



Seminar Report on

The Prohibition of Mercenary Activities and Regulation of Certain Activities in Areas of Armed Conflict Act 27 of 2006

Compiled by

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Security Sector Governance Programme

Institute for Security Studies

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Institute for Security Studies Boardroom

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Overview

On 16 November 2007, the South African Government published the long awaited *Prohibition of Mercenary Activities in Country of Armed Conflict Act No. 27 of 2006* (the Act) in the *Government Gazette* (No. 30477). This was after the National Council of Provinces had passed the Act on 17 November 2006 following its passing by the South African Parliament. On 12 November 2007, the President of the Republic of South Africa, Thabo Mbeki, assented to the Act. The Act seeks to repeal the Regulation of Foreign Military Assistance Act No. 15 of 1998 (RFMA) whose aim was to regulate the rendering of foreign military assistance by South African juristic persons, citizens, persons permanently resident within South Africa and foreign citizens rendering such assistance within the borders of South Africa. At present the Act is not yet operational as the President is yet to proclaim in a *Government Gazette* the date upon which the Act shall come into operation.

Due to the ineffectiveness of the RFMA, the South African Government introduced the Act (then Bill) in order to give effect to the South African Constitution which provides in section 198 (b) that the resolve to live in peace and harmony precludes any South African citizen from participating in armed conflict, nationally or internationally, except as provided for in the Constitution or national legislation. In particular the Act seeks to prohibit mercenary activity; regulate the provision of assistance or service of a military or military-related nature in a country of armed conflict; regulate the enlistment of South African citizens or permanent residents in other armed forces; regulate the provision of humanitarian aid in a country of armed conflict; provide for extra-territorial jurisdiction for the courts of the Republic with regard to certain offences; and provide for offences and penalties relating to the above.

The Security Sector Governance Programme of the ISS, through its project on *Regulation of the Security Sector in Africa* hosted a seminar on *The Prohibition of Mercenary Activities in Country of Armed Conflict Act No. 27 of 2006* for purposes of providing a critical analysis on the Act, and commenting on it from different perspectives such as political, constitutional, international humanitarian law and human rights law. The analysis of the Act was in view of the global discourse on the emergence of private security/military actors (operating in conflict situations), which are sometimes associated with mercenary activities, rightly or wrongly. The seminar also interrogated the impact of the Act on South African citizens and permanent residents with regard to the exportation of their security and military expertise beyond the South African borders and on the overall regulatory framework (if any) for private security actors at regional and international levels.

A number of presentations were made as follows:

- 🚩 A Critical Analysis of the Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act 27 of 2006, **Mr Sabelo Gumedze, Security Sector Governance Programme**
- 🚩 The Impact of Privatizing Security on the Military Profession in Light of the Prohibition of Mercenary Activities in Country of Armed Conflict Act No. 27 of 2006, **Prof Lindy Heinecken, University of Stellenbosch**
- 🚩 The Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act 27 of 2006: An International Humanitarian Law Perspective, **Mr Andrew J. Carswell**, Regional Delegate to the Armed & Security Forces, The International Committee of the Red Cross (ICRC) Regional Delegation for Southern Africa and the Indian Ocean
- 🚩 The Impact of the Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act 27 of 2006 on Peacekeeping Missions, **Ms Michelle Small, Monash University**

All the above-mentioned presentations allowed for a positive debate on the Act through the analysis of the legal framework and thus ensuring peace and security in Africa.

Dr. Naison Ngoma (Chairperson)	Chairperson's Opening Remarks

The chairperson of the seminar, Dr Naison Ngoma opened the debate by commenting on the audience, impressing upon them the importance of the quality of discussion over quantity. He presented the Security Sector Governance Programme of the ISS as focusing on strengthening democracy and governance of the security sector, thus contributing towards to a peaceful environment in Africa and human security and development. With regard to the seminar, mercenaries have been subject to debate for quite a while, especially in Africa where they have been accused of participating in armed conflict.

