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COLLÈGE DES FORCES CANADIENNES

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Master of Defence Studies

Maitrise en études de la défense

The United Nations Revolution in Evolution: A Case for Leveraging Private Military Companies In the Management of Future Peacekeeping Operations

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ABSTRACT

The explosive growth of the private military or security industry, in the post-Cold War era demands our attention. They are demonstrating impressive and growing military and conflict resolution capability and are increasingly conducting operations across the spectrum of modern conflict, often in areas traditionally reserved for the United Nations (UN). This paper will review this phenomenon and focus on how the UN could leverage this capacity to address gaps in its rapid response capability, an essential element to the early intervention and management of emerging security and crisis situations. This will be conducted by outlining the realities of the changing nature and face of modern conflict and by conducting a detailed review of the evolutionary changes that the UN must undertake if it is going to remain operationally relevant, from a conflict management perspective. This will include an examination of the organizational and structural challenges required as well as a resume of the progress made in modernizing the peacekeeping process, to date. The Private Military Company (PMC) construct will be examined and several of the issues that hinder the feasibility of the UN employing them on robust peacekeeping missions will be explored, specifically their corporate structure and legal status. The paper will conclude with an examination of the thesis that the creation of a Standing PMC based rapid response force is achievable and essential to provide a reinvigorated and reformed UN with the intervention capability it requires to meet the security environment of the twenty-first century.

Today's world is a far cry from the 1960s when private military activity usually meant mercenaries of the rather unsavory kind involved in post-colonial conflicts. However times have changed dramatically and today there is a growing need for professional, highly respected private military companies and organizations to assist and help protect national, corporate and private assets and personnel from a wide range of risks.[1]

INTRODUCTION

The above quote highlights that the international security milieu is becoming increasingly crowded with actors competing for the security dollar and doing so in spite of a legacy of 'unsavory' predecessors. This has broad implications if the international community remains committed to the United Nations (UN) continuing its important and mandated role as mediator and regulator of conflict in the international system. In particular, innovative strategies and a new way of viewing an old solution to modern security concerns must be examined. Key in this reform is the requirement for the UN's primary conflict resolution bodies, the Security Council (SC) and the Office of the Secretary General (OSG), to become more responsive and effective in resolving international armed crisis. This is in contrast to the UN having remained reactive and largely ineffective, or at best inconsistent in the post-Cold War era. Change to the permanent structure of the UN has proven difficult and the opportunity fleeting, and this will likely continue in the fractured world of international relations as experienced in the first decade of the twenty-first century. Why is this so?

In determining the answer to this question, one must first examine the SC as it represents a microcosm of a perpetual problem in the UN as a whole. Specifically, the structure has become so consumed with getting the peacekeeping process right that, in the recent past, it has often miscalculated the consequences of its action or inaction. Despite

[1] Statement from Private Military section of Westminster International Inc., available from www.wg-plc.com/international/security/privatemilitary.html Internet; accessed 27 February 2006.

initial promise, at the end of the Cold War, that the SC was fully prepared to execute its role, as the final arbiter for international peace and security challenges, the post-9/11 environment has witnessed shifting allegiances. In the aftermath of Operation Iraqi Freedom (OIF) in 2003, the SC, seemingly morphed into an organization whereby some permanent member (P5) States appeared willing to use it as a containment instrument for the growing hegemonic power of the United States (US). In spite of this, the SC can evolve and offer these same recalcitrant nations an option whereby their collective will can influence the international arena in ways envisioned in the UN Charter of 1945. Specifically, as part of this a broader reform *evolution,* the UN must revisit the use of contractor military/security forces and investigate ways in which they could be leveraged by the UN, integrated into the command and control structure, and employed to serve as what Singer has called, "the tip of the international security spear."[2] In short, a *revolution* is required in how the UN employs forces on peacekeeping operations. Such an initiative would provide the UN with its own ready and rapid deterrent capability [Rapid Response Force (RRF)] when implementing and enforcing contentious SC Resolutions (SCR).[3] A further benefit of this initiative would be to move the US away from its current role as international 'policeman,' thereby permitting a more cohesive and coordinated UN response to addressing international and US security concerns.

While attempts at modern institutional UN reform have taken place and improvements have been made, it must be noted that since the *Brahimi Report's* release,

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[2] Peter Singer, *Corporate Warriors, The Rise of the Privatized Military Industry*, Ithaca, Cornell University Press, 2003, 93.

[3] Peter Singer, "Outsourcing War," *The Brookings Institute*, 01 March 2005; available from http://www.brookings.edu/views/articles/fellows/singer20050301.htm; Internet; accessed 16 October 2005. With acknowledgement to Singer who used the term Rapid Response Force in this article to describe a Force that would be created and sustained by UN Member Nations. This paper does not consider this option feasible for reasons to be discussed, and in his paper the RRF construct is intended for the PMC option.

peacekeeping reform has stalled, but conflict and the devastation it causes has not. In the midst of this UN change and in the face of evolving security threats, another not so subtle change occurred and a new player has emerged. Modern conflict, whether interstate or intrastate, has witnessed an unprecedented growth in Private Military Companies (PMCs) or Private Security Companies (PSCs), including their full integration into traditional military and coalition efforts.[4] Whether employed as part of national initiatives to reduce military personnel in uniform [downsizing], to fill the void in certain military specializations, or to fill roles as diverse as personal escort to security guards, PMCs have a permanent presence on the modern conflict environment. If trends recently observed in Iraq and Afghanistan continue in the future, PMCs will continue to be hired and employed by a wide range of actors in a broad spectrum of conflict and challenging security situations.

