerents to take action, thereby bringing sufficient stability for elections to be held. The importance of the application of this doctrine in peacekeeping is further demonstrated by the consequence of its absence, after the failure of the international community to fill the vacuum left when EO were forced to leave Sierra Leone. After the humiliation suffered by an 8,000 strong UN force, several of whom were killed and hundreds taken captive,[50] stability was only regained when a British force – numbering less than one tenth their size – once again brought the doctrine of credible force into the equation. International Crisis Group concluded that the UN's unwillingness to use force in Sierra Leone, even when the RUF resorted to killing peacekeepers as a means of extracting further concessions from the UN during peace talks at Lomé, was a clear signal to the rebels that further breaches of the agreement would achieve positive results.[51]

PMCs are quick to point out that the doctrine of credible force need not necessarily involve putting force into effect. Indeed, as profit-making organizations, it is to their advantage to avoid the costs involved in the use of force. Part of EO's

[49] Walter, Barbara. 1997. "The Critical Barrier to Civil War Settlement." International Organization 51. p.340.

[50] New York Times, 6th May. 2000. "UN Reports Rebels Now Hold 300 of its Troops in Sierra Leone."

[51] See 'Unwillingness to Use Force', in: International Crisis Group. 2001. "Sierra Leone: Managing Uncertainty." Africa Report No.35. pp.7-8.

literature featured a list of the services it could offer, one of which was *"peacekeeping or persuasion services".*[52] 'Persuasion' in this context refers to the deployment of a capable force which, while not seeking military action, is fully prepared and capable of doing so, and doing so successfully, should the need arise.

> *"It wasn't about attrition or body-counts, it was about showing the rebels that they were up against a group with resolve and credibility, and that they would no longer be able to carry out violent acts with impunity. In fact, very few rebels were killed in ground actions because after the initial contact, when they realized they were up against people who could fight, a lot of them would run away."*[53]

This approach posits that the projection of credible force, combined with the ability and the clearly-demonstrated will to move units into and within zones of conflict quickly, brings unacceptable risk to a belligerent who might consider taking action against civilians or peacekeepers.[54] Further, it has the absolutely crucial effect of sapping the morale of a belligerent's fighters. A former RUF combatant put this into perspective:

> *"We were able to go anywhere, and we knew there was not much danger when we rested up so we always got a good rest, but that changed when the Executive Outcome [sic] came to Salone and trained the army and the CDFs.*[55] *They would just appear anywhere and they seemed to always know where we were. So, after that we couldn't move freely, and we couldn't sleep properly and things*

---

[52] This appeared on Executive Outcomes webpage, which has now been removed. Cited in: Singer, Peter W. 2003a. Corporate Warriors: The Rise of the Privatized Military Industry. London: Cornell University Press. p.104.

[53] Interview with former member of Executive Outcomes, now a Security Systems Manager in Sierra Leone, 5th December 2008.

[54] Fitzsimmons, Scott. 2005. "Dogs of Peace: A Potential Role for Private Military Companies in Peace Implementation." Journal of Military and Strategic Studies 8(1).

[55] The Civil Defence Forces, which comprised four geographically distinct, ethnically-based groups: the Kamajoisia, Tamaboro, Dono, Kapra and a further group, the Gbethi, which was formed only during the civil war. See Chapter 6 for a more detailed account of the role played by the CDFs.

started to get very difficult and after that a lot of the SBUs [Small Boys Units] were very tired and they wanted to quit, but they knew they would be killed by our commanders if they tried to run away."[56]

David Shearer points out that UN troops were as susceptible to tactics used by the RUF as were those they were trying to protect – surprise ambushes and quick withdrawals – whereas faced with EO's projection of force, the RUF quickly lost its stomach for fighting and negotiated for the first time.[57] PMCs have three attributes necessary to achieve this – trained and experienced personnel available at short notice, suitable equipment, and, if military action becomes a necessity, full commitment to the success of a combat operation.[58] This latter attribute was demonstrated in Sierra Leone when, despite the loss of 20 of its troops in one action, EO continued with its contract. In comparison, after the loss of 10 of its troops in Rwanda, the 440-strong Belgian contingent – made up of professional soldiers, and by far the most capable UN unit in the country – was pulled out.

EO's small force in Sierra Leone was more effective than the thousands of peacekeepers sent subsequently due greater tactical proficiency,[59] in addition to their *"comprehensive training, experience and overall skill in the battlefield".*[60] Shearer points out that EO made extensive use of intelligence capabilities to build a profile of the RUF's activities, whereas the UN, lacking sufficient intelligence-gathering capacity, declined to use any of a number of private companies offering intelligence-gathering expertise that could have protected their troops from the tactics of the RUF.[61]

Stephen Brayton contends that while PMCs could not, and would not endeavour to

[56] Interview with former combatant, Freetown, Sierra Leone, 10th November 2008.

[57] Shearer, David. 1998. Private Armies and Military Intervention: Oxford University Press. p.48.

[58] Fitzsimmons, Scott. 2005. "Dogs of Peace: A Potential Role for Private Military Companies in Peace Implementation." Journal of Military and Strategic Studies 8(1).

[59] Singer, Peter W. 2003a. Corporate Warriors: The Rise of the Privatized Military Industry. London: Cornell University Press. p.113.

[60] Ibid. p.94

[61] Shearer, David. 1998. Private Armies and Military Intervention: Oxford University Press. p.54.

field the number of troops required for a full-scale peace mission, they can achieve certain military tasks better, and at considerably less cost, than UN peacekeeping troops. Singer, Brayton and Shearer all contend that the efficiency of PMCs means that they can achieve the same mandate using fewer troops, thereby also decreasing the cost of the mission.[62] Executive Outcomes had allowed 3 months for the first phase of their campaign in Sierra Leone, which was to drive the rebels 100 kilometres back from Freetown; it took them 9 days.[63]

> *"They [the RUF] didn't actually take many casualties, but they knew the game was up. They knew they couldn't terrorize people any more and get away with it. I don't think we needed to do much after that, other than to make sure they knew we weren't going anywhere. That's what happened in the end… Sankoh engineered an agreement where we had to pull out,[64] and it took them a matter of weeks to regain control."*[65]

This demonstrates a further advantage of the projection of credible force: casualties mount over time in combat operations, and lives, both military and civilian, are saved through the application of apposite force for a minimum period, rather than that of minimum force for an extended period, the latter approach being that most used by the UN. Further, in civil wars, identities become blurred, and the behaviour of factions, both state and non-state, spirals downwards with the progress of time. The accuracy of Martin van Creveld's point: *"…the very process of combating low-intensity conflicts will cause both sides to look alike, unless it can be brought to a quick end.",*[66] is demonstrated by the increase in abuses of human rights by state

---

[62] Singer, Peter W. 2003b. "Peacekeepers, Inc." Policy Review 119:59-70.; Brayton, Stephen. 2002. "Outsourcing War: Mercenaries and the Privatization of Peacekeeping." Journal of International Affairs 55:305-329. p.323.; Shearer, David. 1998. Private Armies and Military Intervention: Oxford University Press.

[63] Singer, Peter W. 2003a. Corporate Warriors: The Rise of the Privatized Military Industry. London: Cornell University Press. p.112.

[64] The IMF also played a part in bringing about EO's withdrawal from Sierra Leone. See: Rubin, Elizabeth. 1997, February. "An Army of One's Own." In Harper's Magazine, Vol. 294. p.46.

[65] Interview with former member of EO at Lungi Airport, Freetown, 5th December 2008.

[66] van Creveld, Martin. 1991. The Transformation of War. New York: Free Press. p.225.

forces in Sierra Leone as the war continued.[67]

The need to respond quickly is one that PMCs claim they can achieve better than the UN. In 1994, in response to the dire situation the UN faced in Rwanda, two PMCs proffered assistance; Defence Systems Limited (DSL) and Executive Outcomes, drew up comprehensive plans to assist the UN in controlling the situation,[68] and offered to put troops on the ground at short notice.[69, 70]

> *"When Rwanda kicked off, the word went out that Eeben[71] was proposing to put a force together to assist the UN, so we were all put on a warning order. We were ready to go within days… there's no doubt in my mind that we could have had a battalion plus,[72] formed up and ready to go within a couple of weeks."[73]*

The offers of troops were considered by the then Secretary General, Kofi Annan, who decided ultimately not to employ a private company. In a subsequent speech marking 50 years of UN intervention, he announced: *"…the world may not be ready to privatize peace."*[74] It was considered that moral objections to the use of PMCs would outweigh any contribution they might make, and it is the moral dimension that forms the basis of the most vehement arguments against the use of PMCs.

---

[67] Sierra Leone Conflict Mapping Programme. 2004. Final Report: Violations of International Law from 1991 to 2002.

[68] Chris Grové, former Chief of Staff of Executive Outcomes, in Letter to Doug Brooks of the SAIIA, June 2000. Copy held by author.

[69] In: West Africa Magazine, 18th September. 2000. "Interview with Doug Brooks, fellow of the South African Institute of International Affairs."

[70] Isenberg, David. 2009. "Dogs of War: Blue Helmets and Bottom Lines." Washington DC: UPI.

[71] Eeben Barlow, founder of Executive Outcomes.

[72] A 'battalion plus' refers to a unit in excess of battalion strength (a standard battalion is approximately 1,000 soldiers) with additional support elements. EO offered to have a force of 1,527 troops on the ground within two weeks. See: Supra, Note 68.

[73] Interview with former member of Executive Outcomes, Security Systems Manager in Sierra Leone, 5th December 2008.

[74] UN. 1998. "UN Chronicle, Autumn 1998 - Secretary General's speech on 50 years of UN Intervention."

10.3 The Moral Dimension

In a report published in December 2001, the International Commission on Intervention and State Sovereignty stated: *"Rwanda in 1994 laid bare the full horror of inaction."*[75] Arguments were put forward for the use of PMCs based on the lesser of two evils – the unfavourable aspects of their use outweighing the relatively 'favourable' need to stop the violence and save lives. Kofi Annan might well have considered, in hindsight, the Utilitarian doctrine as to the correctness of taking action *"...if its consequences are more favorable than unfavourable to all concerned."*[76] Many of those advocating the use of PMCs, where no other option is available, cite the doctrine of double effect: essentially, if an act has desirable consequences (toward the greater good, such as the saving of innocent lives), and the actor's intentions and actions are aimed exclusively at bringing about those consequences, then the positive results of such action outweigh the negative aspects.[77] Provided the *jus in bello* principle of proportionality is observed, then the doctrine holds that unintended negative outcomes of an action are acceptable if more innocent lives are saved through an action than would have been lost had that action not been taken. After Executive Outcomes' deployment to Sierra Leone, human rights abuses fell from over 5,000 cases in 1995 to less than 2,000 in 1996.[78] After their departure from the country, this rose to some 3,000 the following year, subsequently peaking at over 6,000.[79] Proponents of PMCs argue that this is a clear case of the end justifying the means.

Fernando Tesón argues that attitudes against intervention come down to *"...a general view that killing is worse than letting die"*[80] and there is no doubt that the idea of such

---

[75] International Commission on Intervention and State Sovereignty. 2001. "The Responsibility to Protect." p.1.

[76] Holzgrefe, J. L. 2003. "The Humanitarian Intervention Debate." In Humanitarian Intervention: Ethical, Legal, and Political Dilemmas, eds. J.L. Holzgrefe and Robert Keohane: Cambridge University Press. pp.20-23.

[77] Tesón, Fernando. 2003. "The Liberal Case for Humanitarian Intervention." In Humanitarian Intervention: Ethical, Legal and Political Dilemmas, eds. J. L. Holzgrefe and Robert Keohane: Cambridge University Press. p.115.

[78] Sierra Leone Truth and Reconciliation Commission. 2004. "Statistical Appendix - Sierra Leone TRC Report." p.10.

[79] Ibid.

[80] Tesón, Fernando. 2003. "The Liberal Case for Humanitarian Intervention." In Humanitarian Intervention: Ethical, Legal and Political Dilemmas, eds. J. L. Holzgrefe and Robert Keohane: Cambridge University Press. p.119.

killing being done by a profit making organization such as a PMC has a multiplier effect on such attitudes.

> *"The attitude of the UN towards PMCs might be convincing if there were another option, but if states aren't willing to act, then using private companies to do something is a far lesser evil than doing nothing. What happened in Rwanda is now happening in Darfur and in Congo, and there are private companies willing to help. They've carried out surveys and consultations, and they've submitted plans to deal with the situation. They did the same in Rwanda and they were ignored."*[81]

The respondent's case for the use of PMCs, as with most arguments for their use, is based on the naturalist doctrine of 'most favourable outcome'.[82] But it would be wrong to accept this argument without addressing the consequentialist element of Utilitarian perspectives on intervention: we cannot argue conclusively, without having examples of PMCs taking direct part in peacekeeping missions, as to the potential consequences of their participation. Enrique Ballesteros, the UN Special Rapporteur on Mercenaries at the time of Executive Outcomes' involvement in Sierra Leone, expresses concerns as to the potential consequences of the involvement of private actors. A strong opponent of any kind of private involvement in military affairs, Ballesteros stated:

> *"...the international community cannot allow the free and globalized market to function... for the sale of military assistance and peacekeeping and peace-building operations that are the province of international organizations."*[83]

---

[81] Interview with Managing Director of PMC in Sierra Leone, 4th December 2008. (See also: Supra, Note 68).

[82] Holzgrefe, J. L. 2003. "The Humanitarian Intervention Debate." In Humanitarian Intervention: Ethical, Legal, and Political Dilemmas, eds. J.L. Holzgrefe and Robert Keohane: Cambridge University Press. p.20.

[83] UN. 1999. "E/CN.4/1999/11 - 55th Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the rights of peoples to self-determination." Para.75.

His main concern, however, regarding the involvement of PMCs, was the issue of *"unforeseen implications for the exercise of human rights."*[84] One might argue that the implications of an action, being implicit, can in some way be explored, but Ballesteros did not expand on this. Nevertheless, if we are to read *"unforeseen implications"* as potential unintended consequences of the use of PMCs, we can understand the need to address the consequentialist element of Utilitarian perspectives on intervention.

The involvement of EO in Sierra Leone goes only some way toward addressing the consequentialist issue; EO's activities cannot be fully compared to the direct involvement of PMCs in peacekeeping operations, where they would be an integral part of a UN peacekeeping mission, rather than contracted to a beleaguered state. Critical consideration must therefore be framed relative to arguments against the involvement of PMCs in peacekeeping.

10.4 Arguments against the use of PMCs

The main arguments opposing the use of PMCs are that they would commit human rights violations, that their use undermines the authority of states, and that their status in international law is not clearly defined or regulated, raising questions of legal accountability. Analysis of field research data in the three preceding chapters has shown that these are also the opposing arguments articulated by respondents during the data gathering process.[85] The following sections will test the central hypothesis of this thesis against these arguments.

10.4.1 PMCs and Human Rights

Arguments that PMCs are likely to violate human rights are based, firstly, on perceptions that they are the same as the mercenaries in Africa of the 1960s and 70s, and would therefore behave in the same way, secondly, that there is no mechanism to prevent them committing human rights violations, and thirdly, that they are unaccountable for their actions. In a departure from Enrique Ballesteros' hard-line attitude that PMCs are mercenaries, the UN Working Group on the Use of

[84] Ibid.

[85] From formal interviews with 34 respondents from the categories: Observers & Analysts, Senior Staff of UN Departments, IMATT and DFID, Industry Body Representatives, PMC Directors/Managers, and Organizations & NGOs working with PMCs.

Mercenaries, in 2008, acknowledged that:

> *"The relation between private military and security companies and mercenary service is not direct. Performing various activities under Governmental contracts and sometimes under international intergovernmental agreements, even in conflict zones, does not fall, in most cases, under the 'traditional' legal definition of a mercenary."*[86]

There is, therefore, increasing recognition that PMCs are not, by definition, the same as mercenaries. But this alone is insufficient. This thesis seeks to discover whether there is a tangible difference between PMCs and mercenaries; not simply a semantic one. A formal recognition that PMCs are not mercenaries *per se* is encouraging for their proponents, but it does little to address the genuine fears of those who argue that the employees of PMCs, in the role of peacekeepers, are more likely to violate human rights than are troops of UN member states. Some UN officials have gone some way to addressing this issue, suggesting that if the actions of PMCs take place as a monitored element of a UN framework of operations, the likelihood that they would commit human rights violations would be reduced.

> *"As long as they [PMCs] are carrying out the task within a UN framework and with clearly defined boundaries, and are not in a position where they can cross those boundaries… then the potential dangers that we perceive are addressed…."*[87]

There is general agreement among PMCs that, in the event of their becoming involved in peacekeeping operations, they should expect to be subjected to close monitoring as a means of reassurance to the international community. Most support the inclusion of UN personnel in their operations.[88] Some are more cautious, on the

[86] UN. 2008b. "Report of the Working Group on Mercenaries. UN Doc.A/63/325." Part IV A., para.44.

[87] Interview with representative of the UNDP DDR Programme in Liberia, 12th November 2008.