He defined a "mercenary" as an individual who participates in armed conflict for profit. Crucial to this was the common desire of African leaders to eliminate military take over's and illegitimate governments at the inception of the AU in 2002. Accordingly, the South African government sought to undertake this task through the Act (among other initiatives) as a number of its military operatives sought lucrative business elsewhere, with the Republic being recognised a pool for mercenaries. South Africa addressed this problem through a number of legislations:

- May 20 1998 – *Foreign Military Assistance Act* prohibiting SA citizens from participating in national and international armed conflicts, with an implementing schedule to ensure it coming into play.
- 1999 - A law was introduced to prevent nationals from participating in military actions abroad.
- In Oct 2005, a new Bill followed this.
- In 2006, the current Act was passed which is the subject of the seminar discussion. This act has not yet been enforced, as it needs to be promulgated still.

Civil society has commented widely on these attempts:

In 2005, the IPOA released a statement over the formulation of legislation. The said act was criticised by them for being too wide with the government being able to curb mercenarism through other appropriate legal measures. It argues that SA could regulate PS individuals without such an Act which seems too excessive and should be amended as its flaws were said to undermine PS operations and harm SA international image.

The ISS also made a submission to the Portfolio Committee on Defence of the National Assembly; agreeing that mercenary activities were repugnant and foster, ignite and prolong violent armed conflict. It stated that the decision to participate in such activities is political, whether made by

international, regional or sub regional organisations or even single states. When PSCs and PMCs are allowed to make such decisions, International Law ceases to be meaningful due to the secret and illegal nature of mercenary activity. The curbing of such through the Act is thus welcome.

However questions arise in relation to the Act in its present form as it includes wider activities that are not related to military matters in a sense. It also doesn't consider parliamentary oversight, giving the executive a wide range of powers that are not consistent with the constitution. The issue at hand is thus rather one of definition, and the solution would be to not cast the web so wide to include PSCs and PMCs, which provide advice and humanitarian assistance.

Other comments have been around the Act being hypocritical given the recent debacle with the National Conventional Arms Control Committee (NCACC) granting permission to a Chinese ship transporting arms to Zimbabwe, thus contributing to that conflict. Also the amendment in the Act provides no guidance as to what constitutes an SA humanitarian organisation for example, along with containing definitions of armed conflict which remain rather wide and vague; allowing for offences to be committed without the knowledge of the individual concerned.

In light of these, it is clear that there is a need to interrogate this Act in order to contribute to its operationalisation, address the gaps and thus improve human security on the continent. The conversation in the seminar on the matter will be through presentations of experts in the field. The chair concluded by presenting the latter and inviting them to the podium.

Mr Sabelo Gumedze	A Critical Analysis of the Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act 27 of 2006
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The presenter indicated his outlook as being critical and mainly looking at the attitude of the South African government on nationals seeking work abroad. This was done by looking at the following: - legal basis for the Act, definitions in this light, the activities proscribed in the Act, the authorization process and how Act applies extra-territorially. He made it clear that the Act was not yet in force as the South African Government was still working on the Regulations to complete the Act before it was proclaimed to be in Government Gazette as operational by the President of the Republic.

As way of introduction, the presenter began by stating that the Act was watertight and makes it extremely hard for South African nationals to export their services overseas. As a background, the general situation concerning these nationals is that the total number of South African

private security/military contractors/operatives in Iraq is unknown though the estimated number from unconfirmed reports puts it at over 4000 and those enlisted in the in foreign armies is also unknown though according to unconfirmed reports the estimated figure for South African citizens enlisted in the British Army is between 870 and 900.

Given this unknown figures and the fact that a number have died while in the employ of various PMSCs, the government remains very hostile to the exportation of military/security expertise by its citizens and permanent residents in conflict areas; especially those who served during the apartheid regime. In order to control this then, the government decided to pass the act. The legal basis for this promulgation rests with section 198 (b) of the Constitution, which is only enforceable upon the enactment of national legislation. It is important to note that this current legislation repeals and replaces the former Regulation of Foreign Military Assistance Act (RFMA). The advent of the act is also governed by sections 22 and 36 of the constitution.

Upon providing this legal background, the presenter set out to examine and critically analyse the definitions contained within the Act; specifically those around what constitutes the persons, areas of prohibition and prohibited activities within it. Points taken out of this analysis include the fact that persons within the Act include foreign citizens, casting the net wider. Also, the Act is not applicable in countries of un-proclaimed conflict except in instances of participation of armed forces, dissidents and rebel forces in any combination.