As modern PMCs begin to be established as legitimate business enterprises, complete with open fiscal accountability, strong ethical and corporate guidelines and a growing acceptance towards government regulation, particularly in North America and Europe, the debates surrounding their role and utility are transcending the previously ill-regarded term 'mercenary.'[5] Increasingly being employed outside what would be considered traditional mercenary roles, these firms are numerous and growing, offering well-trained and equipped professional paramilitaries. They are currently in the employ of the major powers in Iraq, as well as multi-national corporations (NMCs) and Non Governmental Organizations (NGO), such as the International Committee of the Red

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[4] For the purposes of this paper the acronym PMC will be used to describe both, but it is important to note the subtlety in tone between military and security.

[5] Elke Krahmann, Security Governance and the Private Military Industry in Europe and North America, in *Conflict, Security and Development*, 5:2, August 2005, 247-268, 257-260

Cross (ICRC), as they seek to address security and personnel protection concerns when operating in high-risk areas. To quote the opening statement from the website of one of the major PMCs in Iraq, "Blackwater USA is the most comprehensive professional military, law enforcement, security, peacekeeping, and stability Operations Company in the world."[6] This is a bold statement from a well-funded and well-connected PMC, but Blackwater is not alone in making such claims as many of the websites surveyed indicated similar capabilities included in slick WEB packaging.[7] PMCs are pushing the security provider agenda and offering broad-based security service, but can they deliver in the full-spectrum military role involved with complex peacekeeping operations? Equally important, will be the question of whom PMCs will work for in the coming decades for, as O'Brien notes, "as long as conflict persists, so will PMCs?"[8] With the growing acknowledgement of PMC involvement of future conflict, this paper argues that (r)evolutionary change to the current UN structure to permit the UN to fill this employer's role.

The aim of this paper is to examine the relationship between the UN and PMCs and explore why the UN has not embraced their employment as a solution to the many challenges it faces in continuing to be relevant in future peacekeeping operations. It will demonstrate that, the UN peacekeeping and organizational reform path has stalled, and examine how the various key UN structures contribute to the PMC debate. Further, it will be shown that previous arguments against using the PMC option have become passé

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[6] Information obtained from Home Page, *Blackwater USA*; available from http://www.blackwaterusa.com/ Internet; accessed 18 January 2006.

[7] Several of the sites surveyed include the Olive Group at http://www.olivegroup.com/php/Security-Operations.php and Triple Canopy at http://www.triplecanopy.com/triplecanopy/en/secure/index.php

[8] Kevin O'Brien, "PMC's, Myths and Mercenaries: The Debate on Private military Companies," in the *Royal United Services Institute Journal*, February 2000, [journal online]; available from www.kcl.ac.uk/orgs/icsa Internet; accessed 22 November 2005.

and should be revisited. To accomplish this, three main topic areas will be explored, specifically:

a. In order for the UN to effect the kind of role it expects to play in international relations, it must break the historic paradigm that constrains it. Chapter one will review the challenges that have impeded the UN from employing a privatized standing force. This will include an examination of the UN reform process by charting recent restructuring initiatives and offering evidence that failure to evolve its peacemaking/peacekeeping operations will diminish its relevance further. Although past predictions of the UN's imminent demise have been premature, there remains urgency to this debate. A careful analysis will show if the UN fails to build upon its halting reform initiatives, it will become increasingly marginalized as an actor in the regulation of international security crisis.

b. Chapter two will examine the emergence of PMCs and provide an assessment of their performance in the post-Cold War era. This investigation will focus on the numerous, corporate, structural and legal challenges inherent in the employment of PMCs in modern conflict situations. This will be followed by a review on work by Isenberg and the RAND Corporation, concerning the employment of PMCs by the US military in Iraq. Finally, this chapter will demonstrate how a future UN mandated and funded employment of PMCs could prove useful in ameliorating current US concerns over security and offer counterbalance to the emerging US trend towards unilateralism as evidenced in the wake of OIF.

c. In chapter three, these two topics will be melded together and a model for UN reform, based on a reinvigorated international security structure possessing a permanent PMC structured rapid response force, will be proposed. To argue the utility of this proposal evidence gathered from Isenberg's Report on the American use of PMCs in Iraq will be used, as the lessons contained within are considered germane. This will conclude that, apart from the existing stigmatism surrounding the employment of 'mercenary forces' and the acknowledged impasse that is UN reform, a PMC-structured Standing UN Rapid Reaction Force (RRF) is achievable. While admittedly a complex proposal, this initiative would act, as the centerpiece of future UN reform and its adoption, sooner rather than later, would serve to enhance the UN's relevancy on the uncertain international security road ahead.

