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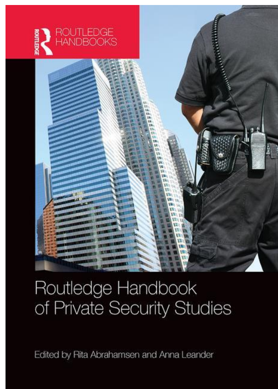

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12

PMSCs IN INTERNATIONAL SECURITY SECTOR REFORM

Sean McFate

In 2004, I was a member of a private military and security company (PMSC) team sent to Liberia. Our mission was deceptively simple: demobilize Liberia's old army and raise a new one. Curiously, our client was not Liberia but the US government. This was no easy task in a country that suffered 14 years of civil war under warlord-turned-president Charles Taylor in a conflict defined by child soldiers, blood diamonds, disappearances, rape and other gross human rights violations, some at the hands of the army. How exactly does one transform a military from a symbol of terror into an instrument of democracy? How can one make a policeman someone a child would run toward for safety rather than away from in fear? How does one convince a warlord to put down his gun and become an unemployed, hungry farmer? On the day that Liberia's post-Taylor government announced it would demobilize the standing army, the military band played 'Que Será Será' at the palace in front of the press and dignitaries.

Security sector reform (SSR) in conflict-affected states is a strategic imperative for international stability, since public security is the precondition of durable development. However, SSR is dangerous work because those that wield force in conflict countries are the de facto institutions of authority, and rewiring these power structures invites reprisal violence and armed conflict. However, not doing so may be worse for the people who live there. Professionalizing a fragile state's military and police promotes development, since corrupt security forces tend to devour the fruits of development. It is also the exit strategy for costly peacekeeping missions, since it creates the conditions where a state can secure itself without outside assistance. Lastly, it is critical for dealing with transnational threats, such as drug cartels or terrorist groups that require a regional approach. Building security capacity in partner nations across a region strengthens overall response, and stronger countries that ignore this face a difficult choice: deploy their troops abroad to do the job or permit minor threats to fester into major ones.

This vital task of SSR is increasingly privatized. This invites benefits and risks to employers, the country undergoing the reform, and international stability more generally. Benefits include cost effectiveness, innovation, and surge capacity. Risks involve a growing overdependence on the private sector to perform SSR, a key tool for global security. It also promotes the development of an international PMSC industry, a grave concern for some.

This chapter explains what SSR is, why is has become increasingly privatized, and some of the benefits and risks of outsourcing it. This is critical because SSR is vital to strategic victory in modern conflict. Many of today's armed conflicts are grievance based, and the solution lies

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not in decisive battlefield victory, like Waterloo, but in good governance, political inclusion, durable development and professional security services. Much of this rests on a professional security sector, hence the strategic importance of SSR. This chapter argues that privatizing SSR can significantly alter strategic outcomes.

Security sector reform

Security is the most fundamental service a state provides its citizens, and it is the foundation of legitimacy in social contract theory, starting with Thomas Hobbes. To guarantee this, a state must have the monopoly of force within its territorial boundaries to repel external threats and domestically enforce its rule of law. In fact, the state's exclusive claim to violence is the very essence of statehood for some, like Max Weber, who defined the state as 'a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory' (Weber 2003). Variations of this definition remain widely used today, and states that cannot maintain a monopoly of force typically experience civil war, violent crime, trans-border incursions and threats emanating from ungoverned space. Such states are routinely described as 'weak', 'fragile' or 'failed.'

In contemporary international security practice, SSR is a tool that can help a country (re-)acquire the monopoly of force. In theory, it consolidates force within a territory and enables the authority – government or otherwise – to enforce its rule of law and defend itself against outside intrusions. SSR is the complex task of transforming the security sector into a professional, effective, legitimate, apolitical, and accountable sector that supports the rule of law and defends against foreign and domestic threats. SSR is not necessarily a programme for states however most SSR programmes to date support state governments. Lastly, SSR in conflict-affected states is deeply political, and technical approaches alone will fail. Programme failure risks coup d'état, war or worse.

