

Should Private Military Companies be used in UN Peace Operations?

Written by Lauren Grace Fitzsimons

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LAUREN GRACE FITZSIMONS, NOV 17 2015

The idea of using private military companies (“PMCs”) in UN peace operations gained traction in the mid-1990s, following the UN peacekeeping failures in Somalia and Rwanda, and the comparable peacekeeping successes of a PMC, Executive Outcomes, in Angola and Sierra Leone.[1] Yet in 1998, the then UN Secretary-General, Kofi Annan, said “the world may not be ready to privatise peace”. [2] Today, the UN is experiencing a surge in peace operations. There are 16 UN peace operations around the world with 122 countries contributing 123, 945 personnel.[3] Qualitative and quantitative deficiencies are being exposed as poorly trained UN peacekeepers, restricted by shortages in manpower and equipment, struggle to fulfill their mandates, particularly in missions such as South Sudan and the Central African Republic.[4] The question thus resurfaces, should PMCs be used in UN peace operations?

PMCs are profit-driven organisations that sell military services such as combat, intelligence, logistics and consulting.[5] This paper argues that they should be used as a second best peacekeeping force, when states are unwilling to promptly contribute enough troops of sufficient quality to staff UN peace operations.[6] To prove this thesis, this paper canvasses the key arguments for and against the use of PMCs. Three arguments are presented. First, PMCs have a proven capacity to be used in UN peace operations.[7] Second, there are caveats to opponents’ criticisms of PMCs that make it unconscionable to dismiss PMCs as a second best peacekeeping force.[8] Third, there are clear benefits to using PMCs, particularly when states are unwilling to promptly contribute enough troops of sufficient quality to staff UN peace operations.[9] The conclusion concedes that the debate on privatised peacekeeping is complex. It suggests, nonetheless, that PMCs could potentially be used as more than just a second best peacekeeping option if a strict oversight framework is established.[10]

Various studies serve as stimulus for debate on privatised peacekeeping, although they fail to first consider whether PMCs have the capacity to perform peacekeeping tasks.[11] The post-Cold War evolution of peace operations arguably enabled an overlap of functions between UN peacekeepers and PMCs.[12] UN peace operations traditionally took the form of observer deployments. After the Cold War, however, they became increasingly more involved in robust peace-enforcement operations, as well as peace-building operations.[13] UN peacekeepers are thus mandated to: train national military contingents, protect infrastructure, enable humanitarian aid delivery, assist with demining, and prevent infiltrations by enemy combatants.[14] These functions overlap with at least some of those performed by PMCs, including troop training, military technical assistance, providing security for key infrastructure and personnel, and preventing infiltrations.[15]

Evidence from post-Cold War conflicts substantiates this overlap of functions. In Kosovo, the US government sub-contracted its involvement in an international monitoring force to Dyncorp.[16] In East Timor, the UN took advantage of logistics provided by Defence Systems Limited.[17] In Angola, the UN hired Kroll Associates to provide intelligence.[18] In the Congo, the UN used Pacific Architects & Engineers to refurbish airfields and manage air traffic control.[19] In sum, given the overlap of functions, and also that PMCs have been hired to perform peacekeeping tasks, it is evident that PMCs have a proven capacity to be used in UN peace operations.[20]

Mere capacity, however, does not necessarily mean that PMCs should be used. This capacity must translate to

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improving current standards of peacekeeping.[21] The problem is that there is no consensus on how best to evaluate the success of peace operations, which makes it difficult to evaluate PMCs' track record.[22] This is due to a lack of agreement on the objectives of peace operations.[23] As Taulbee asks, "[a]re outside troops simply to establish and maintain a ceasefire, or should they be active agents in rebuilding civil society and with that, effective state authority?"[24] Thus, instead of relying on arbitrary criteria, this paper canvasses the key arguments for and against the use of PMCs, beginning with the latter.