TWO REALITIES MANY QUESTIONS

> One of the great complexities facing the UN in the twenty-first century is that although the Charter was written for states, much political instability and violence arise today either from violence within states or from violence across state boundaries by non-state parties.[9]

It is important, at this juncture of the paper, to highlight several security realities that profoundly affect the UN/PMC discourse. These are foundationally important to the thesis statement and highlight the urgency required, on the part of the UN and the broader international community, to find solutions to the management of the growing animosity prevalent in today's international relations climate. The first reality is the end of the

[9] Thomas Weiss, David Forsythe and Roger Coate, *The United Nations and Changing World Politics*, 3rd edn., (Boulder: Westview Press, 2001), 35.

nuclear-imposed innocence and the changing *nature* of warfare.[10] By this, it is not intended to suggest that events and conflict that occurred during the Cold War were unimportant, but rather that they occurred largely within the context of a bipolar superpower system. In this era the national interest of either, the US or the Union of Soviet Socialist Republics (USSR), created an unnatural balance in managing conflict in the latter half of the twentieth century. The unpredicted fall of the Berlin wall ushered in an end to this bi-polar equilibrium and created a decade [1990s] of frequent and violent conflict in the international system. This occurred as the Cold War victors were beginning to demonstrate a reluctance to intervene in conflicts now viewed on the periphery of their national interest, as typified by the non-involvement of the major powers in Rwanda in 1994.[11]

For the UN, an organization forged in the aftermath of World War II, few protocols existed to deal with the degree of intrastate civil strife and conflict that occurred. From vast swaths of weak states within Africa, to the Balkan implosion, to the Middle East, the scope of work and unpredictability of the violence that confronted the UN peacekeeping apparatus was not only unpredictable, but challenged the provisions for the prevention of interstate conflict envisaged in the UN Charter. In the midst of this change, however, the early seeds of reform were being sown, when in June 1992, then Secretary General (SG) Boutros Boutros-Ghali introduced a comprehensive report entitled, *An Agenda for Peace*, in which he articulated changes and provided guidelines

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[10] Ibid., 119. In this statement, Weiss et al, were confining their comments to the end of the Twentieth-century and the dawning of a new era in which many of these conflicts were being characterized as evolving from interstate to intrastate.

[11] David Isenberg, Combat For sale: The New Post-Cold War Mercenaries, in *USA Today*, March 2000; [journal online] available at www.findarticles.com/p/articles/mi_m1272/is_2658_128 Internet: accessed 13 October 2005.

on, where and when the UN might become involved in the growing trend towards intrastate conflict. A key recommendation, to emerge from this Report, was the call for the creation of a UN standby military force and while revisited in a supplement to the *Agenda* in 1995, it was not supported, partly for reasons to be reviewed in the upcoming paragraphs.[12] Nonetheless, this initiative precipitated a renewal of the debate surrounding the creation of a Standing UN RRF.

The second reality proposed by this paper, is that the *face* of conflict was also changing and that the UN's peacekeeping apparatus was being asked to engage practitioners of armed conflict, and a host of non-state actors, not envisaged in 1945. Interwoven with this explosion of intrastate violence came a reorientation of traditional notions of what constituted a combatant during conflict, with the emergence of child-soldiers, growing numbers of refugees and internally displaced persons (IDPs), irregular militias, and persons fighting for some notion of real or perceived grievance. This fighting was frequently conducted with a brutality that often transcended previously regarded notions of respect for combatants and non-combatants as articulated in the Law of Armed Conflict (LOAC) and the Geneva Conventions. It was as shocking as it was appalling. Then, as the post-Cold War period was becoming predicable, the terrorists' initiated attacks of 9/11 altered for at least, the foreseeable future, the tenor of modern conflict. This raised the specter of an emerging trend in conflict whereby States were by non-state actors, such as the terrorist network Al-Qaida, as opposed to the more traditional interstate conflict paradigm. While the self-proclaimed US Global War on Terror remains in its infancy, it is likely that this evolving face of war will continue to

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[12] Newton Bowles, *The Diplomacy of Hope: The United Nations Since the Cold War*, (London: I.B. Tauris and Co Ltd), 2004, 6-11.

drive the international security agenda and oblige the UN and its Member States to participate in managing its outcome. Undoubtedly, the spectrum will be diverse and include the UN's sanctioned action in Afghanistan, cleaning up the fall-out from non-UN sanctioned but US-led action as in Iraq, while continuing to meet the ongoing challenges of intrastate strife, as in Haiti.

A logical question, stemming from the changing face and nature of conflict post-Cold War and post-9/11, is how the UN will manage these realities? There are and will continue to emerge differing UN and international strategies to address these situations. Further, in examining whether the above observations offer fertile ground for an initiative that would see PMCs employed in modern UN sanctioned peacekeeping scenarios or as some incarnation as a rapidly deployable force two specific questions emerge. First, while there is broad concurrence that the 1945 structures of the UN have proven remarkably resilient over the years, there is also broad agreement that substantial changes are required, especially in the SC and its relationship with the General Assembly (GA).[13] To revisit the theme of evolution in revolution, the question of whether or not the UN can evolve from a bureaucracy-leaden, operationally inefficient organization to meet emerging international security challenges is one of fundamental importance to its future relevancy. The second question is whether the US, the current and likely near-term arbiter of conflict within the increasingly globalized system, will sustain the national desire and commitment of resources required to combat its perceived security concerns within failed(ing) states? Barring this, will it return to the UN fold and seek its moral authority for its continuing global campaign in the War on Terror?

