
GLOBAL ORDER AND THE PRIVATIZATION OF SECURITY

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The international state system has controlled military might over the past three hundred years. However, some observers believe that a dramatic growth in private security could challenge this control and eventually may threaten global order with military force that is less accountable and controllable than state militaries. Max Weber maintained that the modern state arose because it "successfully upheld a claim to the monopoly of the legitimate use of physical force in the enforcement of its order."¹ A number of established private firms increasingly shoulder military responsibilities that once belonged to the state. Does this growth threaten global security or could it assist fragile states undergoing dramatic changes in this post-Cold War era?

Recent demand for better security has driven private security's recent growth. Many governments have lost ground to powerful insurgents, often because of the end of the Cold War. The demise of superpower competition lowered foreign support to numerous governments. "Collapsed states" are a post-Cold War phenomenon and governments in Ethiopia, Liberia, Somalia and Zaire lost significant support when their Cold War patrons withdrew their previous aid and the possibility of military intervention.² National militaries, at least in Africa, have often proven incapable of national defense and have sometimes increased state instability.

While state power has declined during the 1990's, insurgent capabilities have often grown. Both the Cold War and its culmination saw a flood of equipment and personnel, especially from the former Soviet Bloc and South Africa. Fully-assembled AK-47 assault rifles sell for about \$15 in some African townships. Child soldiers are more and more common; the various factions in Liberia's civil war (1990-1996) employed some 6,000 children under 15 years of age, out of a total of some 60,000 fighters. Insurgencies increasingly rob or coerce aid organizations for their foreign exchange, communications and lo-

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gistics. For example, Somalian thuggery during the early 1990s was a major reason for U.S. and U.N. military intervention.³

Possible options for African state defense include African regional military forces, Western intervention and the United Nations. Yet these possibilities either lack strong military capabilities or are unlikely to occur.⁴ Lacking other options, states and businesses, as well as insurgencies and criminal groups,

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increasingly employ private security. "Private security" is a broad grouping. While combat soldiers, or "mercenaries," have received the most attention, private firms more likely furnish specialists in logistics, communications, procurement, intelligence, advising and training. Unlike the popular image of malcontented Rambos coming together for specific, and often poorly-disciplined, missions, many of today's private soldiers hail from highly disciplined military units, such as the U.S. Special Forces, the British Special Air Service and Special Boat Service, or South Africa's apartheid-era Reconnaissance Commando and Parachute Brigade. The majority train and advise, rather than fight for, their foreign employers.

Private security today is far different from that of the past, when personal contacts or informal networks would assemble personnel on an *ad hoc* basis. Many of today's companies exhibit a distinct corporate nature, including an ongoing intelligence capability and a desire for good public relations.⁵ Their established, rather than *ad hoc*, character allows them to handpick each employee on the basis of proven accomplishments. The companies' goal of obtaining contracts should encourage them to control the actions of their employees. Private firms have a large pool of qualified applicants, due to worldwide political realignments and defense cutbacks since 1989. Moreover, many of these companies often enjoy ties with major multinational, especially mineral, companies which provide increased funding, intelligence, and political contacts.

Growth of Private Security

The growth of private military and police capability is staggering, especially in Eastern Europe, wealthy Middle Eastern states and threatened African states.⁶ U.S. intelligence in late 1993 estimated that some 20,000 foreigners were fighting in Bosnia-Herzegovina. The Military Professional Resources, Incorporated (MPRI) is an American firm which claims that it contains "the greatest corporate assemblage of military expertise in the world," it employs 17 retired U.S. generals full-time.⁷ MPRI has 182 former U.S. Special Forces personnel training-and-equipping the Bosnia Federation's military force; the

U.S. government has supplied over \$100 million in surplus equipment to assist MPRI's success. Also, a wide range of private British and U.S. firms operate in the Middle East. About 1,000 ex-U.S. military now work for the Vinnell Corporation in training the 65,000-strong Saudi National Guard, the personal guard for the Saudi Royal family. Executive Outcomes (EO) is a private company that British intelligence termed "with the possible exception of the South African army, the most deadly and efficient army operating in sub-Saharan Africa."⁸ Executive Outcomes fielded about 600 combat soldiers in Angola and 300 men in Sierra Leone to help defeat insurgencies—something the government forces could not accomplish by themselves. EO's air capabilities, including MI-8, 17 and 24 helicopters and MiG 23 fighters, supported these soldiers. U.S. State Department sources claim that over 80 private security companies operate in Angola alone; five years ago there were six.