The Act, also qualifies what assistance and provision of services that is prohibited by it entail. As such, one needs to apply for authorisation in terms of section 7 of the Act to participate in the mentioned activities. As regards humanitarian organisations, they need to register with the National Conventional Arms Control Committee (NCACC). It is important to note that international organisations, such as the ICRC, are exempt from this, only South African organisations registered in South Africa fit into this category.

As concerns PMSCs, the presenter noted that they are usually involved in logistics of combat operations and training armies, a role which they advertise as opposed to their engagement in combat operations. After looking at all these definitions, a number of shortcomings stand out. Firstly, a mercenary as defined in the OAU convention is not similar to that defined in the South African Act, which focuses on the individual rather than the actions. One example is that those participating in xenophobic acts potentially arguably fall under threatening the constitutional order of a state and thus qualify as "mercenaries" under the South African Act, though not in terms of the OAU Convention.

With regard to the work of humanitarian organisations that require authorisation, the Act does not actually define 'humanitarian assistance' as a concept. How then do we distinguish between those who provide such assistance and those who do not? When specifically analysing enlistment in foreign armed forces, it is clear that whether authorisation is

granted to an individual or not, once one engages in a regulated country, one still remains a mercenary according to the Act. The process itself is flawed as authorization can be granted subject to a number of conditions and the NCACC reserves the right to amend or cancel this at anytime. Even where one changes and becomes a foreign citizen to South Africa, the Act remains applicable. This causes concerns around extra territorial jurisdiction where Section 11 2(a) allows for other people that have not been listed to be subject to the Act too.

Based on this background, the presenter concluded by expressing the view that the country remains very hostile toward the recruitment of its citizens and permanent residents with security/military skills abroad. However, this Act is likely to push the industry underground with citizens being likely to change their citizenship status to avoid falling within its ambit and foreign armies conferring citizenship to South African soldiers for similar reasons. One thing remains clear; a majority of South African citizens and permanent residents will be prohibited or strongly discouraged from exporting their military/security skills.

Lindy Heinecken	Outsourcing the Military Profession: Some Implications
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The chair introduced this presentation as addressing the impact on the military profession in light of the act. Questions posed include who is the mercenary? Are PMSCs mercenary organisations? To what extent does this affect the military profession?

The presenter made it clear that she was providing a sociologist's outlook on the act and how it impacts the military profession. She began by looking at the systemic influences that contribute to the explosion of PMSCs in this era. They were identified as including the global downsizing of the armed forces, an upsurge in global violence, a rising demand in expeditionary missions which require increased numerical and functional flexibility that current African armies do not possess; and the segmentation of military employment into temporary civilian specialists and a part time military reserve.

These 'new' armies undertake a spectrum of activities including tactical military assistance, strategic advice and training and provision of logistics, intelligence and maintenance services. In this light, PMSCs are used by national armed forces to multiply their force; by weak states to stabilize conflict; by the United Nations, Non Governmental Organisations and Aid organisations for protection; and, unfortunately, belligerent groups for illegal activities.

Specifically, the Act in itself raises a number of concerns. Firstly, the act is extremely harsh in terms of limiting South African citizens in rendering 'peace and stability' activities (depending on ethical considerations)

especially in terms of the cost benefits, increases in efficiency and effectiveness, provision of rapid response and deployment capacity and a number of political benefits.

Also, the Act focuses on the identity of the actor, not the activities prohibited. The act is lacking in terms of mentioning civilian oversight and relies heavily on the NCACC which already has a dubious record. Even the regulations that are being developed for the promulgation of the Act remain vague. Most importantly the Act is lacking in terms of the scope of its action, the legality of its implementation, concerns around monitoring abilities and issues around criminalizing actions in countries where they do not constitute crimes.

Centrally, the armed forces have not been active in the debate despite the fact that PMSCs action contributes directly to the demise of the military profession through eroding on institutional and professional duality; creating a loss of control over the monopoly of knowledge; eroding the autonomy of the profession; creating corporateness and an 'us them divide; decreasing legal controls and accountability; and eroding on service ethic. Other impacts on the profession include skills drain, national loyalty implications, erosion on the built-in capacity of armed forces; impacts on command flexibility; impositions of contractor restrictions; and resulting in a murky legal status for the organisations.