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[13] Ibid., 151.

These questions lie at the center of the debate that surrounded the American decision to invade Afghanistan with UN Sanction and Iraq without UN Sanction. This, in turn, questions in which direction the next security crisis will take both the UN and the US, and what are the criteria required to stop the increasing divergence of these actors in the international arena? Post OIF, it has become increasingly clear that the US strategy of unilateral action or within a coalition 'of the willing' partners, while perhaps operationally expedient from the argument of building international consensus, has become problematic once the actual war-fighting component transitioned into the current state-building exercise. While there will remain certain philosophical differences in both of their approaches, it will be argued that one truism has crept into the debate on these issues. The UN's previous way of doing business, whether under the umbrella of Cold War peacekeeping or following the fall of the Berlin Wall has become anachronistic and structurally cumbersome in light of the realities of the new security environment.

Several factors have collided to further complicate this debate, from a military perspective, and their quick review will help set the stage and provide perspective for the follow-on examination of the option for the UN to use PMCs as a Standing RRF:

a. First, many Western nations, such as Canada, that were important perennial contributors of both resources [personnel and equipment] and funding for peacekeeping operations, have significantly backed away from this commitment in the post-Cold War era. There are several reasons for this, including NATO's role in the Balkans, its evolving role in Afghanistan and the subsequent toll on troop commitments these operations have demanded from member nations. However, more critically were the military and budgetary reductions experienced

by the majority of Western nations following the end of the Cold War. These cuts proved profound and many nations were left unable or unwilling to continue to contribute previous force levels to UN operations. In addition, while difficult to quantify, the continuing restructuring of Western militaries to manage the post 9/11 security agenda will likely further divert scarce resources away from UN operations into more urgent national security initiatives.[14]

b. Second, the damage suffered to the moral credibility of the UN itself, following the debacles in Rwanda, Somalia and the Balkans, and the recent impasse in Sudan and the Congo, have tested western resolve to become involved, from a military standpoint, in peacekeeping operations. This occurred in Holland recently, where the decision to deploy forces to Afghanistan was framed in the debate concerning the conduct of Dutch peacekeeping forces in Srebrenica in 1995.[15] A review of current UN troop-contributing nations will show how the UN has found itself having to rely more and more on peacekeeping forces from less developed countries (see annex A). These forces are in general poorly equipped and often lack many of the command, control and intelligence elements so crucial in modern conflict resolution situations. This is further exacerbated during complex peacekeeping operations where concurrent reconstruction efforts and post-conflict insurgency or civil unrest demands intelligence and communications fidelity beyond the grasp of many contributor nations.[16]

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[14] Peter Singer, *Corporate Warriors: The Rise of the Privatized Military Industry*, (Ithaca: Cornell University Press), 2003, 51-53.

[15] The Netherlands, Government Information Services, Government to Send Troops to Afghanistan, 22 Dec 2005, available from http://www.government.nl/actueel/nieuwsarchief/2005/12December/22/0-42-1_42-74926.jsp; Internet; accessed 16 April 2006.

[16] Singer, Corporate …, 59.

c. Finally, as the US remains firmly ensconced in Iraq, the likelihood of it becoming further involved on another major front is slight, unless its national interests are directly threatened. This implies that, in those regions not providing direct economic or strategic advantage to the US, the Americans will not readily commit their already strained resources in support of a UN or other coalition-led initiative. While acknowledging that another incident of state or non-state sponsored terrorism will attract their attention, this paper considers that based on the on-going Iraqi experience and the negative US/UN interplay prior to OIF, the US will continue to remain a reluctant UN contributor. Unfortunately, at the same time the US will likely be distrustful of any UN sponsored agenda that appears at odds with its perception of national security interests.[17]

As tempting as it may be to frame the debate surrounding UN reform and the use of PMCs in the here-and-now, the changing nature and face of war is not a new challenge for the UN; just one that merited scant attention within the larger construct of the Cold War. The following prescient warning from Murphy is offered as a transition point to beginning the examination of issues surrounding UN reform.

> Also, while discussions of the causes of revolutionary warfare and international terrorism have often diverted the UN into heated debate and prevented it from taking constructive steps to cope with these problems, there is no doubt that the causes of nontraditional violence cannot be ignored if progress is to be made.[18]

Chapter 1 – THE NOT SO UNITED NATIONS

> Even Urquhart's early enthusiasm for the idea of a UN military volunteer force was somewhat tempered by the evolution of the international context. In September 1999, he noted that 'there is no great urge to discuss these matters, let

[17] Elke Krahmann, "Analysis: Strategic Governance and the Private Military Industry in Europe and North America," in *Conflict, Security and Development 5:2*, August 2005, 250.