[88] All 7 PMC managers interviewed in the course of the field research. Member organizations of the BAPSC and IPOA also support the inclusion of monitors in their operations.

basis that there are no clear parameters as to what this might entail; their concern is that interference could be detrimental to the effectiveness of their operations. This originates from speculation that the UN might impose limitations on how PMCs conduct their operations, making them *"as ineffective as those of the UN itself... which would completely defeat the object".*[89] The US industry body for PMCs say that firms registered with them would welcome impartial observers on any of their missions to monitor their employees' behaviour.[90] There can be no doubt that it would be a dereliction on the part of the international community not to have monitors observing the actions of PMCs involved in peacekeeping operations.

PMCs working in Africa look to their past performance to demonstrate that have a good record in the observation of human rights. Former members of EO, in particular, feel that their record during their involvement in Sierra Leone demonstrates that they remained focused on the tasks they were contracted to do, and did not indulge in any form of human rights abuse.

> *"Some people find it surprising that we consider our record in Africa something to use as a positive example, because they've been continually bombarded with the idea of us as racist killers."*[91]

In 2004, the Truth and Reconciliation Commission (TRC) of Sierra Leone published its final report on human rights violations that had occurred during the civil war, between 1991 and 2000. A former member of Executive Outcomes, now working in Sierra Leone, commented:

> *"We were the ones being accused of having no regard for human rights, but as far as I'm concerned, and I would swear to this, we were the only group not committing human rights violations*

[89] Interview with PMC Managing Director, Freetown, 4th December 2008.

[90] Cited in: Hukill, Traci. 2004. "Firms seek to sell UN on privatized peacekeeping." National Journal.

[91] Interview with former member of Executive Outcomes, now Security Systems Manager in Sierra Leone, 5th December 2008.

against the civpop.[92] *In fact, they [non-combatants] saw us as the only ones giving them any protection, and we even got recognition of that from Sierra Leonean humanitarian groups."*[93, 94]

In the final report of the TRC, none of the 40,242 reported abuses of human rights was found to have been committed by EO. Over 300 serious violations of human rights, including instances of murder and torture, were found by the TRC to have been committed by members of ECOMOG,[95] with nearly 2,800 similar violations committed by the Sierra Leonean Army and Police,[96] many of which were ethnically motivated. This supports PMCs' claims that as apolitical, external parties, their members are not motivated to commit atrocities driven by ethnic rivalry and hatred, or in revenge for past injustices, as are many parties not directly involved in a conflict.[97] ECOMOG and the SLA, for example, committed atrocities against non-combatants in misdirected revenge for the killing of their own troops.[98] Further, because the employees of PMCs are fully equipped and resupplied while in action, they do not have to resort to invading villages to plunder supplies as did the SLA and members of ECOMOG during the civil war in Sierra Leone, an action that led to human rights abuses on the part of those forces against the innocent and hapless inhabitants of such villages.[99]

There are PMCs operating in Africa who hold up the actions of EO in Sierra Leone – an instance of a PMC in armed combat, unfettered by restrictions as would be the

[92] An acronym for 'civilian population' that has become a colloquialism in military and security circles.

[93] Interview with former member of Executive Outcomes, now a Systems Security Manager in Sierra Leone, 5th December 2008. The abuses referred to by the respondent were beating and torture of villagers. See: Sierra Leone Conflict Mapping Programme. 2004. Final Report: Violations of International Law from 1991 to 2002., and Statistical Appendix.

[94] EO's work was formally acknowledged by the prominent Sierra Leonean charitable organization, *Children Associated with the War*. Source: Interview with representative of humanitarian NGO in Liberia, 14th November 2008.

[95] Sierra Leone Conflict Mapping Programme. 2004. Final Report: Violations of International Law from 1991 to 2002.; Sierra Leone Truth and Reconciliation Commission. 2004. "Statistical Appendix - Sierra Leone TRC Report."

[96] Ibid.

[97] Shearer, David. 1998. Private Armies and Military Intervention: Oxford University Press.

[98] Sierra Leone Conflict Mapping Programme. 2004. Final Report: Violations of International Law from 1991 to 2002.

[99] Ibid.

case in an international community effort – as an example of their suitability for peace-related operations. They contend that if, in all-out combat, PMCs have not committed human rights violations, it is even less likely that they should to do so in a monitored peacekeeping role. But the question that still remains is whether PMCs are more likely than national armies, or than UN troops on secondment from member nations, to abuse human rights. To address this question, we must consider the wider involvement of PMCs.

> *"PMCs have to be very wary of the behaviour of their employees. Any mistake, any careless action, could mean the loss of not just the contract in question, but future potential business, and negative media exposure for the entire PMC industry. The actions of a bad PMC dictate perceptions towards all PMCs, so a single violation of human rights will be cited by the media as to why all PMCs should be outlawed. The Blackwater incident, and it is a very, very serious incident, is used as a reason why PMCs shouldn't be allowed to operate, but there have been far worse violations of human rights by coalition militaries, and far greater in number, from the reckless killing of civilians… and not only civilians, but police, and even journalists… to beatings, rape and intentional killing."*[100]

The respondent, a former British Army officer, had worked for PMCs, in some cases in support of UN operations. The incidents he refers to are the Nisour Square incident in Baghdad, in which employees of the PMC Blackwater killed 17 civilians, the shooting by coalition troops of unarmed, protesting civilians in several incidents,[101] and of Iraqi police,[102] and the rape of an Iraqi girl and the murder of her family in March of the same year.[103] The respondent was not specific with regard to

[100] Interview with Risk & Security Consultant in Sierra Leone (former PMC employee), 4th December 2008.

[101] Examples given by the respondent were the killing and wounding of 18 Iraqis at a demonstration protesting against the killing, two days earlier of 13 others at a school in Al-Fallujah. The incidents are described in an article by Chris Hughes in The Mirror, 1st May. 2003.

[102] Associated Press, 12th September. 2003.

[103] The Independent, 16th November. 2006. "US Soldier Admits to Rape and Murder of 14 Year Old Iraqi Girl."

his mention of journalists, but further research has revealed that John Simpson, in June 2003, called for the US to investigate the killing of "*more journalists by American soldiers than by any other means."*[104] The respondent made clear that his main concerns were, firstly, the disproportionate amount of reporting on the Blackwater incident compared to other incidents that were worse in terms of their violation of human rights, and, secondly, the comparison of PMC activity in Africa with that elsewhere. He commented:

> *"PMC operations in Bosnia, Iraq and Afghanistan arose in direct support of large scale military operations by international forces. The involvement in African countries came about in a different way, and for completely different reasons, mostly in support of weak states and SSR operations directed by the UN. It is simply unrealistic to suggest that the activities of PMCs here are comparable with those elsewhere."*[105]

The respondent's point was that PMC operations in Africa have been conducted in support of governments, departments of the UN, humanitarian organizations, and private corporations, within the law of the host country – circumstances very different to those those in Bosnia, Iraq and Afghanistan. With regard to the suitability of PMCs for UN peacekeeping missions, and the likelihood that their involvement would be more likely to lead to abuses of human rights, he commented:

> *"When employees of a PMC in Bosnia were found to have been involved in a sex ring, it was devastating to all those PMCs who worked so hard to establish impeccable records, because it was held up as a reason why all employees of all PMCs are unsuitable. Yes, it's an outrageous, despicable incident, but it absolutely dwarfs the number of sex abuses laid at the door of the UN, not*

[104] Media Guardian, 27th June. 2003. "U.S. Soldiers Were Main Danger."

[105] Interview with Risk & Security Consultant in Sierra Leone (former PMC employee), 4th December 2008.

only in Bosnia, but in every country where there are peacekeeping missions."[106]

The incident referred to by the respondent was the involvement of seven DynCorp employees in a sex ring in Bosnia in 2003. In contrast to the much-reported DynCorp scandal, the involvement of an undisclosed number of UN officials, peacekeepers and police in an extensive sex ring in Bosnia at the same time, was not reported in the press to anywhere near the same extent. Despite calls by Madeleine Rees, the UN High Commissioner for Human Rights in Bosnia, for the prosecution of all UN personnel involved, the UN personnel in question were quickly returned to their home countries, and a spokesperson for the UN Liaison Office in Bosnia subsequently informed the press: *"All cases have been thoroughly investigated. We have sent a number of officers home. There is absolutely no toleration of a 'boys will be boys' attitude here."*[107]

The 'boys will be boys' attitude alluded to by Kirsten Haupt, the UN spokeperson at the time of the sexual scandals, has, according to the NGO Refugees International, characterized UN peacekeeping missions.[108] Two reports highlight the extent of the problem of sexual exploitation and abuse by UN peacekeepers – a shocking report by Save the Children, entitled "No One to Turn To",[109] and Refugees International's own report "Must Boys be Boys?"[110] These reports highlight a further problem associated with the UN's sourcing of peacekeepers vis-à-vis the cultural backgrounds from which many peacekeepers originate, and the cultures of peacekeeping missions themselves. One respondent, the representative of an NGO working with UN agencies, humanitarian organizations and local social groups, commented:

---

[106] Ibid.

[107] The Scotsman, 9th February. 2003. "Bosnia Sex Trade Shames UN."

[108] Refugees International. 2005. "Must Boys be Boys? Ending Sexual Exploitation and Abuse in UN Peacekeeping Missions."

[109] Save the Children. 2008. "No One to Turn To: The Under-reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers."

[110] Refugees International. 2005. "Must Boys be Boys? Ending Sexual Exploitation and Abuse in UN Peacekeeping Missions."

"Some of the countries that these troops come from don't have the best human rights records; they are male-dominated cultures in which women and girls are secondary, and male domination is also a feature of peacekeeping missions."[111]

The reports cite cultural aspects of UN peacekeeping missions as a major concern. *"UN peacekeeping missions… are subject to the same problems as the individual militaries that contribute troops to them."*[112] They suggest, once again, that it is the nature of troops carrying out peacekeeping missions that is the major issue, together with lack of accountability.[113] As accountability lies with individual peacekeepers,[114] there is no collective legal responsibility, so while moral responsibility might lie in the hands of UN commanders, accountability in legal terms does not flow up the chain of UN command. Further, UN personnel are immune from prosecution in the countries in which they serve. PMCs, on the other hand, are legally liable, under both domestic and international law, for the actions of their employees, and their employees are liable under the laws of the countries in which they operate.[115]

The public image of a PMC is crucial to its existence.[116] Patrick Cullen argues that one of the most catastrophic things that can happen to a PMC, in terms of the ability to win future contracts is *"loss of credibility"*, the PMC Blackwater being a case in point.[117] The hirer of a PMC can also fire it, and PMCs know that any failure or offence is a one-time occurrence, with ruinous consequences for the future of the PMC in question.

---

[111] Interview with representative of humanitarian NGO in Liberia, 14th November 2008.

[112] Refugees International. 2005. "Must Boys be Boys? Ending Sexual Exploitation and Abuse in UN Peacekeeping Missions."

[113] UN personnel cannot be prosecuted in the country they are serving; accountability lies with the individual, and legal responsibility with the individual's home state. In the case of PMCs, legal responsibility, under both domestic and international law, for the actions of a corporate employee, lie with the company.

[114] UN soldiers are accountable only to their own national governments.

[115] The exception made by the United States for military contractors in support of US forces in Iraq under the Status of Forces Agreement (SOFA). See Chapter 11, Note 23.

[116] Singer, Peter W. 2003a. Corporate Warriors: The Rise of the Privatized Military Industry. London: Cornell University Press. p.217.

[117] Cullen, Patrick. 2000. "Keeping the New Dogs of War on a Tight Leash." Conflict Trends 6. p.38. Blackwater has now renamed itself 'Xe'.

A point made by another respondent– a former army officer and experienced PMC manager with experience of working with the UN – is that in Africa, most contracts undertaken by PMCs are short term. PMCs prefer to take on contracts with set aims and clear end-dates, rather than risking the 'mission creep' of open-ended contracts.

> *"PMCs are not usually hired on long term contracts, and even in cases where we are, our employee contracts are normally measured in months rather than years. We seek short contracts with clear deadlines, and we try to avoid open-ended contracts, but my experience is that forward planning is not a UN trait, so that could be an issue if we were to become involved in peacekeeping. The saying: "African armies sit around playing cards and plotting coups" applies equally to UN troops; any troops, in fact. After a period, boredom sets in, and then, well. "the devil makes work for idle hands"… so we think it's best if things are done in quick time and people are moved around, but that's not how the UN works."*[118]

The respondent was alluding to abuses of human rights – specifically the number of cases of child sex abuse carried out by UN peacekeepers,[119] and the under-reporting of sexual exploitation and abuse uncovered by Save the Children,[120] which he believes could be an indicator as to the extent of other illegitimate activity on the part of UN personnel, and those of other agencies involved in African states. His view is that close management is required – whether of UN peacekeepers, employees of PMCs, or those any other organization – to ensure that such abuses do not occur, and to prevent involvement in local criminal networks. He argues that PMCs, as corporate entities, manage their employees more closely than the UN do

[118] Interview with PMC Managing Director (formerly HM Forces) in Sierra Leone, 4th December 2008.

[119] UN. 2005. "UN Doc.A/59/782 - Annual Report of the UN Secretary General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse.", UN. 2006. "UN Doc.A/60/861 - Annual Report of the UN Secretary General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse.", UN. 2007a. "UN Doc.A/61/957 - Annual Report of the UN Secretary General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse."

[120] Save the Children. 2008. "No One to Turn To: The Under-reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers."

their troops, and looks to the record of PMCs involved in African states as evidence of this. The respondent's sentiments are echoed by those who employ PMCs in Sierra Leone, as discussed in Chapter 9.

10.4.2 The Threat to Human Rights

Previously in this chapter, I outlined the difficulties in addressing consequentialist arguments relating to the involvement of PMCs in peacekeeping – primarily that there are no examples of PMCs having acted as peacekeepers. Allegations that PMCs are more likely to carry out abuses of human rights do not hold credibility against the comparison of Executive Outcomes – a war-fighting PMC involved in direct combat operations – with other actors involved in the civil war in Sierra Leone. Among those actors, the Sierra Leonean Army, the Police, and ECOMOG – the regional peacekeeping force sanctioned by the AU and the UN – were found by the Sierra Leonean Truth and Reconciliation Commission (TRC) to have committed thousands of serious human rights violations against the population they were there, ostensibly, to protect.[121] Executive Outcomes, despite several accusations, were not found by the TRC to have committed any violations of human rights against the civilian population.

In short, the use of troops from national armies, whether or not as part of a UN force, can result in the same unintended consequences as the use of PMCs. As for theories that the conduct of operations for financial gain is more likely to lead to human rights abuses,[122] both Brayton and Bures conclude that the professional nature of PMCs makes it less likely that they will commit abuses of human rights than members of peacekeeping forces from failed and developing states, whose motivations may also be profit-driven.[123] The idea that PMCs are more likely to abuse human rights than troops from national armies is not only based on a questionable supposition, but it has been shown to be incorrect.

---

[121] Sierra Leone Conflict Mapping Programme. 2004. Final Report: Violations of International Law from 1991 to 2002, Sierra Leone Truth and Reconciliation Commission. 2004. "Statistical Appendix - Sierra Leone TRC Report."

[122] Lilly, Damian. 2000. "The Privatization of Peacekeeping: Prospects and Realities." United Nations Institute for Disarmament Research. Disarmament Forum No.3. p.24.

[123] Bures, Oldrich. 2005. "Private Military Companies: A Second Best Peacekeeping Option?" International Peacekeeping 12(4):533-546.

10.4.3 PMCs and State Authority

Stephen Brayton said of Executive Outcomes' operations in Sierra Leone: *"…wherever they went civilians stopped dying. The only trouble was they only went where the pay-offs were high."*[124] This typifies the unease evoked by the concept of profit-making organizations becoming involved in peacekeeping tasks, and the dangers of tie-ins between governments and PMCs. However, a former member of EO, interviewed during the field research, countered Brayton's allegation:

> *"We operated wherever there was a need; in Sierra Leone, that translated most urgently, firstly into driving them [the RUF] away from the capital, and then into recapturing areas where they had taken control of the mines, because if you don't do that, the rebels still have the means to fund themselves and strangle the state at the same time... but we also conducted major actions against the rebels in places where there were no mining interests at all. Our operations were planned around bringing about a situation of stability so the authority of the state could be restored."*[125]

PMCs and their proponents not only contest the claim that they are a threat to the authority of the state, they positively contradict it. They argue that if a PMC is contracted by a state to assist it in re-imposing its authority, then the PMC becomes an agent of the state and, far from usurping state authority, augments it. Arguments that the actions of PMCs contravene basic principles of international law, such as non-intervention in the internal affairs of states, and threats to territorial integrity and independence, are also strongly contested. These three principles were in fact the drivers of the conventions against mercenarism (CEMA in 1977, and the 1989

[124] Brayton, Stephen. 2002. "Outsourcing War: Mercenaries and the Privatization of Peacekeeping." Journal of International Affairs 55:305-329.