Given this background, the question is around what impact would the act have in terms of armies' ability to make use of the services provided by these companies? For example, these companies have assisted weak states in stabilising them and being cost effective in dealing with specific conflicts. A good example is Executive Outcomes role in Sierra Leone in helping towards signing of the peace accord. How then does the South African Act fit within this paradigm? The presenter showed a video that provided a map on the extent to which PSCs participate in armed conflicts, which is all over the world. The South African Act as such would constitute a 'drop in an ocean' in terms of having an effect on the industry.

The PMSC industry is here to stay. Essentially, the debate must not only look at the gaps in the Act but also consider the impact on uniformed career personnel with regard to recruitment and retention problems; comparability of employment conditions; rising costs of "military labour"; concerns over long-term sustainability of the "profession"; a decline in profession relevance and status; and the resulting deployability crisis in relation to difficulties to recruit, deploy, retain (especially given the impact of social forces such as declining birth rates and HIV/AIDS). The reality of the dilemma, especially for Africa, remains the fact that international organisations are slow in reacting in instances of conflict (as was witnessed during the 1994 Rwanda Genocide or more recently in Zimbabwe), while PMSCs are more efficient and could save countless lives, given the right payment is made available.

The presenter concluded by expressing the view that the Act requires more debate and critical thinking is sadly lacking. This is especially so as

the government has different political motives in establishing the act, other than curbing mercenarism on the continent.

Mr Andrew Carswell	Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act: An IHL Perspective
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The presenter identified the purpose of his presentation as establishing how the South African legislation fits into the wider framework of international humanitarian law (IHL). IHL consists of the Geneva Conventions of 1949, their Additional Protocols of 1977, a series of treaties regulating means and methods of warfare, and related customary international law. The Conventions and Protocols require states to both "respect" and "ensure respect" of the law in all circumstances.

The presenter began with the premise that IHL, which regulates the protection of war victims and the conduct of hostilities (the *jus in bello*), must be considered separate and distinct from the legal framework governing the use of force in international relations (the *jus ad bellum*), since victims of conflict continue to require protection regardless of how a conflict begins and which armed actors are participating.

How does the South African legislation fit into this international legal paradigm? The Act's prohibition of mercenary activity touches upon the *jus ad bellum* and does not therefore enter the realm of IHL and the state's obligations in this regard. However, the legislation also addresses individuals who facilitate "assistance" or "service" to belligerents in an armed conflict, ensuring that only those specifically authorized by the NCACC may engage in such activities. The principal exception to this provision is article 1(2), which exempts assistance or service taken in accordance with international law, and IHL in particular. In effect, this exception potentially encourages those entities who are not otherwise restricted by the Act to abide by IHL, and in this narrow sense could be viewed as furthering the state's obligation to respect and ensure respect of IHL.

The presenter then went on to discuss the Swiss Initiative on Private Military and Security Companies (PMSC), an inter-governmental dialogue aimed at reaffirming and clarifying existing international legal obligations applicable to states and PMSC, and developing good practices, regulatory options and other measures at the national, regional and international levels to assist states in respecting and ensuring respect for IHL and International Human Rights Law. He then asked the open question: can the South African legislation be considered as a "good practice" or

regulatory option for countries wishing to respect and ensure respect of IHL? Whatever the answer, the new legislation will likely form part of the Swiss Initiative's dialogue.

Finally, the presenter took a closer look at the Act and asked what direct IHL implications could be foreseen, particularly for neutral and independent humanitarian actors like the ICRC. He concluded that ICRC and its employees are neither captured by the "assistance" and "service" provisions of section 3, nor are they affected by the section 5 regulation of South African humanitarian organisations.

In conclusion, the presenter stated that IHL concerns itself not with who is present in the theatre of armed conflict (a legitimate question of *jus ad bellum*), but rather how those actors are classified, how they must thereby carry themselves, and the treatment to which they are entitled. The South African legislation appears to be primarily directed at prohibiting mercenaries and regulating private companies whose services might tilt the balance in armed conflicts. As such, it appears to affect IHL only insofar as it indirectly encourages obedience of the law by those actors who are not otherwise captured by the prohibition underpinning the Act.