[18] John Murphy, *The United Nations and the Control of International Violence: A Legal and Political Analysis*, (Totawa: Allenheld, Osmun and Co), 1982, 205.

> alone to put forward plans for something better'. 'The prevailing mood', he wrote, 'suggests that we should keep our fingers crossed, hope that the future will bring no shattering emergency or surprises, and encourage as much as possible step-by-step improvements to international arrangements.' Thus, it seemed, the UN was condemned to 'immature and improvised reactions – almost always too little too late', sapping the world's confidence in the institution.[19]

It is acknowledged that, by lobbying for dramatic change within the UN structure as a prelude to a fuller examination of the PMC option, this position may be viewed as idealistic within the context of the current climate surrounding the UN reform process. However, while written seven years ago, Urquhart's prognosis for the future relevance of the UN was sobering and demanded redress; the urgency of this call was not idealistic then, but remains a work in progress today. Even promising initiatives towards UN structural reform including the, so termed Japanese-initiative at SC reform, to be discussed later in this chapter, and the two Model option proposed by the UN High Level Panel *Report* have failed to move the yardsticks of change.[20] Given these fairly recent setbacks there remains little chance for a resolution of the P5 Member's veto monopoly in the near future.

However, despite this pessimism, glimmers of hope on the road to reform were around the corner, specifically the August 2000 *Report of the Panel on United Nations Peacekeeping Operations,* or as it became known, the *Brahimi Report*.[21] Initiated under the direction of the Secretary-General Kofi Annan, this document followed the release of two seminal reports on peacekeeping failures of the 1990s, Rwanda and Srebrenica, and an increased operational tempo that saw by, July 2000, no fewer than five new high-

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[19] Stephen Kinloch-Pichat, *A UN Legion: Between Utopia and Reality*, (New York: Frank Cass, 2004}, 256.

[20] United Nations, *A More Secure World: Our Shared Responsibility*, Report of the High Level Panel on Threats, Challenges and Change, 2004, 66; available from http://www.un.org/secureworld/report.pdf; Internet; accessed 20 February 2006.

[21] In this paper, Brahimi Report, the Report (Capitalized) are terms used interchangeably.

intensity complex peacekeeping operations authorized. These two events, in combination, exposed that some hard-won lessons were being forgotten and highlighted the tenuous progress made at rectifying a broad range of concerns arising from missions of the 1990s. These, and Annan's fear that the UN was returning to an 'ad hoc' approach to these new peacekeeping operations, particularly in light of the withdrawal from participation by western countries, were the trigger point for him to authorize the *Brahimi Report*.[22]

This chapter will analyze two areas of UN reform or evolution, an issue long considered to be of fundamental importance to ensuring the continuing vitality of the organization. First, UN structural reform, specifically as it relates to the General Assembly (GA), the SC and the OSG and secondly, a review of reforms to peacekeeping operations recommended as part of the *Brahimi Report*. The peacekeeping review will be conducted using a Stimson Center study entitled, *The Brahimi Report and the Future of UN Peace Operations,* in which the authors revisit the reforms as proposed in 2000 and offer, some three years later, a report card on what has been accomplished. Their work offers valuable insight into the complexities of reforming UN peacekeeping operations, but does so from the perspective of Member States contributing forces, and does not comment on this paper's proposed option. The *Report's* recommendations addresses how operations are funded, managed and controlled and are therefore considered germane.

While acknowledging the current and growing debate surrounding notions of State sovereignty and issues concerning what constitutes the responsibilities of a legitimate State remains contentious, this paper does not intend to delve into all areas of

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[22] William Durch, et al, *The Brahimi Report and the Future of UN Peace Operations*, (Washington: The Henry L. Stimson Center, 2003), 1-5

UN reform and accepts that many are beyond the scope of this paper. What will be demonstrated, however, is that despite significant inertia towards broad UN institutional reform, the progress made to date has proven uneven in the light of the operational realities of the UN managing the changing face of the international security environment. Further, it will be demonstrated that the concerns emanating from the *Report* will likely continue to be repeated as an endless cycle of troops from developing nations act as the vanguard of UN peace operations. The 'utopia" envisioned by Stephen Kinlock-Pichat in his analysis of a standing UN army appears a long way from fruition if the road traveled remains driven by concerns that reflect the status quo and are not more revolutionary in nature.[23]

Section 1- UN REFORM PROCESS

> The UN has lost its way. It does need reform. This has been high on the international agenda for several decades. It is a complicated and difficult task and not much reform has been achieved. Now after two very bad years for the United Nations, there may be at last consensus that radical reform is necessary.[24]

In his opening remarks to the Stockholm International Peace Research Institute (SIPRI), Marrack Goulding opined on a subject at the core of this paper's argument, UN reform and the organization's continuing struggle with finding relevance in future conflict scenarios. Of interest, his remarks echoed those of the UN High Level Panel on Threats, Challenges and Change formed in December 2003 by Kofi Annan to examine ways that the UN could reform in the aftermath of the impasse between the UN and US

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[23] Kinloch-Pichat, *A UN Legion* …, 3-11.