[125] Interview with former member of Executive Outcomes, now Security Systems Manager in Sierra Leone, 5th December 2008.

UN Convention),[126] and PMCs argue that these principles are applied to them erroneously. No PMC has become involved in activities that threaten the territorial integrity or independence of any state. Those who attempt to label Simon Mann's attempted Equatorial Guinea coup the actions of a PMC fail to recognize the fundamental difference between PMCs and mercenaries. PMCs are registered, corporate entities, with centres of accountability; they are subject to the laws of their home states, of the host states in which they operate – a status that does not apply to UN troops –[127] and to international law. Mercenaries have no such status; they are not legal entities and have no centre of legal accountability.

Returning to the first of the three principles, – that of non-intervention in the internal affairs of states – PMCs point out that all attempts to indict them for intervention in African states have failed. PMCs act only when they have a contract to fulfil; they deploy when requested to do so.

> *"Intervention in a state's internal affairs in international law means turning up uninvited. You can't accuse somebody of gate-crashing when they have an invitation. The UN's desire to prevent a state making its own decisions about where it goes for assistance is more of an interference in the affairs of states, especially if the UN itself is unwilling to respond to requests for assistance."*[128]

The context of this statement was the involvement of EO in Sierra Leone. In December 1994, the government of Sierra Leone implored the UN Secretary General to: *"use your good offices to assist in bringing about a peaceful settlement to the rebel war."*[129] It was only in February 1995, when it became fully apparent

[126] OAU. 1977. "Organization of African Unity Convention for the Elimination of Mercenarism in Africa (CEMA), Doc. CM/817 (XXIX) Annex II Rev.1 (Revision of 1972 Convention: Doc.CM/433/Rev. L.).", and UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

[127] With the exception of those granted immunity from prosecution by the United States government under the Status of Forces Agreement (See Chapter 11, Note 23).

[128] Interview with former member of Executive Outcomes, now Security Systems Manager in Sierra Leone, 5th December 2008.

[129] Uniweek (Freetown), 22nd December 1994.

that requests for assistance to the UN and the governments of the UK and USA would not be fulfilled, that Valentine Strasser turned to private companies to contain the rapidly worsening situation in his country. Martin van Creveld, even before Executive Outcomes' involvements in Angola and Sierra Leone, had predicted that in situations where states had lost the monopoly over the use of force, conflict would be conducted by *"war-making entities"* rather than by states. He posited that *"... defending society against low-intensity conflict will be transferred to the booming security business."*[130] While it is correctly argued that this is the result of societies' progress away from the need for large standing armies, the reason for such progress is the elimination of the threat of interstate conflict. Where *intrastate* conflict is concerned, state militaries are ineffective because the low-intensity nature of the conflict favours tactics employed by rebel groups, in which:

> *"The guerrilla fights the war of the flea, and his military enemy suffers the dog's disadvantages: too much to defend; too small, ubiquitous, and agile an enemy to come to grips with."*[131]

In truth, as has been demonstrated scores of times in Africa, national armies are the greatest threat to the state. Where there is no external threat, large standing armies are suited neither to the needs of national security, nor to dealing with internal threats to sovereignty. Further, in poor states where spending on basic commodities is urgently required, they are a massive drain on resources. Where the need arises for a state to take action against insurgent groups, the use of a PMC offers the advantages of being readily available, inexpensive,[132] and able to bring immense experience to bear in the conduct of finely-focused operations against the tactics of rebel groups.

The UN has long recognized that intrastate conflict presents insurmountable problems for many governments, and that PMCs offer a workable alternative. In 1997, the Special Rapporteur stated:

---

[130] van Creveld, Martin. 1991. The Transformation of War. New York: Free Press. p.60.

[131] Taber, Robert. 1965. The War of the Flea. London: Granada. pp.27-28.

[132] Compared to the costs of maintaining a highly-trained and equipped national force.

> *"...the expansion of these firms [PMCs] as a kind of alternate security model for countries with internal conflicts that are practically unmanageable for the Governments concerned make it essential to give some thought to the problem.*[133] *"*

But the 'problem' to which the Special Rapporteur was alluding was what he conceived to be a threat to state sovereignty. He continued:

> *"... is not responsibility for a country's internal order and security an inalienable obligation that a State fulfils through its police and armed forces? Is it not a grave infringement of... sovereignty to hand over such responsibilities ...?"*[134]

One could argue that, if the state were able to fulfil its *"inalienable obligation"* through its police and armed forces, there would be no need for it to seek assistance in the first place. Further, if the UN were able and willing to provide such assistance when a state, in dire need, specifically requests it – as was the case in Sierra Leone – there would be no need for the state to turn to PMCs.

> *"Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect."*[135]

Had the UN responded to the government of Sierra Leone's pleas for assistance in 1994, it would not have been forced to turn to a PMC for help. In the event, the

[133] UN. 1997. "E/CN.4/1997/24 - 53rd Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur 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." Para. 92.

[134] Ibid. Para.93.

[135] International Commission on Intervention and State Sovereignty. 2001. "The Responsibility to Protect." p.xi.

sovereignty of the state was not threatened by the PMC in question, but was restored, only to be threatened once more when the PMC was forced to withdraw. In every case where PMCs have been involved in African states, the Special Rapporteur's protestations as to the threat to state sovereignty have been shown to be misplaced.

> *"Is it not obvious to the international community that the trend is to replace traditional peacekeeping forces, which, under international law, are the responsibility of the United Nations and regional organizations, by operations carried out by these companies?"*[136]

The *'trend'* for PMCs to replace UN peacekeepers has arisen as a result of the UN's inability to respond to threats to the sovereignty of its member states, yet the UN condemns both PMCs and the states who turn to them for assistance, on the basis that they are a threat to the authority of the state.

10.4.4 The Threat to the Authority of the State

The Special Rapporteur's argument that PMCs are a threat to the legal authority of states, as are those of several respondents to this thesis, are based on the perception that the activities of PMCs mirror those of the mercenaries of the 1960s and 70s. This has been shown, in every instance of PMC involvement in African states, not to be the case; the idea that PMCs are a threat to the authority of states has not arisen as a result of any action by a PMC, but as a result of misconception. No PMC has attempted to take over a state to which it has been contracted, or has refused to depart when its contract has been terminated, or has taken any action against the interests of a state to which it is contracted. PMCs who are members of the BAPSC and IPOA have declared policies of dealing only with governments recognized by the UN. Indeed, they argue that if contracted by the UN, they would be subject to the same mandates as UN peacekeepers and would pose no more a threat to the authority of a state than such peacekeepers. Further, far from being an *"abrogation of the responsibilities of states to maintain international peace and*

[136] UN. 1999. "E/CN.4/1999/11 - 55th Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the rights of peoples to self-determination." Para.75.

security",[137] PMCs, whose abilities have clearly been demonstrated, are perhaps the best means available to the international community of stemming the rapidly declining ability of many states to maintain peace and security.

10.4.5 PMCs – Legal Issues

A further argument against the use of PMCs in peacekeeping is that their legal status is uncertain, insofar as they are not clearly defined under international law. Also, as they are unregulated, there is no guarantee of consistency in terms of performance or conduct across the industry. This latter point is seized upon by reputable PMCs as reason for the industry to be regulated, with most PMCs in favour of regulation as a means of ensuring adherence to international law and the observance of human rights by all companies in the industry. PMCs are the first to point out that 'dodgy' companies damage the reputation of the industry.[138] A major concern is that in an increasingly competitive market, some PMCs might be tempted to take on contracts that are not in the interests of their home state, or of the international community. Reputable PMCs have turned down many potential contracts of this nature,[139] but they are concerned that, without regulation, there is an increasing danger that such work might be taken on by less professional companies. Eeben Barlow, founder of Executive Outcomes, writes about his view of such companies, and reflects the concerns of PMCs who have spent years becoming established and building up good reputations:

> *"... there are also those companies that aspire to be PMCs... but are lacking in expertise, experience and any semblance of a reputation ...they tarnish the reputation of the PMCs and PSCs who are able to deliver on their promises."*[140]

Ironically, it is the most professional, reputable PMCs – those who have little need of regulation – that seek it, whereas those companies that pursue unethical agendas

[137] Bellamy, Alex and Paul Williams. 2004. "What Future for Peace Operations: Brahimi and Beyond." International Peacekeeping 11:183-212.

[138] See 4.10.

[139] See 8.2.3.

[140] Barlow, Eeben. 2009. "Military and Security Archive 03/09."

stand to lose from regulation, and seek to avoid it. Many issues precluding the use of PMCs in peacekeeping operations hinge around the issue of regulation – or rather, the lack of it – and I shall argue that regulation should be considered not only in terms of enabling consideration of PMC involvement in the sphere of peacekeeping, but, if these organizations are not to be proscribed, as a means of reassurance that they adhere to international law and the observance of human rights in their wider activities.

Several respondents agreed that the capabilities of PMCs – specifically of reputable companies that have built up good working relationships with state actors and NGOs – can only be used to their full potential if they are allowed, and can be seen, to operate as legitimate, recognised actors.[141] They believe that, having come to be accepted as an effective tool in helping to bring about reform of the state's institutions of security, these companies have demonstrated that they are capable of taking on a deeper role in peace-related operations. One of the central issues articulated by these respondents is that the capabilities of PMCs cannot be utilized to their full potential in the absence of regulation.

> *"Well, without regulation, and I know this is becoming a bit of a cliché, they [PMCs] operate in a legal vacuum. There's no official recognition, and there's no official condemnation. There are no procedures for employing them at local level, so when a PMC could help achieve a specific aim, we can't use one."*[142]

NGOs and international organizations are also finding that PMCs enable them to respond more effectively as operations progress and circumstances change:

> *"We have rigid budgets, staffing structures and country plans, so it can take a long time to adjust to changes in situations. The option to use PMCs gives much more flexibility; they can respond quickly,*

[141] 16 of 27 respondents from the categories Senior Staff (of UNMIL, UNIOSIL, UNDP, IMATT and DFID), Government Officials and Representatives, Observers & Analysts, Organizations and NGOs working with PMCs.

[142] Interview with DFID representative, 21st November 2008.

and they can carry out tasks for a limited time, to agreed service levels, at an agreed cost, but as long they are unregulated, we can only tap in to a fraction of their potential."[143]

There was consensus, among respondents for this research, that a framework of licensing and/or regulation is needed – not least as a safeguard that the activities of the private security sector are commensurate with the promotion of good governance. This reflects calls in African states for further regulation of overseas companies operating in their territories.[144]

There are in fact, among those PMCs working in the humanitarian, development, and SSR sectors, several having obtained UN approval, who are included on the UN's official list of approved contractors.[145] The tasks on which this approval is based hinge around defensive protection, but most of these companies have military-related tasks as part of their portfolios elsewhere. Examples of such companies include Erinys, Hart, Olive, Task International, and DSL.[146]

"We would certainly be interested in working with a UN peacekeeping force, we would certainly agree to the monitoring of our operations by UN officials, and we believe that we could carry them out more efficiently, and at greatly reduced cost."[147]

A US appropriation bill echoes these claims:

"... private companies can carry out effective peacekeeping missions for a fraction of the funding the UN requires... such companies should be used to supplement the number of blue berets and blue helmets which, in these turbulent times, the UN is having

[143] Interview with UNWFP representative, 27th November 2008.

[144] Jackson, Robert and Carl Rosberg. 1986. "Sovereignty and Underdevelopment: Judicial Statehood in the African Crisis." Journal of Modern African Studies 24(1):1-31.

[145] UN. 2007b. "UN Office of Central Support Services. List of Approved Suppliers."

[146] Defence Systems Limited, now a subsidiary of ArmorGroup International.

[147] Interview with Managing Director of PMC in Sierra Leone, 4th December 2008.

a difficult time recruiting."[148]

Senior representatives of other development organizations acknowledge the part played by PMCs, and the need for formalization of their involvement:

> *"... in an ideal scenario, the Security Sector Reform programme would bring about a situation where all the security needs of the state are provided by state mechanisms, but where funds are short and reform is ongoing, which is the case here, that isn't going to be achieved in the short term. Private companies can play a part in training state institutions, and in filling the security vacuum while those state mechanisms are being brought up to scratch. So my answer would be yes, private companies can play a role, but they need to be reliable, and so they need to be regulated and overseen."*[149]

It was evident during the field research that a comprehensive understanding as to the nature of PMCs and their capabilities has been built up by agencies involved in the post-conflict restructuring of Sierra Leone and Liberia.[150] There was consensus that there is a place for PMCs in the wider development sphere, particularly in post-conflict settings where governments are less willing, and national armies less able, to provide the expertise and resources needed to effect the first prerequisite for development – that of security.[151] A common thread was that the use of PMCs can contribute significantly to the success of agencies working in conflict, post-conflict and development scenarios, but with an emphasis that it needs to be conducted within an agreed, regulated framework in order to afford legitimacy and to ensure accountability. Perhaps the clearest indicator that the UN may be moving towards

---

[148] Brooks, Doug and Guarav Laroia. 2005. "Privatized Peacekeeping." The National Interest. p.80.

[149] Interview with representative of UNDP in Liberia, 11th November 2008.

[150] From interviews with 27 respondents from the following categories: Senior Staff (of UNMIL, UNIOSIL, UNDP, IMATT and DFID), Government Officials and Representatives, Observers & Analysts, Organizations and NGOs working with PMCs. Respondents from the categories Industry Body Representatives and PMC Directors/Managers were excluded from the sample.

[151] As per previous data set.

this position is the Special Rapporteur's remark:

> *"…licensing and regulation of genuine private security companies, such as through strong national legislation or an international registration mechanism, could serve to identify clear lines of accountability for bona fide companies…"*[152]

10.4.6 Legal Status and Regulation

Without a clear legal definition, discussions as to the status of PMCs in law can only be speculative. To the extent that they are business entities, they enjoy the same legal recognition and status as other corporations, but the market in which they operate – characterized by the potential need for the use of lethal force – dictates the need for further legal classification. The failure of the UN to declare a clear position obfuscates the issue. While PMCs are not officially recognized by the UN, neither are they proscribed; several are listed as approved contractors.[153] The extent to which PMCs are involved in support to peacekeeping operations – indeed the extent to which the UN and other agencies have become reliant upon them – reflects the urgency of the need to address the issues of legal status and regulation. PMCs desire regulation as a means of demonstrating their willingness to operate in accordance with international law and in observance of the fundamental principles of human rights, and as a means of excluding those companies for whom self-regulation is a means to avoid, rather than adhere to, minimum standards.

10.5 Summary

Regarding concerns as to the implications of the use of PMCs as peacekeepers on human rights, this chapter has considered consequentialist arguments relating to their direct involvement in peacekeeping. It has established that activities of PMCs cannot be used as a direct basis for consideration as to their potential direct involvement in peacekeeping operations, as there is no appropriate prior example. Analysis of the case of Executive Outcomes – a PMC involved directly in combat – has shown not only that

[152] UN. 2004b. "E/CN.4/2005/14 - 61st Session of the United Nations Commission on Human Rights. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. Report of the Special Rapporteur, Shaista Shameem."

[153] UN. 2007b. "UN Office of Central Support Services. List of Approved Suppliers."

human rights abuses were not a feature of operations carried out by the organization, but that its actions significantly reduced the number of human rights abuses perpetrated against innocent civilians by other groups. Arguments that the primary motivation of PMC personnel in peacekeeping operations (ostensibly that of financial gain) is more likely to result in human rights abuses than the motives of soldiers from national armies (the quest for international peace under the banner of the UN) are shown to be without foundation. Indeed, these arguments are dismissed as unfounded both by Stephen Brayton and Oldrich Bures, who conclude that the professional backgrounds of PMC personnel makes it less likely that they will commit abuses of human rights than soldiers on secondment to the UN, or than regional peacekeeping troops.[154] As shown in Chapters 7 and 8, the findings of the Sierra Leone Truth and Reconciliation Commission back up the conclusions reached by Brayton and Bures.[155]

Arguments that PMCs are a threat to the legal authority of states have been shown, in every instance of PMC involvement in African states, to be flawed. As mentioned in the previous section, no PMC has attempted to take over a state, nor declined to depart at the end of a contract term, nor taken any action against the interests of a sovereign state to which it has been contracted. PMCs take the argument further, positing that if they were contracted to the UN, they would pose no more a threat to the authority of a state than UN peacekeepers, as they would be subject to the same legal mandates. Furthermore, BAPSC and IPOA member companies deal only with recognized governments, and members of both bodies desire regulation of the industry to lay concerns regarding their personnel and their operations to rest. The problem, where regulation is concerned, is that without legal definition, the status of PMCs in law – other than as business entities – is uncertain. Their legal status, as corporations, is inadequate, because it does not address the potential consequences of their operations in a market which involves, potentially, the use of lethal force. There is, therefore, a need for more appropriate legal classification, not least so that the issue of regulation can be addressed.