Broadly speaking, the 'security sector' refers to those organizations and institutions that safeguard the state and its citizens from security threats. Examples of security actors include the police, military, border control, the judiciary, prisons, and the oversight institutions that manage them, such as the Ministry of Interior or Ministry of Defence. Not included in the security sector are non-statutory security forces that might threaten the state, such as liberation armies, armed criminal gangs, guerrilla forces, insurgents and political party militias. Such actors are usually disarmed, demobilized and reintegrated (DDR) into civil society, and occasionally they are integrated into the existing armed forces, although this is a dangerously myopic solution for warring parties, as the 2013 South Sudan civil war shows.

To date, creating truly successful SSR programmes remains a major challenge for the international community, despite the growing prevalence of peacekeeping missions and nation building around the world. There are several reasons for this. SSR is difficult to do, as Iraq, Afghanistan, East Timor, the Democratic Republic of the Congo (DRC) and other cases demonstrate. Also, there remains a significant theory to practice gap. SSR is generally conceived by academics, human rights lawyers and international development specialists without the benefit of experience, or voices from the field. They tend to produce normative SSR frameworks espousing human rights, democracy and sometimes near-utopian end states for the world's most dangerous places. To achieve this SSR vision, the United Nations (UN), donor states and a pantheon of global actors involved in SSR must work together in a holistic and seamless manner, which is an unreasonable expectation. There are many examples of this (Sedra 2010; Scheye 2010).

Consequently, there is no practicable doctrine, best practice or even common terminology.

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The concept itself has no commonly accepted definition and has many names: security and justice reform, security sector governance, security sector development, security force assistance, foreign internal defence, security system transformation. Few practical models for SSR have been developed, despite many SSR programmes over the past 20 years, perpetuating cycles of violence in fragile states and prolonging costly peacekeeping missions. The Organization for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) has attempted to take a lead in SSR implementation with its *Handbook on Security System Reform: Supporting Security and Justice* (OECD DAC 2007). However, its approach is deeply flawed and consequently remains unused, in part because development theorists wrote most of the manual without the benefit of practical experience or security expertise. As a result, the Handbook makes little sense to military and police professionals, who frequently execute SSR programmes in the field. Additionally, key components of SSR are missing, such as how to conduct human rights vetting of security forces' candidates. Most would never dream of putting a cop on the streets of London or enlist a soldier in the US Army without a background check, yet this is done daily in SSR programmes around the world; the Handbook remains curiously silent on the matter. Lastly, the Handbook lacks concrete operational steps on how to conduct SSR, the purpose of any handbook. Owing to these and other problems, the OECD DAC Handbook remains largely ignored in the field.

The UN has suffered similar setbacks. In 2007, the UN established a SSR unit to bridge the theory to practice gap, but this office has yet to produce an actual handbook or field manual instructing practitioners on how to create a SSR programme. Instead of concrete advice, it offers platitudes that are difficult to operationalize in the field, such as, 'support in the area of security sector reform must be anchored on national ownership' and that the UN approach to security sector reform must be 'flexible and tailored to the country, region and/or specific environment in which reform is taking place' (UN SSR, 2008). Regrettably the SSR unit offers no guidance – concrete or otherwise – on how to achieve these laudable yet nebulous goals. Like the OECD, this failure is partly because UN bureaucrats and former academics manage the unit rather than seasoned experts who have successfully executed SSR in the field. More scholar-practitioners are needed to bridge the theory to practice divide.

Unfortunately, practitioners from the US are not much better. The US's nearly unprecedented efforts at SSR in Iraq and Afghanistan are failures, as the emergence of the Islamic State of Iraq and al-Sham (ISIS) and Afghanistan's 'hollow force' demonstrate. Despite the importance of SSR to the US's strategy of building partnership capacity (BPC) for regional stability, there is a disappointingly lack of focus on the topic. For example, the US Army devotes but a single chapter to SSR in both Field Manual 3-24, *Counterinsurgency*, and Field Manual 3-07, *Stability Operations* despite the centrality of the idea to these tasks (US Army 2007, 2009). Like the UN, these documents only discuss abstract principles of SSR rather than operationalizing the idea, which is the singular objective of military field manuals. Military personnel are routinely deployed to the conflict zones and expected to manage SSR programmes with almost no training or instruction, which is why these programmes fail.