[24] Marrack Goulding, *Wither the UN*, Remarks from the launching of the SIPRI Yearbook, Stockholm, 7 June 2005; available at http://www.sipri.org/contents/webmaster/marek070605news Internet; accessed 20 January 2006. Goulding served as the UN Under-Secretary-General for Special Political Affairs from 1986 to 1992 and then as Under-Secretary-General for Peacekeeping Operations until he assumed the post of Warden of St Antony's College, University of Oxford, a position he still holds.

over the Iraqi intervention. The Panel's Report tackled two subjects: first, the issue of human security as opposed to the preexisting notion of state security and, second, the fundamental weaknesses in the existing UN Charter. In so doing, it identified seven areas where urgent action is required to effect the kind of (r)evolution required to span the security bridge from 1945 to 2005. They are:

a. The General Assembly's loss of vitality and failure to focus on the most compelling issues,
b. The need for the Security Council to be more proactive and acquire greater credibility, legitimacy and representation;
c. The lack of attention, policy guidance and resources for countries emerging from stress or conflict;
d. The failure of the Security Council to recognize the advantages of working with regional and sub-regional organizations;
e. The lack of institutional structures to address the economic and social threats to international security;
f. The Commission on Human Rights' lack of legitimacy which damages the overall reputation of the United Nations; and
g. The need for a more professional and better-organized secretariat.[25]

While some of the above recommendations failed to gain wide support during the Fall 2005 GA session, it is intended to further examine these areas and consider them within the context of the relevant UN body to which they are addressed. At this juncture, it is important to note that the crisis signifying the nexus for the Panel's efforts at

[25] United Nations General Assembly. *A More Secure World: Our Shared Responsibility*, Report of the Secretary-General's High-Level Panel on Threats Challenges and Change, 2004, 64; available from http://www.un.org/secureworld/report.pdf, Internet; accessed 20 February 2006.

stimulating the reform process, the US-led invasion of Iraq, comes close to realizing the "crisis as a catalyst for political will" argument forwarded by Kinloch-Pichat. Here he demonstrates that what was once impossible becomes at least theoretically possible when the major power brokers within the UN see it within their national interest to compromise and cooperate.[26] Bearing this in mind, the notion of PMCs as the Standing UN RRF may unfortunately be only a crisis away.

Sub 1 – Security Council

The most powerful arm of the UN, the Security Council, is charged under the UN Charter with, "primary responsibility for the maintenance of international peace and security."[27] It is comprised of five Permanent Members (P5), each possessing a veto, and ten non-Permanent Members elected by the GA for two-year terms. The only functional change to its structure came in 1965 when the number of non-Permanent Members was raised from six to ten. While this initiative helped to broaden new Member participation in this key decision-making body, no changes were made to either the number of Permanent Members or the veto they exercise over any rulings that may run counter to their national interest.[28]

From a purely economic perspective, neither Japan nor India, who are currently numbers 3 and 4 respectively on the International Monetary Fund's (IMF) list of the top 100 primary economic actors, are Permanent Members.[29] Global security and its

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[26] Kinloch-Pichat, A UN Legion…, 249-250.

[27] United Nations General Assembly, *UN Charter*, Article 24; available from http://www.un.org/aboutun/charter; Internet; accessed 18 January 2006.

[28] James Sutterlin, "The Past as Prologue," in *The Once and Future Security Council*, ed. Bruce Russett, (New York: St. Martin's Press, 1997), 8.

[29] Information reflects a review of a, *List of Countries by GDP Estimates for 2006*, available from http://en.wikipedia.org/wiki/List_of_countries_by_GDP_estimates_for_2006_%28PPP%29 Internet; accessed 13 April 2006.

economic ripple in times of tension affect all nations, regardless of their isolation. This by-product of the new globalization is so unlike 1945 in that relatively small regional conflicts, such as Gulf War I, have an immediate effect on the resource-intensive economic infrastructure of the world's major industrialized nations.

Further, "the collapse of the Soviet Union left the SC with a composition that generally is sympathetic to the interests of the West".[30] Who will counterbalance the growing US hegemony in the SC? Islamic-based states are already openly distrustful and condemning of US leadership in the international forum. A situation clearly aggravated by continuing US involvement in Iraq and Afghanistan and mounting friction with Iran. Developing states will also experience great difficulty in gaining enough support for them to be elected to the SC; how will their voices be heard? Each suggestion for SC reform has been likened to opening yet another "Pandora's Box."[31]

In the modern peacekeeping era, no other UN body has come under more criticism than the SC, and this in spite of maintaining general world peace and stability throughout the often-dangerous Cold War period. Peace and stability can, however, be fleeting moments in a larger political context. After all, for a great deal of the Cold War the SC was paralyzed by the great power politics of the US and USSR, and rendered all but impotent during their satellite conflicts from Vietnam to Afghanistan. Indeed, "a sad lesson of those years is that a system of collective security that is heavily dependent on decisions to be taken by the SC and, in extremis, militarily enforced by the council, cannot work effectively unless the P5 are in agreement."[32] This agreement on action was

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[30] Weiss, Forsythe and Coate, *The United Nations and…,*123.
[31] Ibid., 123.
[32] James Sutterlin, *The United Nations and The Maintenance of International Security: A Challenge to be Met*, 2nd Edn., (Westport: Praeger Publishers, 2003), 5.

further complicated throughout the 1990s when the SG and the SC struggled to deal with new problems that seemed to arise after each conflict. The matter became not so much whether the UN would intervene, but rather what were going to be the criteria for intervention. In this debate a familiar theme re-emerged, that being the unwillingness of P5 members to participate or even support peacekeeping or peace enforcement operations that were not in their own national interest. This was fully evidenced in the SC debates leading up to the 2003 Iraq invasion when the UK and US undertook a war without SC authorization and against the will of most of its members.[33] In this context, two of the recommendations for SC reform as forwarded by the UN High Level Panel will be reviewed.