---

[154] See: Brayton, Stephen. 2002. "Outsourcing War: Mercenaries and the Privatization of Peacekeeping." Journal of International Affairs 55:305-329, Bures, Oldrich. 2005. "Private Military Companies: A Second Best Peacekeeping Option?" International Peacekeeping 12(4):533-546.

[155] See: Sierra Leone Conflict Mapping Programme. 2004. Final Report: Violations of International Law from 1991 to 2002., and Sierra Leone Truth and Reconciliation Commission. 2004. "Statistical Appendix - Sierra Leone TRC Report."

This chapter has also shown the extent to which PMCs have become involved in supporting peacekeeping missions. The degree to which PMCs can provide this support is limited by two interconnected factors: the first, lack of legal definition and status, precludes the second, which is the need for legal regulation. The extent to which the UN, among other IGOs and humanitarian organizations, has become reliant on the expertise of PMCs is indicative the urgency with which the issues of legal status and regulation need to be addressed.

Finally, this chapter has illustrated the record that PMCs have maintained, over a period spanning two decades, in supporting the UN and other humanitarian organizations, and has demonstrated that the capacity and capability of PMCs affords an option for the UN to augment its ability to effect peace and stability.

Chapter 11

Conclusions

11.1 Introduction

This thesis' focus on the states of Liberia and Sierra Leone has been important for several reasons, all of which are reflected in the conclusions drawn from the field research. The first of these reasons, which is highlighted in Chapter 3, and explored in depth in Chapter 6, is that factors giving rise to the conflicts that occurred both in Liberia and in Sierra Leone – of power held by small groups of elites, of the development of extreme forms of neopatrimonialism, of the marginalization of civil society, and of structural violence precluding meaningful advancement for all but those entrenched in patrimonial networks – are manifest in many African states.[1]

Second, and of greater specific importance to the elements of peacekeeping and PMCs in Africa that are central to this thesis, are the nature of interventions that took place in Liberia and Sierra Leone, explored in detail in Chapter 6. Both states experienced interventions by a regional peacekeeping force supported by major PMC operations. Both experienced large-scale interventions by United Nations peacekeeping forces, the former augmented initially by US troops, the latter subject to an additional intervention by British troops. And both experienced major operations by PMCs – Sierra Leone by a war-fighting PMC that trained its troops and civil militias and participated directly in combat; Liberia by PMCs who provided logistic support, disarmed combatants, constructed barracks, and recruited, vetted and trained a professional national army from scratch.

A further reason for the importance of this thesis' focus on Liberia and Sierra Leone is that both states continue to see PMCs carrying out those activities, outlined in Chapters 9 and 10, in support of their armed forces, of their respective governments' institutions of security, and of UN operations within their borders. This, again, is a situation that is mirrored in other African states, particularly those where UN peacekeeping missions are

[1] See 3.6 to 3.8.

taking place.[2] The states chosen for the field research for this thesis are therefore strongly relevant to conditions elsewhere in Africa where conflict exists or is likely to occur. They are also particularly relevant to the activities of PMCs in other African states, to peacekeeping conducted by African regional organizations, and to UN peacekeeping operations elsewhere in Africa.

The data collated in the course of the field research, particularly that relating directly to PMC involvement with the UN detailed in Chapters 9 and 10, gives a good indication as to the potential for direct involvement of PMCs in peacekeeping operations. A wide range of information has been gathered on the perceptions, attitudes and experiences of respondents from varied backgrounds and disciplines, with experience of working with or observing PMCs in action, as detailed in Chapters 7 to 10. This has produced sufficient consistent data to make an original contribution to research in three areas. The first of these is an appraisal of the main concerns as to the prospect of PMC involvement in peacekeeping operations, from a wide range of respondents. The second, detailed in Chapters 6 and 9, is an in-depth assessment of the actual record of PMCs in peacekeeping situations. And the third, explored in Chapter 10 and expounded in this chapter – central to the hypothesis that PMCs are a suitable option, in practical, political, legal, economic and moral terms, for direct involvement in UN peacekeeping missons in Africa – is a plausible indication as to where the future for PMCs might realistically lie with regard to UN peacekeeping operations.

Of immense value in the interpretation and analysis of data collected in the commission of the research for this thesis, was that most respondents taking part in the field research in Liberia and Sierra Leone had worked in, researched in, or had been involved in humanitarian operations in other African states. The input of these respondents added a further dimension to the data gathered in the course of this research, enabling an additional element of triangulation which has confirmed that many of the findings of the

[2] Notably in support of MONUC (Democratic Republic of Congo), UNMIS (Sudan), and UNAMID (Darfur), and to a lesser, but significant, extent in MINURCAT (Central African Republic and Chad), and UNMEE (Ethiopia and Eritrea).

research in Liberia and Sierra Leone are mirrored in other African states.[3]

11.2 Comparison of Existing Literature with Field Research Findings

As shown in Chapter 2, literature on PMCs in Africa is relatively sparse; that on PMC involvement in peacekeeping is positively lacking – although this is perhaps a reflection of the perception of PMCs and peacekeepers as diametrically opposed entities. From both the literature reviewed in this thesis, and from the field research, the most dominant theme to have emerged is the perception of PMCs as mercenary organizations, morally unsuitable, in the eyes of some, even to exist in a civilized world, let alone for involvement in operations in the spheres of peacekeeping and humanitarian activity. Much of this is based on atavistic – albeit accurate – narratives on mercenaries which, as shown in the Literature Review, reflect an enduring 'anti-mercenary norm' in International Relations.[4] In most cases, however, as the field research has shown, these perceptions are not grounded in a clear understanding as to the nature of PMCs, or of their activities. Rather, they are formed of conceptions as to operations of PMCs being a continuation of the anti-state activities of mercenaries in Africa in the immediate post-colonial period. A notable finding from the research, detailed in Chapters 7 to 10, is that respondents having worked with PMCs, or observed them in action, – even those in the UN and in humanitarian organizations – do not generally share these perceptions of PMCs, or the view that they should be excluded completely from direct involvement in peacekeeping operations.[5] It is also clear that, regardless of the level of concord in UN departments as to the use of PMCs in their operations, fear as to external perceptions of the use of mercenaries – by a body whose foundation was based on the primacy of sovereign states in the international system – plays a major part in influencing decisions as to the use of PMCs by the UN.[6]

Where PMCs become involved in institutions of governance – for example, in the case

[3] 34 of 49 interviewees taking part in the research had worked or researched in other African states. These respondents provided input relevant to those other states where appropriate, and this added a dimension to the research that assisted in the triangulation of data. This additional data was also taken into account when considering the wider relevance of the research findings.

[4] See Chapter 2, Section 2. Re: Percy, Sarah. 2007a. Mercenaries: The History of a Norm in International Relations. Oxford: Oxford University Press., and Kinsey, Christopher. 2006. Corporate Soldiers and International Security: The Rise of Private Military Companies. Abingdon: Routledge.

[5] See 10.2 to 10.4.

[6] See 2.2.

studies used for this thesis, in Security Sector Reform, in advice and training of Police and Armed Forces, in Justice Sector Development, and as advisors on national security,[7] there are important issues surrounding the drivers of political economies on the use of PMCs, and, conversely, the effects of PMCs on the political economies of African states. For example, as detailed in Chapter 1, the activities of multinational corporations involved in extraction of natural resources are crucial to the maintenance of revenue streams to African governments. Police forces that have been slimmed-down in response to neoliberal expedients do not have the capacity to provide security to these organizations. The neoliberal orthodoxy demands smaller and more efficient institutions of state, including the military and the police. As a consequence, many functions of state have moved to provision by the private rather than the public, resulting in further outsourcing of non-strategic military and security functions to PMCs. Additionally, the commercial opportunities offered by the privatization of state functions enables elites to strengthen their political positions.[8] The most critical questions to arise from the involvement of PMCs in the political economies of states are, firstly, whether reliance on PMCs for stable political economies could become a threat to the internal sovereignty of states, and secondly, in filling the vacuum created by smaller institutions of state security, whether they provide security that reflects the needs and values of society in terms of democracy and human rights, or whether they enable states to pay less attention to providing the common good of security to their populations.

The field research carried out in this thesis has both added to the theoretical discussion, and has enabled specific conclusions to be drawn on these issues. In both of the states chosen as case studies, the strongest recurring themes were, on the positive side, that PMCs are a necessary factor for security, and a positive contribution to a stable political economy, and on the negative side, that they are perceived as a potential danger, directly or indirectly, to human rights. Conclusions drawn from the field research on these issues are dealt with in the following sections of this chapter.

[7] See 8.1.

[8] Reno, William. 2000. "Shadow States and the Political Economy of Civil Wars." In Greed and Grievance, eds. Mats Berdal and David Malone. Boulder, CO: Lynne Rienner. p.49.

11.3 Capability

Throughout the field research, as shown in depth in Chapters 9 and 10, there have been few doubts in the minds of interview respondents as to PMCs' capability to carry out tasks directly related to peacekeeping – notwithstanding issues of suitability, which will be discussed later in this chapter. Indeed, there are many peacekeeping tasks, as defined by the UN Department of Peacekeeping Operations,[9] that PMCs have already carried out, in which they have shown themselves to be quick to respond and deploy, economically viable, and eminently capable of the task in hand,[10] moreso in some cases, it could be argued, than UN troops.[11]

The research has also shown that when working in support of other humanitarian organizations, PMCs are seen to have demonstrated a clear capability to conduct operations in compliance with the high levels of discipline and restraint demanded by these actors. Their record in this respect speaks for itself; many PMCs have become specialists in providing support to humanitarian agencies, and have been granted approved status as contractors for such organizations.[12] PMCs have also demonstrated a capability to assemble and deploy faster than multinational troop detachments, at considerably less cost than UN troops,[13] fully equipped and prepared for the task in hand. In contrast to shortcomings in the quality of many UN troops,[14] PMCs draw their teams for such deployments from a pool of well-trained, experienced personnel, many of whom

---

[9] UN. 2003. "Handbook on United Nations Multidimensional Peacekeeping Operations." United Nations Department of Peacekeeping Operations. pp.60-69

[10] For example, disarmament and demobilization operations in Liberia, support to the RUF disarmament programme in Sierra Leone, the provision of border monitors in Serbia, and that of weapons inspectors in Kosovo, all of which were carried out at considerably less cost than equivalent UN operations. See Chapter 1, Note 2.

[11] See 10.2.

[12] Examples of PMCs with expertise in humanitarian operations are Hart and ArmorGroup, the latter of which is an approved contractor for CARE International, USAID, the International Committee of the Red Cross and the International Rescue Committee. See Chapter 10, Section 36.

[13] One of the most expensive operations mounted by a PMC in Africa was that of Executive Outcomes in Sierra Leone. The cost of that operation was $35 Million (one third of Sierra Leone's military budget at the time). The UN mission to Sierra Leone cost $265 Million in the first year alone, and a total of $2.7 Billion from 1999 to 2004. PMCs were also cost effective in their part in the disarmament and demobilization of irregular troops in Liberia, and that of the RUF in Sierra Leone. Elsewhere, in Serbia and Kosovo, PMCs provided border monitors and weapons inspectors at lower cost than UN personnel. See Supra, Note 8.

[14] See 10.1 and 10.2.

have worked together on previous operations.[15]

PMCs have a proven track record, spanning some 20 years, of success in operations in African states, both as contributors to UN missions, and as contractors to states and departments of state. As brought out in Chapters 9 and 10, this was reflected in the views of respondents across the range of interviewee categories. PMCs have demonstrated an ability to take casualties and continue operating where others have declined to do so,[16] and many have become specialized at working alongside humanitarian organizations, even establishing formal ties with these actors.[17] No PMC has pulled out prematurely from a task to which it has been assigned, and fears that PMCs might wish to take lead roles in the management of peacekeeping operations have been shown to be unfounded; PMCs, as the research has shown, tie themselves to limited contracts with specific aims wherever possible,[18] and have declared themselves willing to be observed and monitored by UN personnel. Having been involved in every major UN deployment since 1990, PMCs have taken direct part in a wide range of peacekeeping operations, and have done so successfully.[19] Both the history of PMCs in peacekeeping and humanitarian tasks, and the views and experiences of respondents involved in the research for this thesis, as detailed in Chapters 7 to 10 of this thesis, lead to the conclusion that PMCs have not only the capacity and capability needed for direct involvement in peacekeeping operations, but that their expertise and experience enhances the effectiveness of such operations. For example, in the early stages of the current UN operation in DRC, the IPOA offered to provide much-needed equipment and expertise that the UN was unable to source from member states, at a fraction of the annual total cost of the mission, to be funded by the US as part of its contribution.[20] The proposal was turned down on the basis that the use of private contractors would be unsuitable for peacekeeping missions. Indeed, several proposals by PMCs, offering both

[15] See 9.3 to 9.5.

[16] See 10.4 and subsections.

[17] See 9.4.

[18] See Chapter 10, Note 118.

[19] See 9.2 and 10.2.

[20] The IPOA offered specialized services such as aerial surveillance and intelligence gathering that MONUC needed to carry out its mission but was unable to source from member states. Bures, Oldrich. 2005. "Private Military Companies: A Second Best Peacekeeping Option?" International Peacekeeping 12(4):533-546.

economic and operational advantages, have been turned down on the basis of suitability.[21] This is explored, and conclusions drawn, in the following section.

11.4 Suitability

Throughout the research, the most contentious issues pertaining to the 'suitability' of PMCs to perform peacekeeping tasks were those of political acceptability, accountability, legal definition and regulation.[22] This section will first deal with these individually, with implications and conclusions outlined for each. Their relevance to each other will then be considered and further conclusions drawn, encompassing all four of these contentious issues, and relating them to the wider question of the suitability of PMCs.

11.4.1 Political Acceptability

PMCs, being legal commercial entities, differ from mercenaries in that their activities are sanctioned by states – whether through contracting, licensing, or simply permitting them to operate. PMCs claim only to operate for 'legitimate governments.' But 'legitimate governments' do not always act in accordance with international law; states have a great deal to gain through the use of PMCs. What might be in the interests of a state might not necessarily be ethical, and PMCs offer a way for governments to pursue objectives through a non-attributable mechanism, or at least one that offers a degree of plausible deniability. Public opinion is a two-bladed weapon; moral objection to the use of PMCs is balanced by apathy as to casualties sustained by PMC personnel.[23] Casualties sustained by soldiers are a major driver of public opinion against the involvement of armies in overseas conflicts, so there is advantage to governments in maximizing the use of PMCs to replace soldiers in conflict situations. The same is true of national forces seconded to the UN. In addition, national armies are stretched, and the option of using PMCs to fulfil states' obligations to provide troops for UN peacekeeping missions holds appeal for governments.

---

[21] See 11.4.

[22] See 10.4

[23] Percy, Sarah. 2007b. "Morality and regulation." In From Mercenaries to Market: The Rise and Regulation of Private Military Companies, eds. Simon Chesterman and Chia Lehnardt. Oxford: Oxford University Press. pp.11-28

In the research conducted for this thesis as to the political acceptability of the use of PMCs, the dilemma between constructivist arguments based on social and moral aspects of their use, with rationalist arguments based on functional outcomes, is evident, as demonstrated at length in Chapters 9 and 10. The former is based on the primacy of state actors and highlights what it considers to be the potential dangers, to international security and the protection of the individual, of the abdication of state responsibility to PMCs. The constructive argument, therefore, considers the use of PMCs as politically unacceptable. The rationalist argument, on the other hand, considers the reluctance, or inability, of states to fulfil their obligations to the UN, and regards the use of PMCs in peacekeeping operations as a means of ensuring international security and the protection of the individual where state institutions have failed. The latter argument posits that, where the choice is peacekeeping using PMCs, or ineffective peacekeeping – or no peacekeeping at all – the use of PMCs is not just politically acceptable, but politically expedient.

11.4.2 Accountability

The most common argument put forward by respondents against the use of PMCs was that they are unaccountable for their actions.[24] In response, those advocating the use of PMCs point out that they, and their employees, are subject to the laws of their home state, as well as those of any state in which they are operating.[25] Thus, their proponents argue, the employees of PMCs are more accountable than UN peacekeepers, the latter being immune from prosecution in states other than their own. PMCs as corporations are also liable under corporate law internationally, and under the law of contract in the states in which they operate. Accountability is seen as more a concern in states where the institutions of security are weak, and this gave rise to arguments by some respondents that limitations of legal institutions in weak states should be a basis for the exclusion of PMCs. Others regard this as a selective

[24] See 10.4.

[25] Prior to December 2008, some PMCs (those working for the US military in Iraq), were conferred immunity from prosecution by the US government. Thereafter, under a Status of Forces Agreement (SOFA) between the US and Iraqi governments, immunity was removed. Arguments that employees of PMCs are unlikely to be held accountable, even without immunity, have become less emphasized since the arrest by Iraqi police of a British PMC employee who shot dead two non-Iraqis, and is to be dealt with under Iraqi law. See: The Times, 10th August. 2009. "Briton May Hang for Shootings in Iraq."

argument: limitations of the law in weak states apply equally to any individual or company working there. In the case of UN peacekeeping troops, where responsibility for many abuses of human rights has been demonstrated,[26] they do not apply at all. There was also agreement among respondents as to the fact that Security Sector Reform, the process that addresses the issue of weak institutions of security is a mainstay of PMC work in African states; the use of PMCs in SSR is therefore seen as contributing positively in the longer term to the issue of legal accountability.[27] There was, however, a widely-held view among respondents both for and against the use of PMCs that an international regulatory system would be the best way to ensure accountability in states where the institutions of security are weak. This would also ensure consistency in national regulation. But international regulation cannot take place until there is an internationally-accepted legal definition for PMCs.