Perhaps the widest point of disagreement among experts is what constitutes 'security.' Definitions range from traditional notions that can be described as 'hard security': protecting people, places and things through coercion and, if necessary, force. This perspective is common among military and law enforcement officers. The development and academic communities have broadened the idea of security into what might be labelled a variety of 'soft security' categories, such as food security, energy security and human security. However, these ideas remain unproven in the realm of SSR practice. While lack of food and energy may be contributing factors to armed conflict, SSR programmes do not attempt to rectify food shortages or energy

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blackouts: that would be an overreach of programme scope and best left to other development projects. Human security is also a contested concept in International Relations, not easy to define and difficult to operationalize within SSR. The lack of a clear distinction between security and safety makes nearly everything a SSR task, which is inappropriate in theory and infeasible in practice.

Consequently, SSR is often designed and conducted from a 'hard security' perspective, and this is indeed the approach of most PMSCs and their employers. One of the challenges of this approach is that it can devolve into a facile 'train and equip' programme, which only creates better-dressed soldiers who shoot straighter. Examples of this include US programmes in Iraq, Afghanistan and Sahel countries, like Mali – all of which have experienced SSR failure, endangering the people and the state. SSR is more comprehensive than traditional train and equip programmes, since it encompasses creating new institutions, facilitating force structure decisions,[1] formulating national security strategy and doctrine, recruiting and vetting new forces, constructing military bases and road infrastructure, selecting leadership, establishing oversight mechanisms within ministries and parliament, and many other complex tasks that go well beyond simple training and equipping troops. A 'train and equip' campaign will not transform a security sector, and such programmes alone invite failure.

Raising security forces for profit

SSR has proven a growth industry for PMSCs. This development was largely driven by the US' wars in Iraq and Afghanistan and the country's penchant for hiring these firms, but the trend actually started earlier. In the 1990s, the US licensed MPRI to work for Croatia and Bosnia, where it trained and equipped their forces for over US$150 million (Singer 2003: 128). The State Department contracted DynCorp International to provide 'peace verifiers' in Kosovo, train Haitian police and eradicate coco plants as a part of Plan Colombia (*Newsweek* 1999).It also hired DynCorp International and Pacific Architects and Engineers (PAE) to raise an army for Liberia in 2005. Today's armed forces of Liberia are entirely a private sector creation. The private sector has the power to alter SSR outcomes, hence it is an important area of study.

The term PMSC covers a broad range of companies and activities, with a surfeit of definitions. In this chapter, PMSCs are defined as expeditionary conflict entrepreneurs structured as companies that use lethal force or train others to do so. They can be further divided into two types: *mercenaries* and *military enterprisers*.

Mercenaries are private armies that operate as free agents in an open market for force. They can conduct autonomous military campaigns, offensive operations and force projection, and generally select clientele based on profit margin rather than ideology. At present, there are no large mercenary firms but they have existed in the recent past, such as Executive Outcomes. This South African company conducted independent military campaigns in Africa during the 1990s, notably in Angola and Sierra Leone (Shearer 1998: 73; Coker 1998: 106–7). Executive Outcomes provided its own combat units, air forces, global supply chain and so forth to defeat the enemy. Currently, mercenary firms are largely absent from the market for force, although some firms, like Blackwater, approach the mercenary end of the PMSC spectrum.

Distinct from mercenaries, military enterprisers raise armies rather than command them. Military enterprisers augment national militaries via a private-public partnership in a mediated market for force, rather than a free market. In the Thirty Years War, for instance, military enterprisers trained, equipped and fielded whole regiments to fight for their client. Most modern PMSCs are military enterprisers and make their money not by deploying their own armies but by making them for someone else, a SSR task. For example, the US has relied on contractors

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to develop the Afghan National Army and the Afghan National Police, even awarding DynCorp International a contract worth up to $1 billion to train the police (Government Accountability Office 2011, 2012). Most PMSCs that conduct SSR are military enterprisers rather than mercenary firms, although the most capable firms possess the requisite competences to work in either category, as the market demands.