First, the need for the SC to be more proactive and acquire greater credibility, legitimacy and representation revisits a theme articulated within the 1997 Japanese proposal for UN restructuring. In his review of the initiative, Tadokoro offered up three key reforms that would have enabled the SC to be, "placed to meet the long-term aims of the UN."[34] They were:

a. Enlarge the SC's membership to a total of 20 to 25 states;
b. Give permanent membership to Japan, Germany and several key regional developing nations, i.e., Brazil and India; and
c. Introduce a weighted voting system to replace the current veto system, which would virtually protect the veto power of at least the existing P5.[35]

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[33] Ibid., 9.
[34] Masayuki Tadokoro, "A Japanese View on Restructuring the Security Council," in *The Once and Future Security Council*, ed. Bruce Russett, 119-133 (New York: St Martin's Press, 1997), 120.
[35] Ibid., 120.

These changes, precipitated in the intrastate quagmire of the early 1990s, offered an important template and demonstrated how UN reform can gain a degree of change inertia following times of crisis. Despite early enthusiasm for the Japanese initiative, its resolution was not supported by the P5 and the potential for change languished on the beaches of missed opportunity.

The second area is the continuing failure of the SC to recognize the advantages of working with regional and sub-regional organizations. Clearly, the SC must leverage regional actors in the management of conflict situations and since the report of 2003 there has been a trend towards strengthening regional relationships. In particular, with almost 75,000 uniformed UN peacekeepers serving, as of February 2006, and with a combined budget estimated at US$ 5 billion dollars, it is difficult to envision the SC operating without the cooperation of the European Union (EU), the African Union (AU), the Economic Community of West African States (ECOWAS) and the North Atlantic Treaty Organization (NATO), to name a few. In future peace and security operations where an eventual PMC-based Standing UN RRF could deploy, it will be essential for the SC partners to leverage regional powerbrokers and ensure regional consensus.[36]

Sub 2 – The General Assembly

What has changed structurally from 1945 to the present? From a world order perspective, the end of European colonialism in the 1960s, coupled with the end of the Cold War in the early 1990s, has seen a quantum leap in the number of new nation States. From an initial cadre of 51 Charter signatories to today's GA total of 191 states, the list

[36] United Nations, Department of Peacekeeping Operations Background Note, February 2006, available from www.un.org/depts/dpko/dpko/bnote.htm Internet; accessed 10 March 2006.

of new UN members continues to expand.[37] While the 1945 signatory countries were, in the main, also among the world's most powerful, today the GA is largely comprised of so-termed developing countries, many with serious domestic, political, and economic issues. For the purposes of explanation, according a fusion of lists from Fortune Magazine (2005) and International Monetary Fund (IMF) data, only 65 of the top 100 primary economic actors in the world were states; the other 35 were multi-national corporations (MNC).[38] This means that 126 voting members of the GA have a Gross Domestic Product (GDP) less that the total sales of the Home Depot, and the gap is growing! Market Trends over the past several years show no sign of this situation reversing as large MNCs continue to surge while many of the developing States have continued their slide into economic instability. Can the UN, with its system of member donation to supply peacekeeping funding, even compete as a potential employer in the global security marketplace? Interventions in all matters 'just and right' require funding and, despite calls for all nations to be more consistent in supplying their share, some key states delay their payments, thus further impeding the UN's ability to act promptly in crisis situations.

From a political perspective, the implication of this massive increase in the membership of the GA can be viewed as either good or bad. It is surely good from the perspective, that the more nations represented within the GA, the more global the influence of the UN. Additionally, since all nations are physically represented and must

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[37] United Nations Press Release, ORG 1436, 15 March 2005; available from http://www.un.org/News/Press/docs/2005/org1436.doc.htm, Internet; accessed 10 April 2006.