11.4.3 Legal Definition

Responses from interviewees as to the aptness of international conventions against mercenarism – the 1977 Convention for the Elimination of Mercenarism in Africa (CEMA),[28] the 1979 UNOHCR Additional Protocol to the Geneva Conventions,[29] and the 1989 International Convention,[30] – for dealing with the issue of PMCs in international law were overwhelmingly negative. Even those supporting the conventions agreed that they are inadequate, but feared that a redefinition of PMCs would afford legitimacy to all of their activities.[31]

The UN has moved from a stance of singular support for the 1989 convention as a means of controlling PMC activity,[32] to one proposing that PMCs should be

[26] See 10.4

[27] See 9.2 and 9.3.

[28] OAU. 1977. "Organization of African Unity Convention for the Elimination of Mercenarism in Africa (CEMA), Doc. CM/817 (XXIX) Annex II Rev.1 (Revision of 1972 Convention: Doc.CM/433/Rev. L.)."

[29] UNOHCR. 1977. "Article 47.2 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1)."

[30] UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

[31] See 7.1 and 7.2.

[32] UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

differentiated from mercenaries under international law.[33] The current UN stance adds weight to the findings of the research for this thesis – that there needs to be a legal definition of PMCs beyond that of normal corporate entities, due to the nature of activities they undertake, and the potential impact of those activities on human rights. This is of primary importance because, without an internationally-accepted legal definition, there can be no progress as to their status under international law, and none therefore on how their activities might be controlled or regulated.

11.4.4 Regulation

The most extensive study into the concept of regulation of PMCs, a British government green paper,[34] suggests that 'reputable' PMCs are suitable for peacekeeping roles,[35] and recommends regulation on a national basis as a means of allowing such companies to operate while eliminating disreputable companies from the market. This view is reflected in the findings of this research, but with respondents wishing to see PMCs regulated on an international basis if they are to be included in UN peacekeeping missions. As with the issue of legal definition, the UN stance on regulation – or at least the stance of its Working Group on the Use of Mercenaries – has moved from opposition on the basis that this would be tantamount to legalizing the activities of mercenaries, to one suggesting that a regulatory framework could be a positive move.[36]

It is the UN's stance on PMCs that holds the greatest sway over the issue of regulation, but even with the more pragmatic approach that generally pervades the UN since the inception of the Working Group on the Use of Mercenaries,[37] there is still opposition to the concept of the UN as originator or arbiter of any form of international regulatory framework. On the basis that ultimate responsibility for the

---

[33] See 10.1 and 10.2

[34] HMSO. 2002. "House of Commons Green Paper. PMCs: Options for Regulation."

[35] Ibid. p.4.

[36] See 4.9, and: UN. 2004. "E/CN.4/2005/14 - 61st Session of the United Nations Commission on Human Rights. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. Report of the Special Rapporteur, Shaista Shameem."

[37] The UN 'Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination' replaced the mandate of the Special Rapporteur on the use of mercenaries in 2005

transference of the use of force to private bodies lies with individual states, the Working Group has proposed that member states impose their own legislative measures.[38] While describing PMCs and their activities as *"of international character",* the proposal stops short of international regulation, going only so far as suggesting *"the promotion of cooperation between states"*[39] as a means of addressing the issue. This, a departure from previous calls by the same body for an *"international registration mechanism"*[40] fails to address the concerns of those respondents who believe that international regulation is vital if PMCs are to be considered for further involvement in UN peacekeeping operations.[41]

11.4.5 Summary – Suitability of PMCs

The issues of accountability, legal definition and regulation are closely connected. The research shows conclusively that regulation on an international basis, which is dependent on a clear legal definition, is a priority for those concerned that PMCs and their employees might escape accountability for their actions.[42] Of these three interlinked issues, lack of international regulation is the primary driver for PMCs being regarded as unsuitable for direct involvement in UN peacekeeping operations. There is concern that regulation on a national basis will fail to deal adequately with the potential dangers of the use of PMCs. The capabilities and the effectiveness of PMCs can only be exploited to their fullest if they are seen as legitimate.

11.5 Economic Factors

Included in the data gathered from respondents were views as to the potential for efficacy in economic as well as practical terms. Some of the most fervent arguments made by respondents, both for and against the use of PMCs as peacekeepers, have been based on economic lines of reasoning. Those opposing the use of PMCs argue that they are motivated only by profit, and not by the genuine needs of situations in which they might perform peacekeeping tasks. This also forms part of the moral argument against

[38] UN. 2008. "Draft International Convention on Private Military and Security Companies." Article 3.

[39] Ibid.

[40] UN. 2004. "E/CN.4/2005/14 - 61st Session of the United Nations Commission on Human Rights. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. Report of the Special Rapporteur, Shaista Shameem." p.16.

[41] See 10.2 and subsections.

[42] See 10.3 to 10.4.

the use of PMCs, but the salient point of the argument, in economic rather than moral terms, is that strategic considerations might fall foul of economic drivers. PMCs, and those supporting their use, cite their record to date as evidence that the profit motive does not detract from the performance of the task, and point out that no PMC has failed to complete a mission for economic reasons. Indeed their track record suggests that the need to remain profitable creates efficiencies in terms of time and resources, as has been demonstrated in Sierra Leone and Liberia,[43] and reflected by respondents in the field research for this thesis, as expounded in Chapter 10.[44]

This, however, raises a further point. PMCs work, wherever possible, to limited contracts with specific aims, and they seek definite objectives in terms of task, time, and budget.[45] UN peacekeeping operations are generally open-ended, so PMCs fear that, if they were to be incorporated into a UN approach, there could be a decline in operational effectiveness, and subsequently in economic advantage. If PMCs are to be incorporated into UN operations, the manner in which it is executed is therefore crucial, both to PMCs and to the UN. In response to claims that they might act to extend a contract by prolonging conflict,[46] PMCs consent to, and indeed urge the inclusion of international observers in their operations.

PMCs have shown themselves able to carry out complex operations at a fraction of the cost of UN troops.[47] They have demonstrated commercial expertise in the ability to cost and plan operations accurately, and no PMC has pulled out of an operation for financial reasons.[48] The employment of PMCs in elements of peacekeeping operations, and in those areas where the activities of PMCs overlap with those of the UN,[49] have been

---

[43] See 6.5.7 and 6.6.5.

[44] See 10.4, and: Brayton, Stephen. 2002. "Outsourcing War: Mercenaries and the Privatization of Peacekeeping." Journal of International Affairs 55:305-329.

[45] See Chapter 10, Note 118.

[46] Shearer, David. 1998. "Private Armies and Military Intervention." Adelphi Papers 316, Oxford University Press for International Institute for Strategic Studies: London. p.70.

[47] See 11.5, above, and Supra, Note 13.

[48] The only recorded instance of a PMC having withdrawn from an operation was that of Sandline International in Papua New Guinea; this was not a decision made by Sandline, but was the result of external pressure. See: Chesterman, Simon and Chia Lehnardt eds. 2007. From Mercenaries to Market. Oxford: Oxford University Press. p.211.

[49] For example in Security Sector Reform. See 9.4.

shown to be not only economically viable, but financially advantageous,[50] and this is a compelling argument as to the potential economic advantage of their use on a wider scale. Yet, as evidenced by the research for this thesis, the use of PMCs is blocked by perceptions as to their legitimacy.

11.6 The Balance between Effectiveness and Legitimacy

PMCs' contributions to peacekeeping missions, to humanitarian operations, to post-conflict rebuilding, and to Security Sector Reform, have been demonstrably effective; this, as the research has shown, is acknowledged by respondents working for organizations involved in all of these activities.[51] The involvement of PMCs in these activities is a situation that has come about not by design, but through necessity. Calls for the formal inclusion of PMCs in peacekeeping missions have come from some unexpected sources,[52] but combining the effectiveness of PMCs formally with the legitimacy of UN will remain difficult and elusive while there is no formal recognition, in legal or regulatory terms, of PMCs. Many departments of the UN, while maintaining the official line that they do not use the services of PMCs, continue to do so informally.[53] This reflects a lack of capacity within the UN in areas of expertise for which they have become reliant on PMCs,[54] and one that could be addressed with the formal inclusion of PMCs in UN operations.

Indeed, the use of PMCs by departments of the UN has overtaken the progress of the Working Group on the Use of Mercenaries in their efforts to establish a UN-wide position on PMCs. While struggling with the issue of their legitimacy, the UN makes increasing use of PMCs to bridge gaps in its capacity. The more it does so, the more it sees the effectiveness that PMCs bring to its operations.[55] The UN Charter does not stipulate that UN peacekeeping forces must be made up entirely of forces seconded by member states, nor does it exclude the use of contractors.[56] Re-working of the UN

[50] See Supra, Notes 13 and 16.

[51] See 9.2, and 10.4.

[52] For example, Refugees International and Save the Children. See 9.4.

[53] See Section 9.2 and Note 9, in Chapter 9.

[54] See 10.2.

[55] See 9.1 to 9.3, and 10.2.

[56] UN. 1945. "Charter of the United Nations." Article 42.

Charter is not, therefore, a necessity to bring about the inclusion of PMCs in UN peacekeeping operations, or to instigate the formation of a contract force to fulfil the UN's primary responsibility for international security.[57] The balance between effectiveness and legitimacy is not as difficult for the UN to achieve as the balance between those within the UN who support, and those who oppose, the inclusion of PMCs in their operations. But the research undertaken for this thesis reflects increasing pragmatism within the UN as to the positive contribution PMCs can make to peacekeeping, security and development.

11.7 The Danger of Self-perpetuation

PMCs' contribution to stability in weak African states, particularly in post-conflict situations, is notable.[58] Their use reflects a transformation in the approach to security and the use of force – a diffusion of control over force away from the state, and a diminishing of 'us and them' conceptualizations that feed unrest. While it may be that PMCs are an inevitable part of a burgeoning neoliberal orthodoxy, their effectiveness, particularly where state security institutions have broken down, detracts from the need for re-investment and rebuilding of such institutions, and in some cases, enables funds to be diverted elsewhere. An example of this is the Government of Sierra Leone's expansion of its armed 'gendarmerie', the OSD, at the expense of the Sierra Leone Police whose strength remains the same as it was at the end of the civil war.[59] This has been enabled, inadvertently, by the effectiveness of PMCs in bringing about a secure environment in areas where they operate.

While there is no evidence that PMCs seek to create conditions whereby their contracts might be extended, concerns that their use could be self-perpetuating are well-founded, particularly in circumstances such as those described above. To counteract this, there is a need for the activities of PMCs to take place within a coordinated framework.[60] Even without formal links between the UN and PMCs, the activities of these organizations have become increasingly interdependent. Due to the discreet nature of PMCs – a

[57] Ibid., Chapters VI and VII. This has become more relevant since the demise of the UN Standing High Readiness Brigade. See 10.1, and Chapter 10, Note 10.

[58] See 9.1 to 9.5.

[59] See 8.2, and Chapter 8, Note 35.

[60] See 9.2.

quality they stress to their clients – and the reluctance of UN departments to publicise their use of PMCs, quantitative data as to the extent to which PMCs are involved in UN operations is difficult to compile, and this is an area that requires further research.

11.8 Conclusions

There are three scenarios that emerge from the consideration of the direct involvement of PMCs in peacekeeping. The first involves the use of PMCs to engage directly with spoilers of UN peacekeeping efforts. UN peacekeeping has moved from intervention in conflicts with clearly-defined adversaries to those where at least one warring faction – usually more where conflict is ethnic in nature and factions splinter – is insurgent in nature, undisciplined, murderous, ignorant or dismissive of humanitarian law, and unwilling, or unable, to negotiate.[61] The reluctance of the UN to use force,[62] and the net result of the traditional UN approach, whereby all parties to a conflict are treated with equal political status, invariably ends up with political power being gained by those whose approaches are similar to those adopted by Charles Taylor in Liberia and Foday Sankoh in Sierra Leone – the use of conciliation in conjunction with force, to obfuscate and spoil peacekeeping operations that threaten their ultimate goal.[63] This first scenario, the use of PMCs to deter spoilers to peacekeeping – potentially, but not necessarily, becoming directly engaged in combat – is unlikely to materialize. While PMCs have submitted plans to carry out such operations,[64] and the UN recognizes that their mandate allows for force to be used against spoilers to peace processes, or against any party that threatens humanitarian activities, it is a step too far for the UN to countenance the potential for PMCs to become involved in combat operations under the auspices of UN peacekeeping operations.

The second scenario is that of PMCs being co-deployed with peacekeepers, primarily as a means of addressing troop shortages across most of the UN's peacekeeping deployments. This has the potential to achieve several other things. There is a body of

[61] See 6.6 and subsections. It was reported that representatives of the RUF were unable to articulate their demands. Interview with Head of Africa Section, Exclusive Analysis, 5th October 2008.

[62] See Chapter 10, Note 51.

[63] See 6.5.4.

[64] See 10.2.

opinion, and this is backed up strongly by the research for this thesis,[65] that the judicious deployment of PMCs would increase the efficiency of peacekeeping missions, and the prospect of the use of specialized PMC trainers providing training to existing UN troops could be investigated further.[66] Second, it would bring a significant reduction in costs,[67] which could be monitored and explored further as PMCs are deployed. Third, it would ensure that the actions of PMCs on peacekeeping missions are kept under observation. Fourth, while easing the burden on the UN's need to maintain troop strengths, a combination of PMCs and national troops would still maintain the obligation by UN member states to provide troops.[68] And fifth, it would also be an acceptable compromise to those who are concerned that the actions of PMCs must take place within a monitored UN framework. The downside of this is that one of PMCs' major strengths – the ability to support UN operations with areas of specialist expertise – would be lost if their employees were used simply to bolster numbers of blue-helmetted UN troops, and this is an option that does not hold appeal for many PMCs.

The third scenario is the use of PMCs by the UN on an ad-hoc basis to perform specialized tasks in support of peacekeeping operations. In fact, PMCs are already used by some UN departments, but at low level, and outside formal UN frameworks.[69] PMCs are hired by governments and other organizations to carry out tasks in support of human and economic security, in some cases mirroring the activities of UN personnel, for example in tasks related to Security Sector Reform. As mentioned previously in this chapter, the more the UN makes use of PMCs, the more it sees the effectiveness they bring to its operations. The UN would best be served by pursuing its own regulatory regime where PMCs are concerned, in order to bring legitimacy to a resource it can no longer do without. This could form the basis for international regulation, and would also serve the purpose of expediting national regulatory frameworks for PMCs, thereby addressing concerns as to the activities of PMCs outside as well within a UN framework.

---

[65] See 10.1 and 10.2.

[66] This is an area in which further research is needed.

[67] See 11.5, and Chapter 1, Note 8.

[68] This is distinct from, and preferable to, a scenario where UN member states are allowed to subcontract the provision of UN troops to PMCs, which would weaken the obligation for member states to provide peacekeeping troops.

[69] See Chapter 9, Section 9.2, and Note 9.

PMCs offer a powerful addition to the ability of the UN to conduct successful peacekeeping operations. The UN cannot continue to maintain an approach that has been shown to be inadequate in circumstances of dire humanitarian need. While PMCs cannot address all the problems presented by the need for peacekeeping, they have demonstrated a clear ability to provide both human security, and to contribute to the political and economic security required to assure human security in the longer term. The scope of this research is insufficient to venture as to whether the use of PMCs would always result in the accomplishment of conditions needed to bring about long-term stability; they certainly could not achieve that as a stand-alone entity. But their inclusion in a UN framework would enhance the ability of the UN to achieve that end. The research has, however, shown that PMCs are a viable option for stemming the rapidly declining ability of states to provide enough troops, of sufficient quality, to enable the UN to respond quickly to situations of humanitarian need. No peacekeeping mission should fail because of shortcomings in areas that can be fulfilled by the private sector, and consideration of the use of the PMCs should not be precluded for lack of a pragmatic, dispassionate approach. In situations where the ultimate goal is human security, and where the stark choice is between peacekeeping using PMCs, and inadequate peacekeeping – or no peacekeeping at all – the findings of this thesis are that it is time for consideration of the use of PMCs in peacekeeping missions to be pursued actively.

11.9 Recommendations - areas for future research

The private security and military industry, during the writing of this thesis, has undergone far-reaching change. Since the boom in demand for services of PMCs in Iraq, the industry has seen a spate of mergers and acquisitions. It is not yet known whether this will strengthen competition, and therefore prompt a market-driven improvement of standards through self-imposition, or will lead to a more powerful industry with increased influence and the ability to shape the nature of security and politics.[70] This is an area in which further research is required to conceptualize the nature of the emerging corporate nature of the private military industry.