The benefits of privatizing SSR

There are many benefits to using PMSCs for SSR. While the US military was busy chasing insurgents in Iraq and Afghanistan, it left substantial portions of SSR in those countries to the private sector. And the private sector rose to meet the challenge, developing new approaches that are superior to their public sector counter-parts, especially in terms of cost effectiveness, innovation, and surge capacity. To date, only the US has widely used this industry for SSR, although this is changing.

Private force is often cheaper than public force, although this is sometimes disputed (see Chapter 7, this volume). Renting forces is less expensive than owning them, unless a state is constantly at war, which is why much of military history is privatized (Lynch and Walsh 2000: 133). Examining the cost-effectiveness of PMCs in Iraq, the US Congressional Budget Office (CBO), an official government agency charged with reviewing congressional budget issues, found private military contractors to be cheaper than the US Army. According to CBO estimates, the Army's total cost of operating an infantry unit in Iraq was $110 million, while hiring the same size unit from Blackwater to perform the same tasks during the same time period was only $99 million. In peacetime, the cost differential jumps even more. The cost of maintaining an army infantry unit at home is $60 million, whereas the cost of Blackwater is nothing, since the firm's contract would be terminated (CBO 2008: 17). Moreover, lifetime costs for veterans' benefits are significant for the US government, especially following a decade of war, while they are non-existent if contractors are used. Maintaining a standing army is always more expensive than utilizing rental ones.

In addition to efficiency, the private sector is more innovative too, able to plug some of the theory to practice gap that plagues public sector SSR efforts. While some observers question the quality of innovation in public-private partnerships (Markusen 2003; Minow 2003; Verkuil 2007), the idea is an old one, dating back to former UK Prime Minister Margret Thatcher and US President Ronald Reagan, who mainstreamed the policy. Faced with ballooning federal deficits, Reagan established the Private Sector Survey on Cost Control to eradicate waste and inefficiency in the federal government. Its chairman, J. Peter Grace, concluded that 'government-run enterprises lack the driving forces of marketplace competition, which promote tight, efficient operations' (cited in Frank 2008). The solution was privatization: 'Turn government operations over to the private sector and you get innovation, efficiency, flexibility' (ibid.). This logic contributed to the rise of the PMSC industry, with some justification in the face of turgid bureaucracies. Or, in the words of Robert Komer (1972), a key figure in the US counterinsurgency campaign during the Vietnam War, the US lost the war because, 'Bureaucracy does its thing.'

Liberia is a good example of innovation in SSR, as that country's armed forces is a private sector product. Take, for example, human rights vetting of candidates for military service. Curiously, neither the OECD DAC, UN nor US address vetting in SSR, even though they would never dream of putting a cop or soldier on the streets of London or New York City without background checks. Currently, none of these actors have a systematic method for vetting security recruits in fragile states like Afghanistan or the DRC. Consequently, criminals

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and insurgents 'infiltrate' new military and police units, corrupting them and delegitimizing them in the public's eyes. In 2012, one in seven of all NATO deaths in Afghanistan occurred at the hands of the very Afghan troops the coalition is trying to help and train (*Economist* 2012). Claiming that security forces were 'infiltrated' by undesirables is disingenuous when rigorous vetting was not performed in the first place, yet this is the standard for public sector actors like the OECD DAC, UN and US.

By contrast, DynCorp International created an innovative vetting programme in Liberia for that country's new military which the International Crisis Group (ICG), a large NGO not typically friendly to the PMSC industry, called 'a notable success – the best, several experts said, they had witnessed anywhere in the world' (ICG 2009). It combined novel cross-cultural investigative techniques based on international best practices and human rights norms to judge a candidate's character and capacity for a position of trust, and to identify potential risks for security reasons. It also created a national public vetting system, allowing the public to identify anonymously security forces candidates who may have committed human rights violations or crimes in the past, such as acts of terrorism. Like most post-conflict countries, Liberia had few (if any) credible public records available to vet against. Accordingly, DynCorp gathered, analysed and prioritized all available public records in the region from non-traditional sources, helping investigators verify the identity and qualifications of candidates. There are more examples of private sector innovation too, such as embedding literacy classes instruction into basic training, and prioritizing civics and rule of law on par with marksmanship and tactics (McFate 2013).

