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Private Military Companies and the

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INTRODUCTION

According to the Catholic Church, only two people are definitely in hell.[1] One is Judas Iscariot. The other is a mercenary. Sigismondo da Malatesta was a condottiere known in Italy as *Il Lupo*: the wolf.[2] He earned his place in purgatory, "by trussing up a Papal emissary, the fifteen-year-old Bishop of Fano, in his own rochet and publicly sodomizing him before his applauding army in the main square of Rimini."[3] Pope Pius II announced that, "Of all men who have ever lived or ever will live, he was the worst scoundrel."[4]

There are surely no more extravagant and blatant displays of immorality in the mercenary record, although there are several spirited attempts, and a great many plain pieces of barbarism. There is also no shortage of ominous monikers: *Il Lupo*, *Les Affreux* (the Terrible Ones), the *diavolo incarnato*, and so forth. All of these feed into an extraordinary popular image of mercenaries. For example:

> Of all men who carry arms as a profession, none is as low as the mercenary. Those who belong to this creed are inspired by nothing more than greed. They make a profession out of killing for gain. These are the hard-eyed, heartless men who will slaughter innocent people for a handful of silver.[5]

This definition is easily transferred to the modern industry for military services. As another journalist points out, "Today, mercenaries are called 'private military companies', and anyone who wishes to get ahead in the 'defence community' would do well to remember it."[6]

The purpose of this paper is to describe and analyse these private military companies, in their various forms. The relevance of this enquiry is easily demonstrated. Approximately 5 000 South Africans are working for PMCs in Iraq. The trials of the

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[1] Hughes, R. Culture of Complaint, The Harvill Press, London, 1994, p. 150
[2] Loc. Cit.
[3] Loc. Cit.
[4] Trease, G. The Condottieri, Holt, Rinehart & Winston, New York etc., 1971, pp. 16 - 17
[5] Versi, A. "The long road home" African Business, London, July 2005, Issue 311, p. S.2
[6] Cohen, N. "The mercenaries who fight for Britain" New Statesman, London, 27 January 2003, Vol. 16, Issue 741, p. 20

Equatorial Guinea coup-plotters are ongoing. Legislation to ban or regulate mercenary and private military activity is currently being debated. Hence it is useful to study the affect of Private Military Companies on the national interest.

This paper consists of five sections: a review of mercenary history before the twentieth century; a chapter on mercenaries and PMCs in post-independence Africa; a chapter on modern PMCs, particularly those working for America; a study of relevant national and international law; and finally, a quite extensive section containing conclusions aimed at drawing the material together into a coherent thesis.

At this early stage, however, it is worth noticing one major industry trend. The shift in the 1990s was from renegade mercenaries to new PMCs (like Executive Outcomes), which hoped to operate openly and lawfully. This decade, however, has seen 'active', war-fighting PMCs essentially vanish, and a massive new market for 'reactive' security forces emerge. The symbol of this shift is Tim Spicer, who closed Sandline International (which had contracted to fight wars in Sierra Leone and Papua New Guinea) and started Aegis Defence Services (which coordinates Iraqi security). Not a few commentators have objected that this is not really a change, because security condition in Iraq are tantamount to war, so the distinction between fighting wars and providing security is a false one. In making this argument, they follow the theory established by the first serious scholar of the PMC industry, Peter Singer, who attempted to classify the PMC industry using a spear metaphor representing location in battle space. At the tip of the spear are companies who fight; behind them are the logistics-suppliers; behind them are firms that train and plan operations.[7] By this logic, Iraqi contractors are at the tip of the spear, just like Executive Outcomes. The critical difference, however, is not tactical but strategic. The difference is that whereas EO made the difference between winning and losing a war, contractors in Iraq are the difference between calling up more National Guard reserves or not. The truly strategic force in Iraq, in the way that Executive Outcomes was critical in Sierra Leone, is the 160 000 American soldiers. The great PMC shift in the last decade has been to a much larger, wealthier industry that provides tactical support to a much bigger power, but no longer dominates or tries to dominate the strategic environment.