Objections to Private Security

Critics have generally labeled private security companies as threats to global security because of alleged nonaccountability, including a disrespect for human rights, their possible use by neo-colonial forces and a tendency to alienate the local military. Finally, some critics charge soldiers or companies of fortune with incompetence, perhaps looking to prolong the war and thus their contracts.

Accountability

Machiavelli cautioned his Prince that competent mercenaries could threaten their state employer, and the Trojan Horse and Rogue Warrior metaphors arise often in mercenary literature. Critics assume that money drives mercenaries' actions and that greed will quickly shred any accountability or loyalty.

Private security companies may have several masters: their own government, the employing government, and possibly a private business. The Angolan and then Sierra Leonean governments hired the South African-based Executive Outcomes which had exceptionally close links to Branch Minerals and Heritage Oil and Gas. Once inside the country and its defense establishment, a private firm could exert powerful leverage upon the state. Private security's coupling with powerful multinational companies dramatically increases the foreigners' power within a beleaguered state.

Enforcement of norms is lacking; no effective international sanctions exist.⁹ The hiring government or insurgency may have little control over the powerful foreign force and could hesitate to discipline its presumed allies at a time of need. Mercenaries often move unimpeded and unrecorded through immigration, thus lessening chances for future investigations into alleged misbehavior.¹⁰ These implicit licenses for illegal behavior encouraged past mercenary groups to engage in serious violations of human right. The Congolese during the 1960's labeled mercenaries as *les affreux* for often despicable behavior. More recently, Carlos Castano, a leader of a right-wing paramilitary force in Columbia, has been accused of brutal mercenary activities. Foreign military per-

sonnel often show little knowledge of or sensitivity to local customs and institutions.¹¹

As Western governments increasingly work with private firms, some critics worry that such cooperation may circumvent public oversight and enforcement. The U.S. government in 1995 reportedly sidestepped a United Nations embargo that proscribed state supplying of military equipment to Rwanda by hiring Ronco, a private de-mining company, to provide armored transport vehicles and explosives.

Last Gasp of Colonialism?

Africans especially distrust private security groupings, although numerous states and insurgencies have hired them. Accusations of white neo-colonial, mercenary muscle gaining cheap mineral concessions and thus threatening self-determination have some basis in fact, especially in Africa. During the 1960s, mercenaries often received financing from Western businesses and fought against African governments. Bob Denard, an aging Frenchman, has attempted to overthrow several governments over the past thirty years.

Chief R.O.A. Akinjide of the International Law Commission notes that: The crime of mercenarism is particularly obnoxious within the African context. In Africa, the mercenary is seen as the representative of colonialism and racial oppression—an assassin hired to kill freedom fighters in wars of national liberation and wars against racial oppression.¹²

Relations With National Militaries

Private foreign personnel—especially combat units—may foment bitterness, and perhaps revolt, within the national army. The hiring of private personnel is an *ipso facto* judgement by the government of its own military. The foreigner's often vaunted military background, their often superior weaponry, and their higher salaries may further anger the government's military. Foreigners in various African conflicts, such as Congo, Biafra and Sierra Leone as well as Papua New Guinea have embittered various local officers. Papua New Guinea officers mutinied in 1997 against the introduction of the British-based Sandline military force and forced Prime Minister Julian Chan to step down.

