

EDITORIAL

Private military/security companies and human security in Africa

Deane-Peter Baker and Sabelo Gumedze*

Mercenaries and private military/security companies (PMSCs)¹ are different entities both in form and in substance. While PMSCs have over the years arguably proved to be useful in the restoration of peace and security, mercenaries are the antithesis of what Wright and Brooke call the 'peace and stability operations industry' in their contribution to this issue of the *African Security Review*. There is no doubt that mercenary activities continue to destabilise the African continent while at the same time PMSCs are increasingly seeking to establish themselves as legitimate service providers.

Mercenarism has not only compromised the peace and security of African states in general but has also undermined human security on the continent. In complex African conflicts,

* Deane-Peter Baker is the editor of the *African Security Review* and senior lecturer at the School of Philosophy and Ethics at the University of KwaZulu-Natal. Sabelo Gumedze is a senior researcher in the Defence Sector Programme at the Institute for Security Studies and an attorney of the High Court of Swaziland.

which involve private actors that include both PMSCs and mercenaries, freedom from fear and want seem to be rare despite so-called 'strategic security sector reform' efforts. Peace and security, at least in the African context, is a human right recognised and guaranteed in the African Charter on Human and Peoples' Rights. The Charter (par. 8 of the preamble) states that the OAU/AU member states' conviction is to 'henceforth ... pay particular attention to the right to development and [to ensure] that civil and political rights cannot be disassociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights'. These rights cannot be realised without a proper understanding of the impact, both potential and actual, of PMSCs and mercenaries on human security in Africa. The aim with the theme of this issue of *African Security Review* is to make a contribution to an important but often misunderstood subject.

Defining and regulating PMSCs

Just what is a PMSC? Spear (2006:7) defines PMSCs as 'corporate entities that provide military expertise and other professional services essential to combat and warfare'. Those 'other professional services' are extremely open-ended, and in some cases come uncomfortably close to mercenary activities. Singer (2001:2) defines PMSCs as 'corporate bodies that specialize in the provision of military skills – including tactical combat operations, strategic planning, intelligence gathering and analysis, operational support, troop training, and technical assistance'. The activities of PMSCs are diverse and the list that Singer provides is obviously not exhaustive because, as corporate entities, it makes business sense for PMSCs to diversify their expertise in order to maximise their profits.

Broadly speaking a PMSC is an entity that offers services aimed at addressing security concerns through a variety of security engagements. The word 'security' in this context is used in the most general sense. Though both PMSCs and mercenaries can be considered to be 'security workers', there is a significant difference in the work they do. According to a report by the Geneva Centre for the Democratic Control of Armed Forces (DCAF 2003:71) PMSCs 'do not fit into the narrowly-drawn definition of mercenary forces as they normally consist of retired military personnel, who are no longer active in security forces [and who] offer a wide range of services from combat and operational support, or advice and training, to arms procurement, intelligence gathering, or hostage rescue, etc.'. From a legal perspective a PMSC is a corporate entity, while a mercenary group is not.

Singer (2003:91) attempts to categorise the PMSCs into 'three broad types of units linked to their location in the battle space: those that operate within the general theatre, those in the theatre of war, and those in the actual area of operation, that is, the tactical battlefield'. He uses the metaphor of a spear to identify three types of PMSCs, namely military provider firms, which represent the 'tip' of the spear and provide implementation and command

services; military consultancy firms, which are situated in the middle of the spear and which provide advisory and training services; and military support firms, which provide non-lethal aid and assistance and which are the PMSCs that are furthest removed from the tip. Given such diverse categories both in terms of operation and function, it is clearly inappropriate to attempt to lump together all PMSCs under a single 'mercenary' banner.

The challenge comes at the tip of the spear where PMSCs sometimes find themselves using armed force in the service of their employees. Walker and Whyte (2005:652) argue convincingly that the difference between mercenary, private security company, and private military company, are often blurred, with the latter term being the most recent mercenary 'version' and without legal definition in domestic or international law. Shannon Bosch notes in her contribution to this issue of *African Security Review* that this legal murkiness is but one of a number of challenges that international humanitarian lawyers have had to deal with in recent years. Bosch shows that this murkiness can be penetrated with careful and thorough analysis. She offers a far more fine-grained and detailed picture of the position(s) of PMSCs under international law than most critics of the industry seem willing to accept is even possible.

Sabelo Gumedze points out that the legal challenge is a particularly relevant one in Africa, which has unquestionably suffered the most at the hands of mercenaries in modern times. If there is any place on our planet where the private provision of armed force needs to be carefully regulated, that place is Africa. But, as Gumedze makes clear, the only legal instrument currently available in Africa that aims to do this is the 1977 OAU/AU Convention on the Elimination of Mercenarism in Africa, which is hopelessly inadequate and in need of radical revision.

