

PRIVATE MILITARY FIRMS IN AFRICA

Rogue or regulated?

ANGELA MCINTYRE

In a 2003 article Peter W. Singer described a fictional scenario in which a private military firm (PMF), in response to a genocide unfolding in the shadow of international inertia, steps forward with an offer to secure safe havens for refugees.

Fiction moved a step closer to reality recently when the United States pledged more than US \$200 million in the form of private contracts in support of the African Union Mission in Sudan. In August of this year, Lieutenant Colonel Michael Bittrick, the US State Department's deputy director of regional security affairs for Africa flew to Addis Ababa to work out the details of an agreement by which two private firms, Dyncorp Corporation and Pacific Architects and Engineers will provide housing, office equipment, transport and communications equipment in support of African Union troops. Although the nature of the support is logistical and may therefore seem innocuous, it nonetheless enables scarce military resources to be concentrated where they are most needed. True to the new mantra of north-south peacekeeping collaboration, it also spares the donor country the risk of putting its soldiers' lives at risk in a conflict that is, for the moment, of marginal interest to its foreign policy goals.

This is not the first time that the support of a multi-national peacekeeping force has been contracted out to PMFs. Firms such as

Lifeguard provided security for the staff of humanitarian agencies in Sierra Leone, the PMFs Pacific Architects and Engineers and ICI Oregon supported ECOMOG forces in West Africa and currently both UNMIL (Liberia) and UNAMSIL (Sierra Leone). More than a decade ago, the American firm Brown and Root (now Kellogg, Brown and Root, employed in support of American troops in Iraq) was contracted by the US Department of Defence to support American military peacekeeping interventions (a time when the US still sent troops on African peace missions) in both Somalia and Rwanda.

There has been great deal of involvement of the sector in protecting infrastructures and industries in conflict areas, as well as in supporting governments in the training, equipping and restructuring of armed forces, intelligence gathering, *ad infinitum*. Private military firms are as pervasive in Africa as security problems themselves. According to the watchdog organization Public Integrity, there are few African states that have not, at some time or another, engaged the services of a private military firm in some capacity, either in the handling of crises or more often, in the more mundane training, support and equipping of armed forces. Furthermore, the transmutations and permutations of companies, some of which have been remained in place before, during and after conflicts, defy static typologies.

Although the phenomenon of soldiers-for-hire is as old as history itself, the growth of the corporate private military sector can be linked to the end of the cold war. An instant, by-default new world order brought about the downsizing of the huge militaries of the north, and the resulting surplus of military expertise and equipment meant that practically any activity normally undertaken by a state military can now be outsourced. In Africa, where state security apparatuses have faced an epidemic of internal conflicts once managed or suppressed by superpower manipulation, the coincidence of supply and demand has been a propitious one. Private military firms have sprung up across the globe, including several based in South Africa and Zimbabwe, addressing all manner of military requirements of African states, and in rare cases, non-state actors.

The lack of state legislation and/or regional agreements aimed governing PMFs is therefore of concern, but understandable given that the activities of PMFs, in keeping with the general opacity of the defence sector worldwide, have come to light only in exceptional cases.

Public awareness of this sector has been shaped by a few remarkable events, such as the involvement of the now-defunct South African PMF Executive Outcomes in supporting the Angolan government in training its armed forces and fighting the UNITA insurgents in the early 1990s, and in leading an assault in Sierra Leone that prevented the rebel Revolutionary United Front from completely overrunning the Sierra Leonean Capital of Freetown in the latter part of the decade.

Opinions of Executive Outcomes remain divided, particularly on the subject of Sierra Leone where undoubtedly thousands of people were spared the brutality of an onslaught of the RUF as a result of the company's intervention. Allegations of payment-in-kind in the form of diamond mining concessions, and the company's ties with oil industry interests in Angola have cast serious doubts on its accountability. But the unusual example of Executive Outcomes is bound to polarize

opinions. There are few, if any, PMFs that have had the combination of corporate structure, effectiveness and government-backed mandates of Executive Outcomes and thus the more pedestrian players in the sector tend to be overlooked or concealed by governments, who are either conscious of the public-image risks or aware of the convenience of 'security considerations' in obscuring their activities.