Ineptitude

Popular literature presents two images of the mercenary: the manipulative and uncontrollable warrior or the inept foreign soldier. Machiavelli warned his Prince that while some mercenaries were exceptionally competent, most were "disunited, ambitious, without discipline, unfaithful; bold among friends, among enemies cowardly."¹³ Sometimes the "ineptitude" is deliberate. Pilots for Nigeria during its civil war (1967-1970) deliberately failed to bomb Biafra's single airport: since their salaries were based on months and not results, their prolongation of the war procured financial gain. Sometimes the

foreigners are simply incompetent. A force of some 400 East European mercenaries fought in the former Zaire during Mobutu's final year. Mixed military capabilities and languages restricted operational effectiveness and inadequate medical capability saw many of these soldiers quickly contract malaria and dysentery.

Advantages of Private Security

Yet private security companies have grown, despite these and other fears. The major attributes are that they fill a military void for both Western and recipient governments, that they are relatively inexpensive, and that they may offer several military and political advantages

Filling a Void

Private security can enter situations where Western governments presently fear to tread, especially after the world's intervention into Somalia.¹⁴ President Clinton's Presidential Decision Directive-25 summarizes the views of many governments not to intervene in areas not of vital national interest. Not coincidentally, the rise of these companies is coinciding with the pullback of western nations and the United Nations from peacekeeping and peace enforcing.

Private companies can perform services which governments approve of, but hesitate to attempt themselves because of political, military or financial costs. Private companies can supply both combat soldiers or much more likely, competent military specialists to train or advise in areas where the national militaries may be lacking, such as strategy, tactics, communications, procurement, maintenance, logistics and supply.

These companies could aid humanitarian groups that increasingly need protection from insurgents or bandits attacking relief efforts for the money and supplies. Protection was a major rationale for U.S. and then U.N. intervention into Somalia — an experience that the world wishes not to repeat. Competent private protection would lessen pressure upon governments to intervene, as well as prevent the insurgents from gaining tactically important supplies.¹⁵

Economy

Economy is a major selling point for private security. Private security has a "shadow" capability that can be quickly assembled when needed and contracted. Executive Outcomes has a permanent staff of thirty and yet it reportedly can deploy a fully supported battalion of about 650 men within 15 days. Paying for specialists only when needed saves considerable sums in salary, housing and pensions, while the leasing of private equipment, especially airplanes and helicopters, saves storage, insurance and maintenance costs.

Executive Outcome's operations lend some credence to this cost efficiency. EO's budget of \$40 million yearly in Angola and far less in Sierra Leone appears small when compared to the national military budgets of Angola and

Sierra Leone. Angola spent an estimated \$515 million on its military in 1994, while Sierra Leone spent \$41 million in 1995.¹⁶

Another financial aspect is that some private companies act as arms merchants for their home governments. A private Israeli firm, Levdan, trained the Presidential Guard of the Congo-Brazzaville government in the early 1990s. The government then purchased \$10 million of Israeli military equipment.

Military and Political Advantages

Private companies offer some possible military advantages. A private force can start up and deploy faster than multinational, and perhaps national, forces. Additionally, it probably will have a clearer chain of command and is not subject to the changing political desires or fears of the contributing nations. It will not suffer the national *vs.* supra-national tensions that plague multinational forces. It may have more readily compatible military equipment training and common language, and possibly greater experience of working together than do *ad hoc* multinational forces.¹⁷ Additionally, private forces such as Sand-

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line and Executive Outcomes can handpick each of their soldiers based upon past service records.

Finally, small groups of foreign specialists may provide some political advantages over military personnel of local or foreign governments. A private agreement carries no political IOUs and some governments prefer foreigners who neither understand nor represent local viewpoints; several African presidents have preferred foreign personal bodyguards.

Several private security trends are emerging. First, a continuing supply of competent applicants and the demand by businesses and fragile states will assist the growth of this multifaceted business. Elimination of mercenaries, a goal of the African Research and Information Bureau in London, would prove impossible to administer and would drive both buyers and sellers away from any public oversight.

Second, despite this overall growth, an increase in the number of private militaries similar to Executive Outcomes appears unlikely—despite EO's clear military successes in Angola and Sierra Leone. EO's effectiveness was unusual for a mercenary force; most have performed as did the East Europeans in Zaire during 1997. Possible nonaccountability of such powerful groups, the guilt-by-association that their employers sometimes experience, and their often concealed links with multinational mineral companies worry observers about their possible destabilization of global physical and economic security.