[7] Singer, P. W. Corporate Warriors: The Rise of the Private Military Companies, Cornell University Press, Ithaca & London, 2003, p. 93

Concerning Definitions

This paper uses the term ‘PMC’, or ‘Private Military Company’, to describe companies that provide services ranging from war (like Executive Outcomes) to military training (such as MPRI) to military logistics (such as Kellogg, Brown & Root, or KBR). There is no standard label for these companies, and various alternatives to ‘PMC’ have been used. Some tags, like Peter Singer’s ‘Private Military Firm’ (PMF), imply exactly the same thing. Others, like the term ‘Private Security Company’ (PSC) preferred by Aegis Defence Services and others, are deliberately slightly different. These firms want to emphasise that their activities are passive and defensive; they hope to avoid the controversy that has dogged full-fledged war-fighting corporations. They have a point, in that most people would concede a meaningful difference between guarding a site and conquering it. When Executive Outcomes (EO) seized Sierra Leone’s diamond fields in 1995, they were acting as a PMC. The personnel left behind to guard the mines had their contracts transferred to a firm called LifeGuard, which was a PSC. After all, LifeGuard personnel did nothing when war resumed; they only took action when the sites they guarded came under rebel attack.

Nonetheless, this paper avoids a proliferation of terms like PSC, PMC, PMF, and so forth, in favour of the single term, PMC. This should not be interpreted as a premature judgement on the industry (or any part thereof). Using the one term is simpler; it also makes good sense, for a few reasons. First, if companies like Aegis and LifeGuard are PSCs, then we are left with no term to describe the everyday firms guarding against ordinary crime, like those providing security guards for office blocks and shopping centres. Second, the term ‘PMC’ is given wide application. For example, it also covers military logistics (including laundry and catering), currently provided to the US Armed Forces by KBR. These tasks are benign, but it makes sense to call them military services – after all, they used to be the work of soldiers. Hence, the term PMC is not used to imply only companies that fight wars. Third, firms aspiring to the PSC tag can fairly be called military, because their employees frequently end up in war zones, and have to fight. In Iraq, “As the insurgency heated up, PSCs ostensibly

providing low-level security found themselves in situations indistinguishable from conflict."[8] Contractor death rates in the country equal those of the US military.[9]

Finally, this paper avoids calling PMCs mercenaries. It may, therefore, be accused of using what George Orwell called, "Political language … designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind."[10] This is a powerful piece of criticism. Certainly, the substitution of a common word like 'mercenary' for an unfamiliar and seemingly innocuous acronym like 'PMC' is suspicious.[11] But the word mercenary is unhelpful for two reasons. In the first place, it begs one of this paper's important questions. The word 'mercenary' is a bit like the word 'rapist': there is no such thing as a good one. Second, a KBR caterer can hardly be called a mercenary, but firms like KBR are very much part of the PMC debate. For reasons of balance, this paper also keeps away from the question-begging term used by the International Peace Operations Association, an American industry group, which refers to the PMC business as the Peace and Stability Industry.

This paper needs to have a name for its subject. 'PMC' seems to be the most appropriate choice. It is not meant to indicate any judgement of the industry. The conclusions are contained in the paper, not the terminology.

[8] Avant, D. The Market for Force, Cambridge University Press, Cambridge etc., 2005, p. 239
[9] Tiron, R. "Insurgents Learn to Exploit U.S. Military's Vulnerabilities" National Defence, Arlington, March 2005, Vol. 89, Issue 616, p. 12
[10] Orwell, G. "Politics and the English Language" in Inside the Whale and Other Essays, Penguin Books, London etc., 1957, p. 157
[11] *On the subject of twisting definitions, see* Keleny, G. "Errors & Omissions: No euphemisms are needed for the hired help" The Independent (London), 3 December 2005, p. 47; "Hinchey wants answers to 'mercenaries' in military" http://www.midhudsonnews.com/News/Hinchey_merc-15Nov05.htm, 15 November 2005, p. 1; Edwards, D. & Cromwell, D. "Fallujah - when the moral crusaders fell silent" New Statesman, London, 26 April 2004, Vol. 17, Issue 804, p. 23