Opponents of PMCs highlight three perils. First, they claim that, as a modern form of mercenarism, PMCs are illegitimate non-state actors usurping the basic functions of the state.[25] This claim tenaciously values Weberian definitions of the state that centre on the monopoly of the means of violence.[26] It is reinforced by two political considerations. On the one hand, given the close ties PMCs have with their national military institutions, PMCs are used by major Western governments as foreign policy proxies, producing what Aning describes as "an unholy alliance between mercenaries, democratic politics, corporate finance and the unintended sanctioning of violence by [Western governments and their allies]".[27] As one representative of Military Professional Resources Inc., a US-based PMC whose governing board is mostly constituted by retired top-ranking US military officials, admitted, "We make American military doctrine".[28] On the other hand, UN peace operations offer a lucrative source of income for developing states.[29] Hence, poorer states object to the redirection of UN funds to PMCs.[30]

The second peril is that the use of PMCs raises problems of accountability, particularly since peace operations occur in failed or fragile states with weak rule of law.[31] Reportedly, PMCs have often violated international humanitarian law and human rights law with impunity.[32] In Iraq for example, there were ongoing reports of Blackwater personnel attacking civilians and using unnecessary aggression.[33] The problem is that, unlike state forces, PMCs operate outside criminal law regimes, without adequate oversight.[34] This means that even the worst cases of misconduct, such as torture committed in Abu Ghraib prison, are rarely prosecuted and punished.[35] As Traynor explains, "[t]he risk is the employees can literally get away with murder".[36]

It has been suggested that a national and international regulatory framework could mitigate this accountability problem.[37] The trouble with the former is that PMCs can easily relocate to a jurisdiction with less regulatory oversight.[38] The trouble with the latter is that it depends on the consent of states.[39] Most states are reluctant to restrict their liberty on using PMCs, as is evident by the fact that the Montreux Document is not legally binding or signed by most states.[40] This international agreement represents an evolving regulatory framework but it merely advocates "good practices" to enhance states' oversight of PMCs' operations.[41]

The third peril is that PMCs are driven by profit rather than the security of the conflict zones in which they are deployed.[42] This raises practical and ethical issues. With respect to the former, UN peacekeepers are likely to resent the use of higher paid private forces to perform tasks traditionally undertaken by them, which could generate suboptimal outcomes in field missions.[43] With respect to the latter, there is a risk that economic losses may prompt a PMC to "cut corners or pull out", irrespective of security considerations.[44] Alternatively, PMCs might purposefully prolong conflicts as a means of sustaining business.[45]

These criticisms are reasonable but there are caveats, which leads to the second argument of this paper. There are two caveats to opponents' criticisms of PMCs that make it unconscionable to dismiss PMCs as a second best peacekeeping force.[46] First, the idea that PMCs are usurping state authority is misleading.[47] As Abrahamsen and Williams explain, "[a]uthority is not necessarily a zero-sum game, and it is equally possible that private force can strengthen and support the authority of the state".[48] Most scholars agree that state authority is being reconfigured, rather than eroded, as governments harness the forces of globalisation to address new challenges.[49] Thus, state military functions are being transferred to PMCs when they are used in peace operations, but it is arguably the legitimate use of force and associated functions that are in the process of devolution here.[50]

The second caveat is that opponents' criticisms assume there is always a feasible alternative available to beleaguered governments.[51] This is not the case. Western and other governments are reluctant to become entangled in peace operations that do not directly affect their perceived strategic interests, particularly if they entail dangerous peace enforcement measures.[52] This is demonstrated by states' reluctance to contribute troops to

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peace-enforcement operations in the Congo and Sierra Leone.[53] In certain circumstances, therefore, the choice is either PMC peacekeeping or inaction, as occurred in Rwanda in 1994 and in Darfur in 2004.[54] Refusing to use PMCs, when they are the only forces capable and willing to act in the face of mounting atrocities, seems unjustifiable.[55] In sum, there are caveats to opponents' criticisms that make it unconscionable to dismiss PMCs as a second best peacekeeping force.[56]

Sometimes, however, the choice is either PMC peacekeeping or woefully inadequate peacekeeping, which raises the third argument of this paper. There are clear benefits to using PMCs, particularly when states are unwilling to promptly contribute enough troops of sufficient quality to staff UN peace operations.[57] Three examples of such benefits can be provided to support this argument.