Third, governments increasingly employ private companies to help advance national foreign policy goals that they wish accomplished, but hesitate to do

themselves. MPRI has furthered U.S. goals in the former Yugoslavia and Defense Systems Limited has done the same for the British government.

Fourth, governments increasingly will use private security to augment their own military capabilities; in other words, the choice is not between private security and governmental militaries. Multinational forces are probably the wave of the future for African security and private groups should have a growing role to play. Private military groupings have assisted both national and regional militaries within West Africa. Executive Outcomes soldiers cooperated with Nigerian troops during conflict in Sierra Leone during 1995 and 1996. The U.S.-based Pacific Architects and Engineering provided logistical, especially helicopter, service to ECOMOG, a West African multinational force, in Liberia. The British-based Sandline military consultancy supplied unreported but important advising and logistical assistance to Nigerian soldiers when they ousted the widely-condemned J.P. Koromah government of Sierra Leone in early 1998.

Finally, small private guard forces will continue to expand and provide important security for multinational companies and relief groups. This protection hopefully will assist worldwide economic development and lessen the need for the international community to deploy government troops to protect relief shipments.

Private Security and the Future of Global Security

Private security can either aid or threaten global security. Since the companies' role is clearly growing, governments and international organizations should seek ways to regulate, rather than eliminate, them.

Most security companies operate from Western nations where media and government provide some control over their activities. American companies, for example, need governmental approval, the terms of which are stipulated by the Arms Export Control Act and the Export Administration Act.¹⁸ An inquiring media can also serve as a check.

But international regulation is necessary. Governments and media may, or may not, learn of objectionable behavior and then often only after the fact. Regulation would benefit legitimate companies by providing them with greater legitimacy while separating them from those truly "mercenary" groups willing to fight for any organization capable of paying them. International regulation is necessary because, as Sandline itself notes, these companies "can become very nomadic in order to evade nationally applied legislation that they regard as inappropriate or excessive."¹⁹

Regulation would be a multi-step process and involve registration, which would determine the applicant's initial qualification, and specific project approval, and then operational oversight that should include observer units from recognized human rights organizations. Finally, an enforcement capability would be essential, both during the military operation to lessen abuses and then following the operation.

Numerous details need resolution, such as deciding on or developing the

appropriate international regulatory body and the extent of its enforcement capabilities. Specific problems would include client confidentiality and the client's need for quick action *vs.* the regulator's requiring time and contractual information before granting project approval.

Governments may find it difficult to agree to international regulation because such action would confer legitimacy upon non-state military actors. Yet the supply of private personnel and the demand for them by states and businesses will continue to expand. Rather than engaging in futile attempts at legally eliminating mercenary behavior or ignoring this growing phenomenon, the world community should channel these companies' capabilities into assisting global security.

Notes

1. Max Weber, *The Theory of Social and Economic Organization*, A.M. Henderson and Talcott Parsons trans., (New York: Free Press, 1964), 154.
2. This withdrawal was especially important since many African rulers had nonprofessional militaries. Mobutu Sese Seko of Zaire, for example, emasculated his military, because of its coup potential, but Mobutu knew that Western forces would defend him from external attack. The conclusion of the Cold War saw a growing refusal of western states to aid such despots.
3. Liberian factions stole some \$20 million of equipment, including 200 vehicles, during a sudden flash of violence in Liberia during April 1996. They subsequently employed these stolen goods against the government forces opposing them.
4. ECOMOG, a multinational peacekeeping force in Liberia, often prolonged the conflict it hoped to resolve. See Herbert M. Howe, "Lessons Of Liberia: ECOMOG and Regional Peacekeeping," *International Security* (Winter 1996/1997). Western states and the U.N. are notably hesitant to enter African conflicts, especially as combat, peace-enforcing soldiers since the UNITAF/UNOSOM interventions into the collapsed state of Somalia. The resultant "Somalia Syndrome" is a shorthand term to explain why militarily strong nations will continue to refrain from military intervention in relatively unimportant African states. The general international myopia about the obvious genocide in Rwanda from April-June 1994 was the most egregious fulfillment of the "Somalia Syndrome," or why military nations will refrain from military intervention into relatively unimportant states.
5. Private military companies "operate from established offices and within a defined corporate management structure, delivering the necessary support services from within the company, e.g. marketing, sales, administration, accounting, personnel, procurement, etc." Sandline International, "Private Military Companies-Independent or Regulated?" Position Paper (London: Sandline International, March 1998). Sandline is, *inter alia*, a British military consulting company.
6. This article examines private military capability but the growth of private police forces is "a revolution that is likely to change the way people think about the state," "Welcome To the New World Of Private Security," *Economist*, April 19, 1997. The U.S. has three times as many private than public police whereas the ratio for the Soviet Union and South Africa expands to 10:1.
7. Telephone interview with MPRI, April 6, 1998.
8. Information gathered by author, July 1996.
9. The United Nations and the Organization of African Unity have initiated agreements against mercenaries but both find difficulty in adequately defining "mercenary." Additionally, most nations have ambivalent feelings about foreign security person-