Companies are also more nimble than their government counter-parts, and offer 'surge capacity' to their employers. Surge capacity is the ability to quickly marshal resources and mobilize large numbers of personnel to difficult locations. This is of special value to employers that have failed to anticipate problems, as was the case with the US in Iraq and Afghanistan. Since the Pentagon had not planned to keep large numbers of troops in these conflict zones for a long period of time, it relied on the private sector to do so. PMSCs were able to 'surge' personnel to these difficult places by tapping into networks and databases, running job fairs in the US, and contracting 'cheap' labour from developing world (Hammes 2010). Private companies managed to find people, hire them, and move them into country in a way that the US bureaucracy personnel management system would never allow for its employees.

The risks of privatizing SSR

However, there are significant risks to privatizing SSR. Outsourcing is more than a simple cost-benefit analysis, and the privatization of SSR heralds a growing dependency by governments on the private sector to conduct stability operations and win wars. During World War II, contractors accounted for only 10 per cent of the military workforce compared to 50 per cent in the Iraq war – a 1 : 1 ratio of contractors to military personnel (Government Accountability Office 2008; Schwartz 2010: 5). This ratio was even higher in the Afghanistan war. In 2010, the US deployed 175,000 troops and 207,000 contractors in war zones. Contractors are also paying the ultimate price, accounting for one-quarter of all US fatalities in the past decade of war. In the first two quarters of 2010 alone, contractor deaths represented more than half (53 per cent) of all fatalities (Schooner and Swan 2010). For example, most PMSC contractors killed in 2012 were training Afghan security forces, a SSR mission. Should this trend continue, countries would be strategically dependent on the whims of the marketplace.

SSR is more important to achieving 'victory' in modern warfare than simple brute force. Ambassadors signing peace treaties on battleships do not settle insurgencies, terror campaigns,

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civil wars and other forms or what is commonly called 'irregular warfare.' Many of these conflicts are grievance based, and the solution lies in good governance, political inclusion, durable development and professional security services. This makes programmes like SSR vital to strategic victory in modern conflict. Despite this, strong militaries like the US continue to ignore SSR – outsourcing it instead – in favour of traditional war fighting: hunting and killing the enemy. US military campaigns proceed in five phases:

- phase 0 is conflict prevention;
- phase 1 is the decision to deter or engage the enemy;
- phase 2 is seizing the initiative to outmanoeuvre the enemy;
- phase 3 is decisive operations to defeat the enemy on the field of battle; and
- phase 4 is postconflict transition and stability operations.

(Wald 2006: 72–5)

In 'regular' warfare, decisive victory occurs on the battlefield in phase 3. Accordingly, during the Iraq and Afghanistan campaigns, the US military concentrated on phase 3 combat operations to win the victory while it contracted out most of the 'lesser' phase 0 and phase 4 tasks, such as SSR.

However, in today's warfare, military success in phase 3 matters little. There is no greater metaphor of this than the image of President George W. Bush standing on the deck of the US aircraft carrier *Abraham Lincoln* and declaring 'victory' with a large 'Mission Accomplished' banner behind him after phase 3 combat operations ended in Iraq, just a few weeks after the invasion began. Few observers today would claim that the US had accomplished its mission on that brisk day in 2003, and the US remained embroiled in Iraqi internal warfare well after Bush's departure from the White House. Victory is more dependent on successful phase 0 and phase 4 operations, which often involve SSR. To this end, in 2009 President Barack Obama announced a 'civilian surge' to Afghanistan and established the Civilian Response Corps to accomplish these tasks, but this initiative fizzled, because there was already a robust civilian presence in Afghanistan conducting stability operations: contractors. Tens of thousands of contractors were directing phase 0 and phase 4 operations, while the Civilian Response Corps mustered only one hundred full-time personnel (US Department of State 2010). In fact, many of the specialized skills needed for stability operations can now only be found in the private sector and are considered the proprietary knowledge of PMSCs, and therefore protected under copyright law. If governments want to have access to these skills, they *must* hire the PMSCs that perform them, because the military no longer has an organic capability of its own to perform SSR.