PMSCs and their impact on Africa²

While many analysts are increasingly concerned about the impact of PMSCs on security and stability in Africa, most people think immediately of Iraq when the phrase 'private security contractor' is heard. There is in fact an important connection between Africa and Iraq in this regard. A significant number of the non-United States and non-Iraqi security contractors in Iraq are South Africans, mostly white members of the apartheid-era security forces. The prevailing political climate in South Africa is such that there is little incentive for those heading for Iraq to make their planned destination known, and so it is impossible to determine whether the recent growth in the numbers of private security contractors in Iraq has included a large number of South Africans. What is known, however, is that South Africans were already there in significant numbers prior to the 'surge'.

The big question, from a South African point of view, is what happens to those South African private security contractors once the 'surge' is over and the inevitable drawdown of US military forces in Iraq begins? One possibility is that the Iraqi government, desperate

to fill the security void, will use some of its oil revenue to contract with the private sector to replace at least some of the military capability that they will lose as a result of the US withdrawal. Certainly there are hints from within the international private security industry that there are companies that might be prepared to offer such services. As long ago as March 2006 the US vice-president of Blackwater, Chris Taylor, was quoted as saying that, if invited by the Iraqi government, Blackwater could assemble a force capable of quelling insurgent attacks in one of that country's troubled regions or cities. Though Blackwater is arguably the most aggressive, and is certainly the best known, of the large private security contracting firms, it is by no means the largest. ArmorGroup, for example, which has strong connections with South Africa, has about 25 per cent more boots on the ground in Iraq than Blackwater (around 1 200 contractors) and has a far larger global presence. Erinys, which also has strong links with South Africa, controls a force of about 14 000 security guards in Iraq (though most of them are local Iraqis). If companies like these respond to a call for support from the embattled Iraqi government, many if not most of the South Africans currently in Iraq may well continue to ply their trade in that conflict.

Another, possibly more likely scenario, is that just as the US military 'surge' was accompanied by a parallel increase in private security contractors in Iraq, the US pullout will in turn be mirrored by a drawdown of private security involvement. Few private firms have, or indeed wish to have, the fighting capability that Blackwater's Chris Taylor speaks of, and without the US military there to back them up many of these firms may well consider the security environment to be simply too hostile for continued involvement. If that happens South Africa could well experience an influx of returning combat-hardened security personnel, most of them white males with connections to the apartheid-era security forces.

Many believe that it is precisely the fear of the possible impact of such people on the stability of South African society that led the South African government to take what is unquestionably one of the most hard-line 'anti-mercenary' stances in the international sphere. Unfortunately this stance comes at a cost. As Deborah Avant pointed out in her book on this topic, *The market for force*, by criminalising the 'private security for export' industry, the South African government has in effect relinquished its ability to shape the norms and ethos of the sector. The wisdom of this move is questionable, particularly in view of the very limited capability of the South African government to enforce the legislation it has passed to crack down on the private supply of military and security capabilities to foreign conflict zones. While it is too early to know what will happen to the market for force in Iraq, the South African government should perhaps consider constructive engagement with citizens who have gone 'over there', before the 'surge' home begins.

One approach would be to find ways to integrate returnees into South Africa's domestic security market. With crime showing no sign of abating and the 2010 Soccer World Cup looming on the horizon, the South African government may find it prudent to follow the example of General Petraeus and arrange a 'surge' of its own. And there is certainly

scope for making use of this expertise beyond South Africa's borders. Particularly as the South African National Defence Force is currently overextended, the South African government could follow the US example of employing private security contractors on a large scale as force multipliers.

The argument regarding the South African situation also applies to the rest of the continent. But in these arguments one should bear in mind the difference between what governments 'could' do and whether they 'should' legitimise such private purveyors of force. Rachel Zedeck's warnings, in her contribution to this issue of *African Security Review*, must be taken very seriously. This should be balanced by a principled pragmatism which suggests that it would be foolhardy to ignore the potential, which Wright and Brooke point out is inherent in the private sector, to address a security vacuum that states very often cannot or will not fill.

We close with the point with which we began: branding all PMSCs with a 'mercenary' label obscures the real challenges, and potential, that this industry presents for human security in Africa. This is a subject that requires careful and thorough analysis, as does the broader issue of human security in Africa. We are grateful to the contributors to this volume, for their contributions highlight the issues surrounding this important matter.

Notes

- 1 The use of the acronym PMSC is deliberate and seeks to classify private security companies (PSCs) and private military companies (PMCs) into a single group. Some PMCs call themselves PSCs despite the clear presence of a 'military' component in their operations.
- 2 Parts of this section are based on the article, Looking beyond the 'surge' – What future for SA security contractors in Iraq?, by Deane-Peter Baker (2007).

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