nel. Only twelve nations have signed the International Convention Against the Recruitment, Use, Financing, and Training of Mercenaries. Two of the signatories, Angola and the former Zaire, have since hired mercenaries. The commanders of any foreign unit probably would lower force morale by instigating legal and disciplinary actions against the unit's members. The country of which the mercenary is a citizen will probably have little interest or capability in investigating an alleged crime committed by a private citizen in a foreign land.

10. The British-based Sandline's contract with the Papua New Guinea government stated that "all Sandline personnel will be furnished with the necessary multiple entry visas without passport stamps and authorization to enter and leave the country free from hindrance at any time." Sandline contract, quoted in David Isenberg, "Soldiers of Fortune Ltd.: A Profile of Today's Private Sector Corporate Mercenary Firms," Washington: Center For Defense Information Monograph, November, 1997.
11. The background of numerous mercenaries has tarnished their employers' political reputation. Many of the most well-known foreign soldiers in the post-World War II era had previously fought for discredited causes, e.g. National Socialism in Germany, and presently were aiding unpopular minority governments.
12. Lecture delivered at the International Law Seminar, Palais des Nations, Geneva, May 27, 1995.
13. Niccolo Machiavelli, *The Prince* (Chicago: University of Chicago Press, 1985), 48.
14. The "Somalia Syndrome"—a refusal by Western states to intervene militarily in conflicts that do not threaten important national interests—has become almost epidemic since U.S. battle casualties in Somalia in October 1993. Fear of political fallout over battle casualties and legislative concern about widening military involvement, or "mission creep," have made many nations highly reluctant to commit troops to peace-keeping, let alone combat situations.
15. The Red Cross lost more personnel in 1996 than it had lost in its previous 133 year history. Following intense internal debate, it now hires private security.
16. A necessary caveat is that mineral and security firms close to EO may have gained lucrative concessions in partial payment for EO's services.
17. The limited record, largely of EO, suggests that these forces in combat may commit relatively few violations of humanitarian law, in part because their combat experience allows better fire control that minimizes civilian casualties. Additionally, experienced counter-insurgency units realized the intelligence benefits accruing from proper relations with civilians.
18. The Arms Export Control Act stipulates conditions for the sales of government and private goods and services and the Export Administration Act regulates the exports of "dual-use" equipment (material which has both civilian and military application). The office of Defense Trade Controls within the State Department oversees and enforces the Arms Export Control Act whereas the Commerce Department is responsible for the Export Administration Act.
19. Sandline, 3.





Chechen Soldier. Grozny, November 1996. Photo by Ivan Sigal.

This soldier was one of Shamil Basayev's bodyguards. Basayev, today in the Chechen government, became infamous during the Chechen war for crossing into Russian territory and taking hostages at the Budonnyovsk hospital. Prior to the Chechen war, Basayev had fought as a mercenary in other Caucasian wars, including the Georgian/Abkhazian conflict.