[70] See: Leander, Anna. 2004. "The Power to Construct International Security: On the Significance of the Emergence of Private Military Companies." In Conference: Facets of Power in International Relations, Session 5. London School of Economics, Leander, Anna. 2007. "Regulating the Role of PMCs in Shaping Security and Politics." In From Mercenaries to Market, eds. Simon Chesterman and Chia Lehnardt. Oxford: OUP. pp.49-64

The prospect that a more powerful PMC industry might influence the shaping of the nature of security and politics adds weight to fears that PMCs could create conditions whereby their contracts might be extended. This is further reason for the activities of PMCs to take place within coordinated frameworks, in order to counteract actions that might lead to self-perpetuation of PMC involvement, particular in the field of Security Sector Reform.[71] This is another area in which there is a need for research to establish if there are patterns of behaviour that lead to self-perpetuation of PMC involvement, and to consider ways to prevent such behaviour on the part of PMCs.

There is insufficient data as to the extent that PMCs are involved in UN operations. This is due largely to discretion on the part of PMCs – a military trait, based around 'need to know' concepts, and one they use to market their services. But this adds to perceptions of PMCs as clandestine organizations, and feeds suspicion that they might be involved in dubious activities. There is a need for further research in this area, perhaps coordinated with the industry bodies that represent the interests of PMCs. Research in this area would no doubt be challenging, but without quantitative data, the extent to which PMCs are already involved in peacekeeping operations can only be extrapolated from what limited data is available. There is therefore a pressing need for research in this area.

Another area that is of interest in considering options available for the use of PMCs in peacekeeping operations is the concept of UN peacekeepers being provided with training by PMCs, prior to, or during, deployment on peacekeeping missions, or both. This proposal results from the poor quality of troops being seconded to the UN,[72] and the need to compensate for the limited number of troops being provided by professional armies to fulfil the role of peacekeepers. It is not known whether any PMC has submitted proposals for the training of UN troops, but the success of DynCorp in recruiting and training Liberia's new army would suggest that there is sufficient capability within the private military industry to improve significantly the quality of troops deployed on UN peacekeeping missions. Further research is, however, required, as the concept has not been explored in any depth – certainly not outside PMC/UN circles.

[71] See 9.2 and 9.3.

[72] See 10.1.

Finally, consideration of the issue of regulation of PMCs has taken place in the context of a market with an increasing number of suppliers and consumers.[73] Regulation of an industry with fewer, more powerful players increases the necessity for such regulation to be international in nature. Despite calls by the UN Working Group on the Use of Mercenaries for international cooperation to address the issue of international regulation, there is still opposition to the idea of the UN becoming an arbiter for any form of international regulatory framework.[74] A workable international regulatory framework is crucial to ensure that the continuing growth of the private military sector does not result in an over-powerful industry with disproportionate influence in the shaping of policy.[75] To achieve this, there is a need for the conceptualization of a credible and workable regulatory framework, and this is an area in which further research is essential. International regulation is crucial if the positive contribution PMCs have made to peacekeeping operations in Africa is to be consolidated.[76]

[73] Chesterman, Simon and Chia Lehnardt eds. 2007. From Mercenaries to Market. Oxford: Oxford University Press. pp.252-256. See also Chapter 2 of this thesis, Section 2.

[74] UN. 2008. "Draft International Convention on Private Military and Security Companies."

[75] See: Leander, Anna. 2004. "The Power to Construct International Security: On the Significance of the Emergence of Private Military Companies." In Conference: Facets of Power in International Relations, Session 5. London School of Economics, Leander, Anna. 2007. "Regulating the Role of PMCs in Shaping Security and Politics." In From Mercenaries to Market, eds. Simon Chesterman and Chia Lehnardt. Oxford: OUP. pp.49-64

[76] See 11.4.

Bibliography

Abegunrin, Olayiwola. 2009. Africa in Global Politics in the Twenty-First Century: A Pan-African Perspective. New York: Palgrave-Macmillan.

Abraham, Arthur. 1997. "War and Transition to Peace: A Study of State Conspiracy in Perpetuating Armed Conflict." Africa Development 22(3, 4):101-116.

Abrahamsen, Rita and Michael Williams. 2005. "The Globalisation of Private Security. Country Report: Sierra Leone."

ACRIS International Investigative and Security Consultants. 1994. "Intelligence Report: 'The situation in Liberia'." Monrovia.

Adebajo, Adekeye. 2002. Building Peace in West Africa. London: Lynne Rienner.

Adebajo, Adekeye and David Keen. 2007. "Sierra Leone." In United Nations Interventionism, eds. Mats Berdal and Spyros Economides: Cambridge University Press.

AFP, 21st July. 2008. "Sierra Leone drug bust of Venezuelan plane with Red Cross markings."

Altheide, David. 1987. "Ethnographic Content Analysis." Qualitative Sociology(10):65-77.

Aning, Emmanuel. 1994. "Managing Regional Security in West Africa: ECOWAS, ECOMOG, and Liberia." Centre for Development Research, Copenhagen.

Andrew, Christopher. 1984. "France: Adjustment to Change." In The Expansion of International Society, ed. Hedley Bull. Oxford: Clarendon Press.

Ankomah, Baffour. 1995. "Liberia on a Knife Edge." In 'New African'.

Arnold, Guy. 1999. Mercenaries: The Scourge of the Third World. London: Macmillan.

Asiwaju, A. 1983. Partitioned Africans: Ethnic Relations across Africa's International Boundaries 1884-1984. London: Hurst.

Avant, Deborah. 1999. "The Market for Force: Exploring the Privatization of Military Services." In Council on Foreign Relations, Study Group on Arms Trade and Transnationalization of Defense. New York.

Avant, Deborah. 2005. The Market for Force: The Consequences of Privatizing Security. Cambridge: Cambridge University Press.

Baker, Bruce. 2005. "Who Do People Turn to for Policing in Sierra Leone?" Journal of Contemporary African Studies 23(3):371-390.

Baker, Bruce. 2006. "Beyond the State Police in Urban Uganda and Sierra Leone." Afrika Spectrum 41(1).

Baker, Bruce. 2008. "Community Policing in Freetown, Sierra Leone: Foreign Import or Local Solution?" Journal of Intervention and Statebuilding 2(1):23-42.

Bangura, Yusuf. 2002. "Strategic Policy Failure and State Fragmentation: Security, Peacekeeping and Democratization in Sierra Leone." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo Laremont. Portsmouth, NH: Heinemann.

Barlow, Eeben. 2007. Executive Outcomes: Against All Odds. Alberton: Galago.

Bayart, Jean-François, Stephen Ellis and Béatrice Hibou. 1999. The Criminalization of the State in Africa. Oxford: James Currey.

BBC World Service Archive. 1990. "Report from Elizabeth Blunt, BBC Correspondent in Liberia. 2.10pm, Monday 10th September 1990." Archive Entry 400-440.

Bellamy, Alex and Paul Williams. 2004. "What Future for Peace Operations: Brahimi and Beyond." International Peacekeeping 11:183-212.

Berman, Bruce J. 1998. "Ethnicity, Patronage and the African State: The Politics of Uncivil Nationalism." African Affairs 97(388):305-341.

Bøås, Morten. 2000. "Nigeria and West Africa: from a Regional Security Complex to a Regional Security Community." In Ethnicity Kills? The Politics of War, Peace and Ethnicity in SubSaharan Africa, eds. Einar Braathen, Morten Bøås and Gjermund Sæther. Basingstoke: Macmillan.

Bøås, Morten. 2001. "Liberia and Sierra Leone - Dead Ringers? The Logic of Neopatrimonial Rule." Third World Quarterly 22(5):697-723.

Braathen, Einar, Morten Bøås and Gjermund Sæther eds. 2000a. Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa. Basingstoke: Macmillan Press.

Braathen, Einar, Morten Bøås and Gjermund Sæther. 2000b. "Social Struggles for Power, Resources and Identities in the Neo-patrimonial State." In Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa, eds. Einar Braathen, Morten Bøås and Gjermund Sæther. Basingstoke: Macmillan Press.

Brabant, Koenraad van. 1998. "Cool Ground for Aid Providers: Towards Better Security Management in Aid Agencies." Disasters 22(2):109-125.

Bratt, Duane. 1996. "Assessing the Success of UN Peacekeeping Operations." International Peacekeeping. Special Issue: The UN, Peace and Force 3(4):64-81.

Braudel, Fernand. 1993. A History of Civilizations. London: Penguin (reprint of original 1963 volume).

Brayton, Stephen. 2002. "Outsourcing War: Mercenaries and the Privatization of Peacekeeping." Journal of International Affairs 55:305-329.

Brooks, Doug. 2002. Protecting People: the PMC Potential. Alexandria, VA: IPOA.

Brooks, Doug and Guarav Laroia. 2005. "Privatized Peacekeeping." The National Interest.

Brown, Leanne and Peter Dennis. 2003. "The ECOWAS: From Regional Economic Organization to Regional Peacekeeper." In Comparative Regional Integration, ed. Finn Laursen. Aldershot: Ashgate.

Bryden, Alan and Marina Caparini eds. 2007. Report on Private Actors and Security Governance. DCAF: Geneva Centre for the Democratic Control of Armed Forces.

Bucy, Pamela. 1996. "Privatizing Law Enforcement." American Academy of Political and Social Science. Issue 543.

Bures, Oldrich. 2005. "Private Military Companies: A Second Best Peacekeeping Option?" International Peacekeeping 12(4):533-546.

Burgess, Robert. 1984. In the Field: An Introduction to Field Research. London: Routledge.

Buzan, Barry. 1991. People, States & Fear. Hemel Hempstead: Harvester Wheatsheaf.

Cana, Frank. 1992. "Review of: The Dual Mandate in British Tropical Africa, The Right Hon. Sir F.D. Lugard." Geographical Journal 60(1):77-90.

CARE. 1999. Mean Times: Humanitarian Action in Complex Political Emergencies. Stark Choices, Cruel Dilemmas. Ottowa: CARE Canada.

Chabal, Patrick and Jean-Pascal Daloz. 1999. Africa Works: Disorder as a Political Instrument. Oxford and Bloomington, IN: James Currey and Indiana University Press.

Charmaz, Kathy. 2000. "Grounded Theory: Objectivist and Constructivist Methods." In Handbook of Qualitative Research, eds. Norman Denzin and Yvonna Lincoln. Thousand Oaks, CA: Sage.

Chesterman, Simon and Chia Lehnardt eds. 2007. From Mercenaries to Market. Oxford: Oxford University Press.

Childers, Erskine and Brian Urquhart. 1994. "Renewing the United Nations System." In Development Dialogue 1994:1. Uppsala, Sweden: Dag Hammarskjöld Foundation.

Chipman, John. 1989. French Power in Africa. Cambridge: Blackwell.

Grové, Chris. Former Chief of Staff of Executive Outcomes, in Letter to Doug Brooks of the SAIIA, June 2000. (copy in author's possession).

CIA. 2008a. "Côte d'Ivoire Report." http://www.cia.gov/library/publications/the-world-factbook/geos/iv.html.

CIA. 2008b. "Guinea Report." http://www.cia.gov/library/publications/the-world-factbook/geos/gv.html.

CIA. 2008c. "Liberia Report." http://www.cia.gov/library/publications/the-world-factbook/geos/li.html.

CIA. 2008d. "Sierra Leone Report." http://www.cia.gov/library/publications/the-world-factbook/geos/sl.html.

Cilliers, Jakkie. 1998. "Private security in war-torn African states." In Peace, Profit or Plunder: The Privatisation of Security in War-torn African Societies, eds. Jakkie Cilliers and Peggy Mason. Pretoria: Institute for Security Studies.

Cilliers, Jakkie and Richard Cornwell. 1999. "Mercenaries and the Privatisation of Security in Africa." African Security Review 8(2).

Clapham, Christopher. 1976. Liberia and Sierra Leone: An Essay in Comparative Politics. Cambridge: Cambridge University Press.

Clapham, Christopher. 1985. Third World Politics. London: Helm.

Clapham, Christopher. 1989. "Liberia." In Contemporary West African States, eds. Donal Cruise O'Brien, John Dunn and Richard Rathbone. Cambridge: Cambridge University Press.

Cockayne, James. 2007. "Make or buy? Principal-agent theory and regulation of PMCs." In From Mercenaries to Market, eds. Simon Chesterman and Chia Lehnardt. Oxford: Oxford University Press.

Collier, Paul. 2006. "African Security: What the Statistics Suggest." RUSI Whitehall Report 4-06:6-12.

Conteh-Morgan, Earl. 1998a. "Adapting Peace-Making Mechanisms in an Era of Global Change." In Peacekeeping in Africa: ECOMOG in Liberia, eds. Karl Magyar and Earl Conteh-Morgan. Basingstoke: Macmillan.

Conteh-Morgan, Earl. 1998b. "The Politics and Diplomacy of the Liberian Peace Process." In Peacekeeping in Africa: ECOMOG in Liberia, eds. Karl Magyar and Earl Conteh-Morgan. Basingstoke: Macmillan.

Cooper, Neil. 2002. "State Collapse as Business: The Role of Conflict Trade and the Emerging Control Agenda." Development and Change 33(5):935-955.

Corbin, Juliet. 1998. "Alternative Interpretations: Valid or Not?" Theory and Psychology 8(1):121-128.

Cornwell, Richard. 1999a. "The Collapse of the African State." In Peace, Profit or Plunder? The Privatization of Security in War-torn African Societies, eds. Jakkie Cilliers and Peggy Mason. Pretoria: Institute for Security Studies.

Cornwell, Richard. 1999b. "The End of the Post-colonial State System in Africa?" African Security Review 8(2):82-96.

Cullen, Patrick. 2000. "Keeping the New Dogs of War on a Tight Leash." Conflict Trends.

d'Azevedo, Warren. 1969a. "A Tribal Reaction to Nationalism, Part 1." Liberian Studies Journal 1(2):1-22.

d'Azevedo, Warren. 1969b. "A Tribal Reaction to Nationalism, Part 2." Liberian Studies Journal 2(1):43-65.

d'Azevedo, Warren. 1970. "A Tribal Reaction to Nationalism, Part 3." Liberian Studies Journal 2(2):99-117.

d'Azevedo, Warren. 1971. "A Tribal Reaction to Nationalism, Part 4." Liberian Studies Journal 3(1):1-21.

Dahl, Robert. A. 1989. Democracy and its Critics. New Haven: Yale University Press.

Davidson, Basil. 1992. The Black Man's Burden: Africa and the Curse of the Nation-State. London: James Currey.

Denzin, Norman. 1989. The Research Act: A Theoretical Introduction to Sociological Methods. New Jersey: Prentice Hall.

Denzin, Norman and Yvonna Lincoln eds. 2000. Handbook of Qualitative Research. London: Sage.

DFID. 2001. "Security Management Arrangements for International Humanitarian Activities." London: DFID.

Duffield, Mark. 1998. "Post-modern Conflict: Warlords, Post-adjustment States and Private Protection." Civil Wars 1(1):56-102.

Dunn, Elwood and Brian Tarr. 1988. Liberia: A National Polity in Transition. London: The Scarecrow Press.

Economic and Social Research Council. 2005. "Research Ethics Framework."

Eisenstadt, Samuel. 1973. Traditional Patrimonialism and Modern Neopatrimonialism. London: Sage.

Eisenstadt, Samuel and Louis Roniger. 1980. "Patron-Client Relations as a Model of Structuring Social Exchange." Comparative Studies in Society and History 22(1):42-77.

Ekeh, Peter. 1990. "Social Anthropology and Two Contrasting Uses of Tribalism in Africa." Comparative Studies in Society and History 32(4):660-700.

Ekeh, Peter. 1992. "The Constitution of Civil Society in African History and Politics." In Proceedings of the Symposium on Democratic Transition in Africa, eds. Bernard Caron, 'Bade Gboyega and Eghosa Osaghae. Ibadan, Nigeria: Centre for Research, Documentation and University Exchange.

Ellis, John. 1980. The Sharp End: The Fighting Man in World War II. London: Aurum Press.

Ellis, Stephen. 1998. "Liberia's Warlord Insurgency." In African Guerrillas, ed. Christopher Clapham. Oxford: James Curry.

Ellis, Stephen. 1999. The Mask of Anarchy: The Destruction of Liberia and the Religious Dimension of an African Civil War. London: Hurst.

Engelbert, Pierre. 2000. "Pre-Colonial Institutions, Post-Colonial States, and Economic Development in Tropical Africa." Political Research Quarterly 53(1):7-36.

Englebert, Pierre. 2000. State Legitimacy and Development in Africa. Boulder: Lynne Rienner.

Erdmann, Gero and Ulf Engel. 2002. "Neopatrimonialism Revisited - Beyond a Catch-All Concept." In 45th annual meeting of the African Studies Association. Washington DC.