First, PMCs can help compensate for qualitative deficiencies in UN peace operations, as they are better organised, trained and equipped than UN peacekeepers.[58] The UN practice of multinational peace operations confronts difficulties, such as a lack of common equipment, incompatible communications systems, varied operational experiences and doctrine, and different languages.[59] These difficulties are compounded by the fact that developing countries are the primary providers of troops for these missions, which means that UN peacekeepers are often poorly trained and equipped.[60] Moreover, national contingents do not respond directly to UN commands, they have to take orders to their national authorities for further direction.[61] As Brooks observes, UN peace operations rely upon a "hodgepodge of militaries" and "[m]ilitary coordination is the exception not the rule".[62]

Comparably, PMCs can provide commonality, coherency, competency, and a unified command structure.[63] The role of Executive Outcomes ("EO") in Angola (1993-1995) and Sierra Leone (1995-1997) is illustrative in this regard. In both cases, EO personnel had similar levels of training, used common weaponry, shared a common language, and adhered to a clear pre-existing command structure.[64] Moreover, most of them were handpicked from a highly skilled, elite counter-insurgency force that used to be part of the South African Defence Force.[65]

The second benefit is that PMCs can help compensate for delayed responses to crises, as they can deploy more rapidly than UN peacekeepers.[66] The UN has repeatedly emphasised the importance of rapid deployment to effectively stem conflicts, de-escalate crises and prevent mass atrocities.[67] Yet slow deployment rates persist, with UN peacekeepers taking between three months and a year to be deployed.[68] Comparably, EO started operations in Angola and Sierra Leone within a month of being hired.[69] The PMC claims that it could have sent personnel to Rwanda within 14 days, to be joined by 1,500 reinforcements within six weeks.[70] Similarly, the International Peace Operations Association claims that PMCs could deploy personnel to support the UN peace operation in the Congo within 30-90 days.[71]

The third benefit is that PMCs are more cost-effective.[72] Comparing the costs of EO's peace operation in Sierra Leone to that of the UN's is illustrative here. EO's costs per month were US\$1.19 million, whereas UN costs were US\$19.4 million.[73] EO's costs per personnel were US\$71, 429, whereas UN costs were US\$108, 756.[74] Moreover, the UN operation was longer, larger, and less effective. The UN operation lasted 74 months, while the EO operation lasted less than 24 months.[75] Despite deploying 11,797 peacekeepers, the UN operation failed to fulfill its mandate to disarm, demobilize, and reintegrate combatants.[76] In fact, there were several incidents where UN peacekeepers were forcibly disarmed themselves.[77] Conversely, EO deployed only 350 personnel.[78] They efficiently regained control of strategic areas and weakened the military position of the Revolutionary United Front to such an extent that the rebel faction was compelled to sign a peace agreement with the government.[79] In sum, there are clear benefits to using PMCs, particularly when states are unwilling to promptly contribute enough troops of sufficient quality to staff UN peace operations.[80]

Clearly, the debate on privatised peacekeeping is complex. On the one hand, PMCs have a proven capacity to be used in peace operations.[81] On the other hand, some scholars doubt that this capacity will translate to improving current standards of peacekeeping. More specifically, opponents question the legitimacy, accountability, and profit-driven motives of PMCs.[82] Certainly in an ideal world, state-based peace operations under UN mandates are preferable to using PMCs to make, keep, enforce, and build peace for a price. But the reality is that the UN is often denied the means to bring an end to conflicts effectively and efficiently by its own member states.[83] PMCs should,

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therefore, be used as a second best peacekeeping force, when states are unwilling to promptly contribute enough troops of sufficient quality to staff UN peace operations.[84]

One concluding point warrants emphasis. Given the benefits canvassed above, PMCs could potentially be used as more than just a second best peacekeeping option.[85] It is imperative, however, that a strict oversight framework first be established to disassociate PMCs from mercenaries and enhance their legitimacy.[86] Only then could the UN exploit the unrealised potential of PMCs and possibly use them as a best peacekeeping option.[87]

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