The Chairperson completed this conclusion by stating that the debate regarding the legislation needs to take place at not just a national but also a wider international level. Questions to be posed within this debate revolve around the practicality, usefulness and effectiveness of the Act.

Ms Michelle Small	The Impact of the Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act 27 of 2006 on Peacekeeping Missions
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The Chair introduced the presentation as addressing the important peacekeeping implications of the Act, as PMSCs can play an active role in this area; for example in Darfur and Somalia where assistance is required.

The main question the presenter posed is whether South Africa is shooting itself in the foot when looking at its foreign policy objectives. This is

looking at its foreign policy objectives. This is especially true for the role PMSCs play in assisting its forces in peacekeeping work. Is the Act then in conflict with South African foreign policy and what is its impact on South African PMSC personnel? To adequately answer these questions the presenter began by identifying the pros and cons of the Act as a limited improvement of the RFMA of 1998 which was more restrictive though still maintaining the old Act's negative punitive posture and giving little leeway to entertain PMSCs in broader strategy. The Act was thus lauded for being an evolutionary development that establishes a clearer definition between security services and classic mercenary activities. It also provides for an improved licensing and authorisation regime, which prohibits mercenarism and revokes the illegality of South Africans in listing in foreign national armies.

Unfortunately, the Act provides no recognition of what a PMSC is, thus remaining stuck in an outdated concept of mercenarism that does not consider the new 'marketplace'. The licensing and authorisation regime provided for lacks criteria for applicants, this due to a lack of guiding precedents or principles. It also restricts humanitarian organisations by requiring them to apply before performing their regular duties. Importantly, it leaves the NCACC as the paramount decision-making body and decisions as highly contingent on the executive, against constitutional requirements. In relation to the Constitution, it equally infringes on Article 22 that provides the right to choose a trade/profession. In this light, it criminalises a potentially lucrative profession.

This is contradictory to South African foreign policy which essentially is trying to achieve stability on the continent through a people-centred approach and viewing economic development as a pathway to peace and stability. In this light, PMSCs can be used by South Africa to achieve foreign and economic objectives as they provide revenue for the government and assistance in various spheres including peacekeeping, border patrol, establishing refugee camps and thus simplifying the work of International Humanitarian organisations. The problems the country is currently facing with Zimbabwean immigrants and xenophobic unrests could have been prevented through their use. Example was also made of the American initiative, AFRICOM which works in providing such assistance and whose work would lead to an influx of PMSCs on the continent.

Given this, the success of foreign policy clearly depends on the success of domestic policy; in this case the Act. As a way forward, South Africa needs to realise that PMSCs have a legitimate role to play in economic and foreign policy and that the Act removes a potential foreign policy tool. In this light, the government needs to be more pragmatic to the benefits to South Africa and the continent. The Act itself needs to be more compliance driven with a more open and legal framework that is not punitive or restrictive. This must go hand in hand with the Regulation.

Closing Statement – Dr. Naison Ngoma

The chair thanked the presenters for providing clarity on the matter and opened the floor for discussion.

Discussion:

Question: How does the Act affect the relationship between the SANDF and the PMSCs it works with in peacekeeping missions? Does this change what the SANDF can do in such cases and will the regulations impede on this?

Answer: No matter how useful PMSCs are, the Act is putting an end to that. In terms of South African peacekeeping missions, the act is relevant in terms of licensing, the problem is that leaves it up to the executive to make a decision; affecting the consistency of a peacekeeping mission only and not whether the SANDF will continue to make use of PMSCs. This remains the prerogative of the executive. Also, there is a market for service providers not PMSCs *per se* as the main objective is development not military solutions. What South Africa really needs is organisations to provide infrastructural support over military support.

Question: How will SA Act be enforced? (is it really that watertight) How then can we enforce it?

Answer: Unless regulations clarify this, act will be difficult to enforce.

Question: Most PMSC employers are white; can we have white people solving Africa's problems?