Fanthorpe, Richard. 2001. "Neither Citizen nor Subject: 'Lumpen' Agency and the Legacy of Native Administration in Sierra Leone." African Affairs 100(400).

Fearon, James. 2004. "Why do some civil wars last so much longer than others?" Journal of Peace Research 41(3):275-301.

Ferguson, James. 2006. Global Shadows: Africa in the Neoliberal World Order. Durham, NC: Duke University Press.

Fitzsimmons, Scott. 2005. "Dogs of Peace: A Potential Role for Private Military Companies in Peace Implementation." Journal of Military and Strategic Studies 8(1).

Fontana, Andrea and James Frey. 2000. "The Interview: From Structured Questions to Negotiated Text." In Handbook of Qualitative Research, eds. Norman Denzin and Yvonna Lincoln. London: Sage.

Foreign Affairs and Defence Ministries of the Netherlands. "A UN Rapid Deployment Brigade: A Preliminary Study." January 1995.

Fowler, William. 2004. Operation Barras. London: Weidenfeld & Nicolson.

Gantz, Peter. 2003. "The Private Sector's Role in Peacekeeping and Peace Enforcement." Refugees International Bulletin, 18th November 2003.

Gantz, Peter. 2006. "Creating a Capability to Protect." One World, 10th April 2006 Accessed at: http://www.oneworld.net/node/130669.

Gantz, Walter. 1978. Convention proceedings, AEA Annual Convention, Seattle, Washington. "The movement of taboos: a message-oriented approach." In Theory and Methodology Division, Association of Education Annual Convention.

Gberie, Lansana. 2005. A Dirty War in West Africa. Indianapolis: Indiana University Press.

Geneva Conventions. 1977. "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977."

Gershoni, Yekutiel. 1997. "War Without End and an End to War: The Prolonged Wars in Liberia and Sierra Leone." African Studies Review 40(3):55-76.

Gerth, Hans and C. Wright Mills eds. 1958. Max Weber: Essays in Sociology. Oxford: Oxford University Press.

Gifford, Paul. 1993. Christianity and Politics in Doe's Liberia. Cambridge: Cambridge University Press.

Gillard, Emanuela-Chiara. 2006. "Business Goes to War: Private Military/Security Companies and International Humanitarian Law." International Review of the Red Cross(863):525-572.

Glaser, Barney. 1978. Theoretical Sensitivity: Advances in the Methodology of Grounded Theory. Mill Valley, CA: Sociology Press.

Glaser, Barney. 1992. Basics of Grounded Theory Analysis: Emergence vs. Forcing. Mill Valley, CA: Sociological Press.

Global Security 2005. "Mano River War." Accessed at: www.globalsecurity.org/military/world/war/mano-river.htm

Goodridge, Reginald, Deputy Minister of State for Public Affairs ed. 1999. Republic of Liberia Presidential Papers 1997-1998. Monrovia: Liberian Department of Public Affairs.

Gore, Charles and David Pratten. 2003. "The Politics of Plunder: The Rhetoric of Order and Disorder in Southern Nigeria." African Affairs 102:211-240.

Goulding, Marrack. 1993. "The Evolution of United Nations Peacekeeping." International Affairs 69(3):451-464.

Gowan, Richard. 2007. "The EU's Africa Strategy: What are the lessons of the Congo Mission?" Security & Defence Agenda Discussion Paper.

Haynes, Lukas and Timothy Stanley. 1995. "To Create a United Nations Fire Brigade." Comparative Strategy 14(1):7-21.

Herbst, Jeffrey. 2000. States and Power in Africa: Comparative Lessons in Authority and Control. Princeton: Princeton University Press.

Hillen, John. 1994. "UN Collective Security: Chapter Six and a Half." In Biennial Conference of the Inter-university Seminar on Armed Forces and Society.

HMSO. 2002. "House of Commons Green Paper - PMCs: Options for Regulation."

Holsti, Kalevi J. 1996. The State, War and the State of War. Cambridge: Cambridge University Press.

Holzgrefe, J. L. 2003. "The Humanitarian Intervention Debate." In Humanitarian Intervention: Ethical, Legal, and Political Dilemmas, eds. J.L. Holzgrefe and Robert Keohane: Cambridge University Press.

House of Commons. 2002. "House of Commons Select Committee on Foreign Affairs. Ninth Report: Private Military Companies."

Howe, Herbert. 1996. "Lessons of Liberia: ECOMOG and Regional Peacekeeping." International Security 21(3):145-176.

Howe, Herbert. 1998. "Private security forces and African Stability: the case of Executive Outcomes." Journal of Modern African Studies 36(2):307-331.

Howe, Herbert. 2001. Ambiguous Order - Military Forces in African States. Boulder: Lynne Rienner.

Hukill, Traci. 2004. "Firms seek to sell UN on privatized peacekeeping." National Journal, 17 May 2004.

Huntington, Samuel. 1996. The Clash of Civilizations and the Remaking of World Order. New York: Touchstone.

Hutchful, Eboe. 1999. "Peacekeeping Under Conditions of Resource Stringency." In From Peacekeeping to Complex Emergencies: Peace Support Missions in Africa, eds. Jakkie Cilliers and Greg Mills. Pretoria: ISS.

Huxtable, Phillip and Leonardo Villalón eds. 1998. The African State at a Critical Juncture. London: Lynne Rienner.

International Alert. 2002. "Humanitarian Action and Private Security Companies: Opening the Debate." London: International Alert Publications.

International Commission on Intervention and State Sovereignty. 2001. "The Responsibility to Protect." Ottowa: ICISS.

International Committee of the Red Cross. 2004. "Direct Participation in Hostilities under International Humanitarian Law." In Expert Meeting on Direct Participation in Hostilities under IHL. The Hague: ICRC.

International Crisis Group. 1999. "Democratic Republic of Congo Report No.4: Africa's Seven-Nation War."

International Crisis Group. 2001. "Sierra Leone: Managing Uncertainty." Africa Report No.35.

International Crisis Group. 2003. "Tackling Liberia: The Eye of the Regional Storm."

International Crisis Group. 2009. "Africa Policy Briefing No. 66 - Guinea: Military Rule Must End."

Isenberg, David. 2009. "Dogs of War: Blue Helmets and Bottom Lines." Washington DC: UPI.

Jackson, Robert and Carl Rosberg. 1982. "Why Africa's Weak States Persist: The Empirical and the Judicial in Statehood." World Politics 35(1):1-24.

Jackson, Robert and Carl Rosberg. 1986. "Sovereignty and Underdevelopment: Judicial Statehood in the African Crisis." Journal of Modern African Studies 24(1):1-31.

Jackson, Robert. 1990. Quasi-states: Sovereignty, International Relations and the Third World. Cambridge: Cambridge University Press.

Jackson, Robert and Carl Rosberg. 1998. "The Marginality of African States." In African Independence: The First Twenty-Five Years, eds. Gwendolen Carter and Patrick O'Meara. London: Indiana University Press.

Jaye, Thomas. 2003. "Liberia: Setting Priorities for Post-Conflict Reconstruction." Journal of Security Sector Management 1(3):1-6.

Jick, Todd. 1979. "Triangulation in action." Administrative Science Quarterly 24(4):602-611.

Johnston, Les. 2001. "Crime, Fear and Civil Policing." Urban Studies 38(5):959-976.

Kaldor, Mary. 1999. New and Old Wars: Organized Violence in a Global Era. Cambridge: Blackwell/Polity Press.

Kasfir, Nelson. 1976. The Shrinking Political Arena: Participation and Ethnicity in African Politics. Berkeley: University of California Press.

Kaufmann, Chaim. 1996. "Possible and Impossible Solutions to Ethnic Civil Wars." International Security 20(4):136-175.

Kaufmann, Daniel, Aart Kraay and Massimo Mastruzzi. 2003. "World Bank Policy Research Working Paper 3106. Governance Matters III: Governance Indicators for 1996-2006."

Kinsey, Christopher. 2006. Corporate Soldiers and International Security: The Rise of Private Military Companies. Abingdon: Routledge.

Koroma, Abdul. 1996. Sierra Leone: The Agony of a Nation. Freetown: Afromedia Publications.

Kpundeh, Sahr. 1994. "Limiting Administrative Corruption in Sierra Leone." Journal of Modern African Studies 32(1).

Kracauer, Siegfried. 1953. "The Challenge to Qualitative Content Analysis." Public Opinion Quarterly(16):631-642.

Kvale, Steinar. 1996. Interviews: An Introduction to Qualitative Research Interviewing. Thousand Oaks, CA: Sage.

Langille, Peter. 2000. "Conflict Prevention: Options for Rapid Deployment and UN Standing Forces." In Warlords, Hawks and Doves: Peacekeeping as Conflict Resolution, eds. Oliver Ramsbotham and Tom Woodhouse. London: Frank Cass.

Laremont, Ricardo René ed. 2002. The Causes of War and the Consequences of Peacekeeping in Africa. Portsmouth, NH: Heinemann.

Le Monde, 12 May. 2000. "Annan Admits Failings."

le Vine, Victor. 1980. "African Patrimonial Regimes in Perspective." Journal of Modern African Studies 18:657-673.

Leander, Anna. 2004. "The Power to Construct International Security: On the Significance of the Emergence of Private Military Companies." In Conference: Facets of Power in International Relations, Session 5. London School of Economics.

Leander, Anna. 2007. "Regulating the Role of PMCs in Shaping Security and Politics." In From Mercenaries to Market, eds. Simon Chesterman and Chia Lehnardt. Oxford: OUP.

Liebnow, Gus. 1987. Liberia: The Quest for Democracy. Indianapolis: Indiana University Press.

Lilly, Damian. 2000. "The Privatization of Peacekeeping: Prospects and Realities." United Nations Institute for Disarmament Research. Disarmament Forum No.3.

Lonsdale, John. 1981. "States and Social Processes in Africa: A Historiographical Survey." African Studies Review 24(2/3):139-225.

Lowenkopf, Martin. 1995. "Liberia: Putting the State Back Together." In Collapsed States: The Disintegration and Restoration of Legitimate Authority, ed. I. William Zartmann. Boulder: Lynne Rienner.

Lugard, The Right Hon. Sir Frederick John Dealtry. 1919. "Political Memoranda: revision of instructions to Political Officers on subjects chiefly political and administrative: 1913-1918."

Lugard, The Right Hon. Sir Frederick John Dealtry. 1922. The Dual Mandate in British Tropical Africa. Edinburgh and London: Blackwood.

M'baye, Ibrahima. 2002. "ECOMOG: Strengths and Weaknesses as a Regional Security Institution." ECOMOG Doc. AUL-MU 39080-53 M478E.

Madge, Clare. 1994. "The Ethics of Research in the Third World." In Postgraduate Fieldwork in Developing Areas, eds. Elsbeth Robson and Katie Willis: Developing Areas Research Group. London: DARG.

Makumbe, John. 1998. "Is there a civil society in Africa?" International Affairs 74(2):305-317.

Mamdami, Mahmood. 1996. Citizen and Subject. Contemporary Africa and the Legacy of Late Colonialism. Princeton, N.J: Princeton University Press.

Mandel, Robert. 2002. Armies Without States: The Privatization of Security. London: Lynne Rienner.

Mandelbaum, Michael. 1994. "The Reluctance to Intervene." Foreign Policy(95):3-18.

Manning, Peter and Betsy Cullum-Swann. 1994. "Narrative, Content and Semiotic Analysis." In Handbook of Qualitative Research, eds. Norman Denzin and Yvonna Lincoln. London: Sage.

Marcus-Jones, W. 1981. Legal Development and Constitutional Change in Sierra Leone 1787-1971. London: Evans.

Marshall, Catherine and Gretchen Rossman. 1989. Designing Qualitative Research. Newbury Park: Sage.

Mays, Terry. 1998. "Nigerian Foreign Policy." In Peacekeeping in Africa, eds. Earl Conteh-Morgan and Karl Magyar. New York: St. Martin's Press.

Mazrui, Ali. 1977. Africa's International Relations: The Diplomacy of Dependency and Change. London: Heinemann.

Mazrui, Ali and Robert Ostergard Jr. 2002. "From Pax Europa to Pax Africana." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo René Laremont. Portsmouth, NH: Heinemann.

Mbembe, Achille. 1990. "Power, Violence and Accumulation." African Politics 39:7-24.

Mbembe, Achille. 2001. On the Postcolony. Berkeley: University of California Press.

Meredith, Martin. 2005. The State of Africa. London: The Free Press - Simon & Schuster.

McCarthy, Patrick. 2000. "Building a Reliable Rapid-reaction Capability for the United Nations." International Peacekeeping 7(2):139-154.

McCoy, Kate. 2006. "Modern Mercenaries and Human Rights." Paper presented at the Annual Conference of the Law and Society Association, Amherst, MA.

McElvoy, Anne. 1999, December. "In Search of the Moral High Ground." In New Statesman, Vol.12, Issue 586.

McIntyre, Angela and Tanya Weiss. 2007. "Africa's experience of mercenaries and PMCs." In From Mercenaries to Market, eds. Simon Chesterman and Chia Lehnardt. Oxford: OUP.

Meacham, James. "From Peacekeeping to Peacemaking: The United Nations Faces a Changing Role." International Defense Review March 1992.

Media Guardian, 27th June. 2003. "U.S. Soldiers Were Main Danger."

Melia, Kath. 1996. "Rediscovering Glaser." Thousand Oaks: Sage.

Meredith, Martin. 2005. The State of Africa. London: The Free Press - Simon & Schuster.

Mhone, Guy. 2001. "Enclavity and Constrained Labour Absorptive Capacity in Southern African Economies." In United Nations Research Institute for Social Development Meeting: 'The Need to Rethink Development Economies'. Cape Town: UN Research Institute.

Migdal, Joel. 1988. Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World. Princeton: Princeton University Press.

Miles, Matthew. 1979. "Qualitative Data as an Attractive Nuisance: The Problem of Analysis." Administrative Science Quarterly 24:590-601.

Miles, Matthew and Michael Huberman. 1994. Qualitative Data Analysis. London: Sage.

Mills, Greg. 2004. "How to Intervene in Africa's Wars." In Crimes of War Project: Online Journal of Law and Armed Conflict. Oct., 2004. Accessed at: http: //www.crimesofwar.org/africa-mag/afr_03_ mills.html.

Milton, Thomas. 1997. "The New Mercenaries - Corporate Armies for Hire." Foreign Area Officer Association. http://www.informationclearinghouse.info/article3394.htm.

Mockler, Anthony. 1987. The New Mercenaries: The History of the Hired Soldier from the Congo to the Seychelles. New York: Paragon House.

Morgenthau, Hans. 1963. "The Political Conditions for an International Police Force." International Organization 17(2):393-403.

Morrison, Alex. 1994. "The Fiction of a Standing UN Army." Fletcher Forum on World Affairs 18(1):83-96.

Mortimer, Robert. 1996. "ECOMOG, Liberia and Regional Security in West Africa." In Africa in the New International Order: Rethinking State Sovereignty and Regional Security, eds. Edmond Keller and Donald Rothchild. Boulder: Lynne Rienner.

Musah, Abdel-Fatau and J. 'Kayode Fayemi eds. 2000. Mercenaries: An African Security Dilemma. London: Pluto Press.

Musah, Abdel-Fatau. 2000. "A Country Under Siege: State Decay and Corporate Military Intervention in Sierra Leone." In Mercenaries: An African Security Dilemma, eds. Abdel-Fatau Musah and Kayode Fayemi. London: Pluto Press.

Musah, Abdel-Fatah. 2002. "Privatization of Security, Arms Proliferation and the Process of State Collapse in Africa." Development and Change 33(5):911-933.

Mustapha, Abdul Raufu. 2002. Conference Paper. "States, Predation and Violence: Reconceptualizing Political Action and Political Community in Africa." In Panel on State, Political Identity and Political Violence. 10th General Assembly of CODESRIA. Kampala, Uganda.

Neuman, Lawrence. 2000. Social Research Methods: Qualitative and Quantitative Approaches. London: Allyn & Bacon.

New York Times, 6th May. 2000. "UN Reports Rebels Now Hold 300 of its Troops in Sierra Leone."

O'Brien, Kevin. 2000. "PMCs, Myths and Mercenaries." Royal United Services Institute Journal 145(1).

O'Donoghue, Tom and Keith Punch. 2003. Qualitative Educational Research in Action: Doing and Reflecting. London: Routledge.

O'Leary, Zina. 2005. Researching Real-World Problems: A Guide to Methods of Inquiry. London: Sage.

OAU. 1963. "Charter of the Organization of African Unity." Addis Ababa.

OAU. 1967. "Resolution on the Activities of Mercenaries, AHG/Res.49 (IV)."

OAU. 1972. "Convention for the Elimination of Mercenaries in Africa, Doc.CM/433/Rev. L. Annex I."

OAU. 1977. "Organization of African Unity Convention for the Elimination of Mercenarism in Africa (CEMA), Doc. CM/817 (XXIX) Annex II Rev.1 (Revision of 1972 Convention: Doc.CM/433/Rev. L.)."