Some will argue that there is no place in the civilized world for the private sector in the military domain, whether they operate at the 'sharp end of the spear' or remain at its rear echelons. Corpwatch, another corporate watchdog agency expressed its concerns about the employment of PMFs in the Sudan, citing the lack of transparency surrounding contracts justified by 'business confidentiality', and citing that they circumvent US Congressional oversight. There are further concerns about codes of conduct and the training and professionalism of employees. In another case, when the American PMF Military Professional Resources Inc. (MPRI) was asked by the Government of Equatorial Guinea to evaluate its armed forces with particular attention to the protection of its offshore oil reserves and installations, the Clinton administration refused to grant the requisite license from the State Department given the Malabo regime's history of detention and torture of political opposition members, among other human rights abuses. Although the decision was briefly reversed in 2000, the collaboration subsequently came to very little. But these events highlight the kind of oversight of the industry that is urgently required.

Short of outlawing the industry entirely, a sporadic and reactive approach to the private military sector is not likely to address the complexity of issues that surround the use of PMFs. In 1998, the South African Government passed the Regulation of Foreign Military Assistance Act (FMAA), largely in response to the activities of Executive Outcomes in Sierra Leone, which sought to restrict the involvement of South African citizens in conflicts abroad, as well as controlling the the activities of companies operating on

South African soil. Critics of the FMAA point out that it offers no distinction between legitimate private military activity and mercenarism.

One result of this may be that potential recruits to the industry prefer to circumvent the requirement of seeking permission from the National Conventional Arms Control Committee rather than running the risk of becoming enmeshed in a process that appears to lack clarity, and for some, is felt to penalize a sector of the population, namely former South African Defence Force (SADF) soldiers demobilized during the post-Apartheid transformation, whose military backgrounds and skills are in demand elsewhere, if not in their home country. At the moment, there are estimated to be some 1,500 South Africans working for PMFs in Iraq, and hundreds more working throughout the world for companies whose activities range from guarding infrastructure to clearing landmines.

Like many countries that have witnessed large-scale demobilizations following regime changes, South Africa has been a fertile recruiting ground for the private military sector. Elsewhere, such as in conflict-wracked West Africa, large-scale demobilizations and inadequate measures for reintegrating soldiers into civilian life have resulted in a surge in mercenarism, mainly among young soldiers whose needs are clearly not being met by the plethora of reintegration initiatives in the region and choose rather to seek out the next war. The migration of Liberian, Sierra Leonean and Guinean fighters between conflicts in has been cited by UN Secretary General Kofi Annan as one of the key causes of instability in the region. The absorption of ex-soldiers into the private sector (where pos-

sible and properly governed) would surely be preferable. Although there is little data available, it is likely that several hundred Mozambican ex-combatants have been successfully reintegrated into the private sector, albeit into domestic security companies.

Given the growth of the private military sector and its current embeddedness in Africa, regulating strictly against PMFs could have the adverse results of reducing state transparency regarding the defence sector and driving private actors underground. The risk of the emergence of mercenary groups in this scenario would increase. While the Organization of African Unity produced in 1977 the Convention for the Elimination of Mercenarism, which was couched in the language of inter-state conflict and independence struggles, little has been done in the way of developing regulatory frameworks for the private military industry that could effectively prevent PMFs from going rogue. Perhaps most significantly, many PMFs are anxious to see the development of rational regulatory frameworks and willing to submit to the monitoring of their activities. The development of benchmarks for good (and ethical) business practice opens the doors for the legitimization of firms and thus more contract opportunities, but also for the civil oversight of the industry.

Regulation of the private military sector has become an issue of governance; wherein the activities of firms can only be legitimized by both their states of origin and those states, regional bodies, or, in the case of the United Nations, international authorities, that employ their services.