The US is correspondingly vulnerable to strategic defeat when contractors fail. Nisour Square is the clearest case of this, as the tactical failure of Blackwater became a strategic liability for the US throughout the Middle East. But other examples exist, too. In 2010, the NATO-led International Security Assistance Force (ISAF) mission in Afghanistan determined that PMSCs had failed in their contracts to train and mentor the Afghan police. General Stanley McChrystal, then-commander of ISAF, stated that the police were one of the most crucial elements of his campaign plan, and a DOD Inspector General investigation into the matter concluded that PMSCs' failure 'hampers the ability of DOD to fulfil its role in the emerging national strategy' (Hammes 2010: 9; US Department of Defense 2010: 8). By outsourcing victory and defeat, the US and other countries like it are increasingly becoming vulnerable to the ebb and flow of the market place.

More importantly, out of work PMSCs and their personnel seek SSR employment elsewhere, such as Somalia. After the Nisour Square shootings, Erik Prince, founder of Blackwater, left the US for Abu Dhabi, where he has become a deal maker within the industry, connecting

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companies with clients and vice versa. He helped the South African PMSC Saracen International win contracts from Somalia's beleaguered government to protect its leaders and also train Somali forces to fend off pirates and Islamic militants. Saracen was created from remnants of Executive Outcomes and was managed by Lafras Luitingh, a former officer in South Africa's Civil Cooperation Bureau, a covert government-sponsored hit squad that operated during the apartheid era and is now defunct.

Saracen operated independently of all international and multilateral frameworks in Somalia, and little is known about the firm's intentions other than profit motive. Between May 2010 and February 2011, it trained and equipped fighters in an attempt to create one of 'the best-equipped indigenous military forces anywhere in Somalia,' according to a UN report (UN Security Council 2011: 276). Saracens' training camp near Bosaaso was the best-equipped military facility in Somalia after the UN bases in Mogadishu. The company planned to establish a force approximately one thousand strong, equipped with three transport aircraft, three reconnaissance aircraft, two transport helicopters, and two light helicopters. The maritime component of the force would be equipped with one command and control vessel, two logistical support vessels, and three rigid-hulled inflatable boats for rapid deployment and intervention. This illustrates how companies empowered by SSR can become mercenary and have potentially destabilizing impacts. It also shows that observers who think the PMSC industry is exclusively linked to the US are dangerously mistaken; this industry will grow, indigenize and proliferate, as clients seek security in an insecure world.

Conclusion

In summary, SSR is a critical function to global stability, and it is increasingly outsourced to PMSCs. There are many benefits of this arrangement, including cost effectiveness, innovation, and surge capacity. However, there are also risks, namely an overdependence on the private sector to perform SSR, a critical building block of regional security in the world's most dangerous places. This leaves states like the US strategically vulnerable to the behaviours of the marketplace. Additionally, a growing number of PMCSs are seeking jobs beyond the sight of the US, UN or state system in general. Perhaps the most risky aspect of PMSCs is that they can raise an army at all. The Liberian military is a private sector invention; PMSCs created it without significant assistance from governments beyond payment. Moreover, its relative success stands in stark contrast to failed SSR efforts by the US in Iraq and Afghanistan, or the UN in the DRC and East Timor. More jarring, if a firm has the capability to raise an army then it also has the skill to command it for its own interests. The line between military enterpriser and mercenary is thin, based largely on market conditions.

Note

1 In military parlance, a 'force structure' is the organization and hierarchy of units within an army, from the general staff down to the basic infantry squad. It is similar to a massive organizational chart for an army, and it outlines how military personnel, weapons and equipment are organized for the operations.

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