OECD. 2006. "Risk Awareness Tools for Multinational Enterprises in Weak Governance Zones."

OECD Development Assistance Committee. 2007. "Handbook on Security System Reform - Supporting Security and Justice." Paris: OECD.

Ofuatey-Kodjoe, Wentworth. 1994. "Regional Organizations and the Resolution of Internal Conflict: the ECOWAS Intervention in Liberia." International Peacekeeping 1(3):261-302.

Ofuatey-Kodjoe, Wentworth. 2002. "The Impact of Peacekeeping on Target States: Lessons from the Liberian Experience." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo Laremont. Portsmouth, NH: Heinemann.

Olukoshi, Adebayo ed. 1998. The Politics of Opposition in Contemporary Africa. Uppsala: Nordiska Afrikainstitutet.

Olukoshi, Adebayo. 2006. "Enclavity." In The Colloquium on Economy, Society and Nature. University of Kwazulu-Natal Centre for Civil Society, Durban.

Patton, Michael. 2002. Qualitative Research and Evaluation Methods. London: Sage.

Paul, Darel. 1999. "Sovereignty, survival and the Westphalian blind alley in International Relations." Review of International Studies 25(2):217-231.

Percy, Sarah. 2007a. Mercenaries: The History of a Norm in International Relations. Oxford: Oxford University Press.

Percy, Sarah. 2007b. "Morality and regulation." In From Mercenaries to Market: The Rise and Regulation of Private Military Companies, eds. Simon Chesterman and Chia Lehnardt. Oxford: Oxford University Press.

Perrin, Benjamin. 2009. "Humanitarian Assistance and the Private Security Debate: An International Humanitarian Law Perspective." Liu Institute for Global Issues, University of British Columbia.

Potter, Jonathan and Margaret Wetherall. 1987. Discourse and Social Psychology: Beyond Attitudes and Behaviour. London: Sage.

Rashid, Ismail. 1997. "Subaltern Reactions: Lumpens, Students and the Left." Africa Development 22(3/4):19-43.

Reader, John. 1997. Africa: A Biography of the Continent. London: Hamish Hamilton.

Refugees International. 2005. "Must Boys be Boys? Ending Sexual Exploitation and Abuse in UN Peacekeeping Missions." Washington DC: Refugees International.

Reno, William. 1995. "Reinvention of an African patrimonial state: Charles Taylor's Liberia." Third World Quarterly 16(1):109-120.

Reno, William. 1998a. Warlord Politics and African States. Boulder: Lynne Rienner.

Reno, William. 1998b. "Weak States and the New Sovereignty Game." In The African State at a Critical Juncture, eds. Leonardo Villalón and Phillip Huxtable. London: Lynne Rienner.

Reno, William. 2000. "Shadow States and the Political Economy of Civil Wars." In Greed and Grievance, eds. Mats Berdal and David Malone. Boulder, CO: Lynne Rienner.

Reno, William. 2001. "How Sovereignty Matters: International Markets and the Political Economy of Local Politics in Weak States." In Interventionism and Transnationalism in Africa: Global-Local Networks of Power, eds. Thomas Callaghy, Ronald Kassimir and Robert Latham: Cambridge University Press.

Reno, William. 2002. "The Politics of Insurgency in Collapsing States." Development and Change 33(5):837-858.

Richards, Paul. 1995. "Understanding Insurgency in Sierra Leone and Liberia." In Conference on Conflicts in Sierra Leone and Liberia. University College London.

Richards, Paul. 1996. Fighting for the Rainforest: War, Youth, and Resources in Sierra Leone. Oxford: Heinemann.

Riley, Stephen. 1993. "Intervention in Liberia: too little, too partisan." The World Today Volume 49, No.3.

Riley, Stephen. 1996. "Liberia and Sierra Leone: Anarchy or Peace in West Africa?" London: Research Institute for the Study of Conflict and Terrorism.

Roberts, Adam. 1995. "Proposal for UN Standing Forces: History, Task and Obstacles." In UN Rapid Reaction Capabilities: Requirements and Prospects, eds. David Cox and Albert Legault. Clementsport, NS: Canadian Peacekeeping Press.

Roberts, Adam. 2006. The Wonga Coup. London: Profile Books.

Rochester, Christopher. 2007. "A Private Alternative to a Standing United Nations Peacekeeping Force." Washington: Peace Operations Institute.

Ross, Michael. 2003. "The Political Economy of the Resource Curse." World Politics 51(2):297-322.

Rothchild, Donald. 1970. "Ethnicity and Conflict Resolution." World Politics 22(4):597-616.

Rubin, Elizabeth. 1997, February. "An Army of One's Own." Harper's Magazine, Vol. 294.

Sæther, Gjermund. 2000. "The Political Economy of State Collapse in Somalia and Liberia." In Ethnicity Kills? The Politics of War, Peace and Ethnicity in Subsaharan Africa, eds. Einar Braathen, Morten Bøås and Gjermund Sæther. Basingstoke: Macmillan Press.

Salih, Mohamed and Per Nordlund. 2007. "Political Parties in Africa: Challenges for Sustained Multiparty Democracy." International Institute for Democracy and Electoral Assistance.

Sandbrook, Richard. 1972. "Patrons, Clients and Factions: New Dimensions of Conflict Analysis in Africa." Canadian Journal of Political Science 62(1).

Save the Children. 2008. "No One to Turn To: The Under-reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers." London: Save the Children.

Sawyer, Amos. 1992. The Emergence of Autocracy in Liberia. San Francisco: ICS Press.

Schneckener, Ulrich. 2006. "Fragile Statehood, Armed Non-State Actors and Security Governance." In Private Actors and Security Governance, eds. Alan Bryden and Marina Caparini. Geneva: DCAF.

Schrier, Fred and Marina Caparini. 2005. "Privatising Security: Law, Practice and Governance of Private Military and Security Companies." Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper No. 6.

Shearer, David. 1998a. "Private Armies and Military Intervention." Adelphi Papers 316, Oxford University Press for International Institute for Strategic Studies: London.

Shearer, David. 1998b. Private Armies and Military Intervention. Oxford: Oxford University Press.

Shillington, Kevin. 2005. African History Volume 1. New York: Fitzroy Dearborn.

Sierra Leone Conflict Mapping Programme. 2004. Final Report of the Sierra Leone Truth and Reconciliation Commission: Violations of International Law from 1991 to 2002. Freetown: Sierra Leone TRC.

Sierra Leone Truth and Reconciliation Commission. 2004. "Statistical Appendix - Sierra Leone TRC Report." Freetown: Sierra Leone TRC.

Singer, Peter W. 2001. "Corporate Warriors: The Rise of the Privatized Military Industry and Its Ramifications for International Security." International Security 26(3):186-220.

Singer, Peter W. 2003a. Corporate Warriors: The Rise of the Privatized Military Industry. London: Cornell University Press.

Singer, Peter W. 2003b. "Peacekeepers, Inc." Policy Review 119:59-70.

Sir Thomas Legg KCB QC and Sir Robin Ibbs KBE. 1998. "Report of the Sierra Leone Arms Investigation (the Legg Report)."

Smith, Robert. 1976. Warfare and Diplomacy in Pre-Colonial West Africa. 2nd Edition. Madison: University of Wisconsin Press.

Ssenkumba, John. 1996. "The Crisis of Opposition Politics in Uganda." UNISA Journal for Political Science and Political Administration 15(3).

Strange, Susan. 1996. The Retreat of the State: The Diffusion of Power in the World Economy. Cambridge: Cambridge University Press.

Strauss, Anselm and Juliet Corbin. 1998. Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory. Thousand Oaks. CA: Sage.

Swiss Initiative/International Committee of the Red Cross. 2008. "Pertinent International Legal Obligations and Good Practices for States related to Operations of PMSCs." Geneva: ICRC.

Taber, Robert. 1965. The War of the Flea. London: Granada.

Tangri, Roger and Andrew M Mwenda. 2005. "Patronage Politics, Donor Reforms, and Regime Consolidation in Uganda." African Affairs 104(416):449-467.

Taylor, Ian. 2002. "Zimbabwe's Debacle, Africa's Response and the Implications for the New Partnership for Africa's Development (NEPAD)." In Zimbabwe's Presidential Elections 2002: Evidence, Lessons and Implications, ed. Henning Melber. Uppsala: Nordiska Afrikainstitutet.

Tesón, Fernando. 2003. "The Liberal Case for Humanitarian Intervention." In Humanitarian Intervention: Ethical, Legal and Political Dilemmas, eds. J. L. Holzgrefe and Robert Keohane: Cambridge University Press.

The Belmont Report. 1979. "Ethical Principles and Guidelines for the Protection of Human Subjects of Research." National Commission for the Protection of Human Subjects of Biomedical and Behavioural Research.

The East African, 30th November. 2009. "UN Must Stop Backing Congo's Disastrous Operation Against Marauding Rebel Militias."

The Financial Times, 6th November. 2003. "Proposal for Private Soldiers in Peacekeeping Gathers Steam."

The Independent, 16th November. 2006. "US Soldier Admits to Rape and Murder of 14 Year Old Iraqi Girl."

The Independent, 16th September. 1996. "Africa's New Enforcers."

The Observer, 7 May. 1961a. "Mercenary Activities in Congo."

The Observer, 9 August. 1992. "The quiet coup of Captain Valentine."

The Observer, 10 December. 1967. "Row as Mercenaries Feud over Nigeria."

The Observer, 10 September. 1961b. "A Duty to Evict Katangan Mercenaries."

The Scotsman, 9th February. 2003. "Bosnia Sex Trade Shames UN."

The Times, 2 January. 1968. "The Threat of Mercenaries."

The Times, 7 July. 1967. "Mercenaries Blamed for Hostilities."

The Times, 10th August. 2009. "Briton May Hang for Shootings in Iraq."

The Times, 18 March. 1964. "Mercenaries in 'Threat to Congo'."

Theobald, Robin. 1982. "Patrimonialism." World Politics 34:548-559.

Thomas, Lieutenant Colonel Timothy. "The UN's Vietnam?" Military Review February 1994.

Tilly, Charles. 1975. "Reflections on the History of European State-making." In The Formation of National States in Western Europe, ed. Charles Tilly. Princeton: Princeton University Press.

Tilly, Charles. 1990. Coercion, Capital and European States. Oxford: Blackwell.

Tull, Denis and Andreas Mehler. 2005. "The Hidden Costs of Power-sharing: Reproducing Insurgent Violence in Africa." African Affairs 104(416).

U.S. Geological Survey. 2008. "Mineral Commodity Summaries."

UK Parliament. 2000. "Freedom of Information Act, Chapter 36."

UN. 1945. "Charter of the United Nations." New York: UN Publications.

UN. 1989. "International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, Doc. A/RES/44/34."

UN. 1990. The Blue Helmets: A Review of International Peacekeeping. New York: UN Publications.

UN. 1994. "Convention on the Safety of United Nations and Associated Personnel." New York: UN Publications.

UN. 1995. "Supplement to 'An Agenda for Peace': Position Paper of the Secretary General on the Occasion of the 50th Anniversary of the United Nations. UN Doc. A/50/60-S/1995/1."

UN. 1997. "E/CN.4/1997/24 - 53rd Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur 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."

UN. 1998a. "Excerpt from speech by the UN Secretary General: Intervention by the UN Security Council in internal affairs of states." UN Chronicle, Sep., 1998.

UN. 1998b. "UN Chronicle, Autumn 1998 - Secretary General's speech on 50 years of UN Intervention."

UN. 1999. "E/CN.4/1999/11 - 55th Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the rights of peoples to self-determination."

UN. 2000a. "General Assembly 55th Session. UN Doc.A/55/305-S/2000/809. Report of the Panel on United Nations Peace Operations: Comprehensive Review of the question of peacekeeping operations in all their aspects (The Brahimi Report)."

UN. 2000b. "WFP. Programme Notes for Security Consultation: Inter-Agency Collaboration on Field Security for Humanitarian Actors." Geneva.

UN. 2003a. "Handbook on United Nations Multidimensional Peacekeeping Operations." United Nations Department of Peacekeeping Operations. New York: UN Publications.

UN. 2003b. "Strengthening staff security: priorities and challenges - 'Protecting the Protectors'." UN Chronicle June-August. New York: UN Publications.

UN. 2004a. "Address of the Secretary General to the Security Council, May 2004. UN Doc. SG/SM/9311."

UN. 2004b. "E/CN.4/2004/15 - 60th Session of the United Nations Commission on Human Rights. Report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of right of the peoples to self-determination."

UN. 2004c. "E/CN.4/2005/14 - 61st Session of the United Nations Commission on Human Rights. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. Report of the Special Rapporteur, Shaista Shameem."

UN. 2005a. "60th Session of the UN Commission on Human Rights. Report of the Special Rapporteur 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."

UN. 2005b. "UN Doc.A/59/782 - Annual Report of the UN Secretary General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse."

UN. 2005c. "UN Document A/60/263. Annex II - Communication of Peace and Security Companies at meeting with the Special Rapporteur - London, 27th-28th June 2005, in Report of the Sixtieth Session of the General Assembly."

UN. 2006a. "UN Doc.A/60/861 - Annual Report of the UN Secretary General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse."

UN. 2006b. "UNMIL Report - Human Rights in Liberia's Rubber Plantations: Tapping into the Future."

UN. 2007a. "PMSCs and Challenges to the UN Working Group on the Use of Mercenaries."

UN. 2007b. "UN Doc.A/61/957 - Annual Report of the UN Secretary General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse."

UN. 2007c. "UN Office of Central Support Services. List of Approved Suppliers."

UN. 2007d. "United Nations Development Assistance Framework for Liberia 2008-2012 - Consolidating Peace and National Recovery for Sustainable Development."

UN. 2008a. "Draft International Convention on Private Military and Security Companies."

UN. 2008b. "Peacekeeping Operations: Principles and Guidelines." United Nations Department of Peacekeeping Operations.

UN. 2008c. "Report of the Working Group on Mercenaries. UN Doc.A/63/325."

UN. 2009a. "DPI/1634/Rev.103 - United Nations Peacekeeping Operations."

UN. 2009b. "UN DPKO Current Operations." Accessed at: http://www.un.org/Depts/dpko/dpko/currentops.shtml/africa.

UNDPKO. 2008. United Nations Peacekeeping Training Manual. New York: United Nations Publications.

UNDPKO. 2009. "United Nations Peacekeeping Fact Sheet. UN Doc.DPI/2429/Rev.6."

UNHCR. 2004. "Managing UNHCR Country Programme Security." In UNHCR Management Seminar, 28-30 July. Bangkok.

University of Plymouth. 2006. "Research Ethics Policy."

UNOHCR. 1977. "Article 47.2 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1)."

van Creveld, Martin. 1991. The Transformation of War. New York: Free Press.

van Maanan, John. 1982. Varieties of Qualitative Research. London: Sage.

Vaux, Tony. 2002. "European Aid Agencies and Their Use of Private Security Companies." In Humanitarian Action and Private Security Companies: Opening the Debate, eds. Tony Vaux, Chris Seiple, Greg Nakano and Koenraad Van Brabant. London: International Alert

Venter, Al. 2006. War Dog: Fighting Other People's Wars; The Modern Mercenary in Combat. Havertown, PA: Casemate.

Vines, Alex. 1999. "Mercenaries and the Privatization of Force in Africa." In The Privatization of Security in Africa, eds. Greg Mills and John Stremlau. Johannesburg: South African Institute of International Affairs.

von Pilar, Ulrike. 1999. "Humanitarian Space Under Siege." In Europe and Humanitarian Aid - What Future? Learning from Crisis. Paper presented at Bad Neuenahr Conference, 22nd - 23rd April 1999.

Walter, Barbara. 1997. "The Critical Barrier to Civil War Settlement." International Organization Vol. 51.

Waltz, Kenneth. 1959. Man, the State, and War. New York: Columbia University.

War on Want. 2006. "Corporate Mercenaries: The Threat of PMSCs." London: War on Want.

Weber, Max. 1964. The Theory of Social and Economic Organization: The Free Press.

Weber, Max. 1968. Economy and Society. Los Angeles: University of California Press.

Weber, Robert. 1990. Basic Content Analysis. London: Sage.

West Africa Magazine, 20th June. 1977. "150 Years of Fourah Bay."

Young, Crawford. 1995. "The Heritage of Colonialism." In Africa in World Politics: Post-Cold War Challenges, eds. John Harbeson and Donald Rothchild. Boulder: Westview Press.

Young, Crawford. 2002. "Pluralism, Ethnicity and Militarization." In The Causes of War and the Consequences of Peacekeeping in Africa, ed. Ricardo René Laremont. Portsmouth, NH: Heinemann.

Young, Crawford. 2004. "The End of the Post-colonial State in Africa? Reflections on Changing African Political Dynamics." African Affairs 103:23-49.

Zartmann, I. William. 2003. "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments." In Contemporary Peacemaking: Conflict, Violence and Peace Processes, eds. John Darby and Roger McGinty. New York: Palgrave.