Answer: Most private security operatives are black. The real issue is how to develop without assistance, especially as armies are not effectively conducting their duties.

Question: The act includes foreigners, does that not include those that work for international organisations such as the ICRC?

Answer: ICRC delegates are not captured by section 3 since they are subject to the exception in article 1(2). Regarding section 5, ICRC is not captured, and even South Africans working for ICRC would not be captured since the restriction applies to "South African humanitarian organisations" and not to South African citizens as such. ICRC is a Geneva-based organisation.

Comment: The Act should be commended in general terms because South Africa has taken the lead in a debate that is silent in the world. This is especially true as no one is applying his or her minds to PMSC actions that are relevant to Africa. The country has set a practice where there was none. Ultimately, security is the state's responsibility and privatization affects this negatively. An example was given of the SAPS vs. private security services in terms of who they serve – the poor or rich. Privatization then is for individual security instead of community security. In whose interest does insecurity become? Private companies will not pay for people to stay in barracks when there is no conflict (as the army does) so it will be in their best interests for a conflict to be going on. As such, there is a need for an international approach to solve the problem rather

than a focus on criticism of a laudable act by the South African government.

There is also a need to look at the potential for weak states vs. strong states to outsource security. The latter can afford it while the former cannot; especially given the weakness of the authority putting them in more danger of losing control over security. Using PMSCs in weak states presents challenges for weak states; so such an initiative to control them in weak states is a positive action.

Comment: AFRICOM is not changing the content of peace programs, similar foreign assistance is delivered, and with the only difference being the commander. This means that there will be no influx of PMSCs as indicated by Ms. Small. More so AFRICOM is concerned with US interests, not African security. A contrary view was expressed that AFRICOM is not just bureaucratic but boosts African peacekeeping and anti-terrorism objectives.

Response: Firstly, once the Iraq and Afghanistan crises wind down, Africa will become the market for these PMSCs to flood to.

Comment: Allowing PMSCs total independence is not advisable, despite positive contributions to national armies dealing with conflict as Executive Outcomes was allowed in Sierra Leone. Rather, PMSCs should work in partnership with public security; this is especially relevant as PMSCs are taking over armed forces' role.

Comment: The Act's purpose is not international but rather domestic to address problems around SANDF former operatives being engaged in mercenary activities.

Presenter's Closing Remarks

To close, it was stated that insecurity exists and with globalisation these pressures grow. As such, we need extra help that PMSCs offer. They help create peace and stability but they need to be regulated especially in terms of the impact they have on the military profession as they encroach into military combat role. A partnership between public private security providers is essential to respond to this. The Act itself is water tight, and in light of influencing positive debate around addressing its gaps, there is a need to inform the public in understanding the role of the PMSCs as providers of assistance in humanitarian and peacekeeping capacities rather than as de stabilizing in conflict areas.

APPENDIX A

Seminar on The Prohibition of Mercenary Activities in Country of Armed Conflict Act No. 27 of 2006

(Thursday 22 May 2008)

Host: Institute for Security Studies, Pretoria

Venue: Veale Street
Block C, Brooklyn Court
New Muckleneuk
TSHWANE (Pretoria)

Chair: Dr Naison Ngoma, Security Sector Governance Programme

10h00 - 10h25 A Critical Analysis of the Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act 27 of 2006 **Mr Sabelo Gumedze, Security Sector Governance Programme**

10h25 - 10h50 The Impact of Privatizing Security on the Military Profession in Light of the Prohibition of Mercenary Activities in Country of Armed Conflict Act No. 27 of 2006 **Prof Lindy Heineken, University of Stellenbosch**

10h50 - 11h10 *Discussion*

11h10 - 11h35 The Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act 27 of 2006: An International Humanitarian Law Perspective **Mr Andrew J. Carswell**, Regional Delegate to the Armed & Security Forces, The International Committee of the Red Cross (ICRC) Regional Delegation for Southern Africa and the Indian Ocean

11h35 - 12h00 The Impact of the Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act 27 of 2006 on Peacekeeping Missions **Ms Michelle Small, Monash University**

12h00 - 12h20 *Discussion*

12h20 - 12h30 Thanks and Close

12h30 *Finger Lunch at the ISS*