[38] Information fused from lists compiled by Fortune Magazine and the World Bank, available from http://money.cnn.com/magazines/fortune/global500/ and http://en.wikipedia.org/wiki/List_of_countries_by_GDP_estimates_for_2006_%28PPP%29 Internet; accessed 08 April 2006

interact within the GA, the greater the possibility for informal and formal dialogue between potentially belligerent states. As Churchill is reputed to have said, "it is better to jaw-jaw than to war-war"[39]. Despite the benefits of an expanding GA membership, the net result has been in it becoming cumbersome and increasingly unwieldy from an organizational perspective. This, when coupled with the issue of notional versus actual state power and influence in world politics, creates an organization where membership in committees is often more important to new States than other pressing matters. Who is deciding the focus of the security agenda, for example? With its instruments of declaration, resolution and convention, and the ability to elect the ten non-Permanent Members to the SC, a large majority of less developed countries can have a fairly strong impact on the political focus and security agenda of the UN.[40]

While this imbalance will be difficult to address and maintain UN diversity and participation, the future security environment demands that less-capable GA members no longer take a parochial view of the international security climate. Ultimately, a fuller and more robust use of PMCs within the context of UN peacekeeping will require broad consensus within the GA, or the developing nations to which they will likely deploy will not be accepting of their employment. In this situation any future PMC initiative will risk legitimacy problems and may be viewed by GA members as lacking impartiality. In this respect, GA reform may prove to be more attitudinal that structural, in either case it will prove challenging.

Sub 3 – The Secretary General

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[39] Quote commonly ascribed to Sir Winston Churchill during a luncheon in Washington D.C. on June 26, 1954, available from http://www.bartleby.com/73/1914.html Internet; accessed 10 March 2006.

[40] Weiss, Forsythe and Coate, *The United Nations and…,*173-176.

> The trends of the Secretary-Generalship represent something of a paradox. The Office still reflects the use of the UN as an instrument of certain states or transient alliances within the SC. The continuing lack of definition to the role and responsibility of the UN in relation to post-Cold War security issues, coupled with worries regarding the cost and practicalities of multifunctional peace operations, has been reflected in the volatility of members support for the UN.[41]

The current occupant of this paradoxical office, Kofi Annan, presented to members his proposals for a fundamental overhaul of the UN Secretariat in March 2006. He stated that, "the organization's rules, systems and culture need significant re-tooling and investment if the UN is to fulfill growing expectations and demands placed on it by the international community."[42] The duties carried out by the Secretariat are as varied as the problems dealt with by the UN and its operations grow increasingly complex. These range from administering peacekeeping missions to mediating international disputes, from surveying economic and social trends and problems to preparing studies on human rights and sustainable development.[43]

On his election as SG in 1997, Annan began a process of Secretariat reform based on evolutionary changes to a system he had struggled with during his tenure as Under Secretary General of Peacekeeping Operations from 1993-1996.[44] The High Level Panel's 2003 recommendation of a need for a more professional and better-organized secretariat further reflects the process he began. "So while much has been learned, and the SG is better equipped than before the present millennium to deploy and manage

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[41] Edward Newman, *The UN secretary-General from the Cold War to the New Era*, (New York: St Martin's Press, 1998), 204.

[42] United Nations, Secretary General Report, *Investing in the United Nations: For a Stronger Organization Worldwide*, available from http://www.un.org/reform Internet; accessed 27 March 2006.

[43] United Nations Secretariat, available from http://www.un.org/documents/st.htm Internet; accessed 27 March 2006

[44] United Nations, Office of the Secretary General, Biography; available from http://www.un.org/News/ossg/sg/pages/sg_biography.html; Internet; accessed 15 April 2006.

peacekeeping and peace enforcement actions, the availability of military and police forces still depends on national decisions and is subject to national interests."[45]

In summarizing his comments on the powers and responsibilities of the SG, Sutterlin offered the following commentary, "Greater authorization to move positions within the secretariat and the establishment of a standing UN guard contingent available for use in emergencies by the SG are two relatively modest ways in which the authority of the SG could be enlarged."[46] While difficult to nuance the PMC option from Sutterlin's comments, it is clear that the SG, in the execution of his broad duties, is a key interface between the SC, the GA and the various secretariats that manage conflict resolution worldwide. As it is extremely unlikely that any nation or small group of nations will lend its military as some form of 'standing guard' for the reasons articulated earlier, however, it is not a leap to suggest that the hiring of PMCs as a standing UN RRF may offer the SG such a lever in his key role within the UN hierarchy. On assuming the post of SG, Annan responded to many of the challenges confronting peacekeeping operations in his Report entitled, *Renewing the United Nation: A Program for Reform* two of which are relevant to this paper. First, enhancement of the UN's capacity to respond faster to sudden emergencies, [both civilian and military] and second, the establishment of a rapidly deployable civilian military mission headquarters for peacekeeping operations.[47] Both these initiatives sought to address the time factor in facilitating UN response to an emerging crisis and the UN peacekeeping apparatus continues to make reform on both fronts, but particularly with regards to civilian intervention. It will be demonstrated in Chapter two that the advertised ability of PMCs

[45] Sutterlin, *The United Nations and the Maintenance* …,78.
[46] Ibid., 155.
[47] Ibid., 151-2.

to conduct rapid deployable operations could make them a viable option for the UN to consider in this debate.

Section 2 - PEACEKEEPING REFORM – BRAHIMI REPORT

"Without renewed commitment on the part of the member states, significant institutional change and increased financial support, the United Nations will not be capable of executing the critical peacekeeping and peacebuilding tasks that the member states assign to it in the coming months and years."[48] So began the introduction into what was intended to be the centerpiece of UN peacekeeping reform. Tabled in August 2000 for the review by the fall Millennium Summit,[49] the *Report* received the full backing of the SG who promised to do every thing within his power to implement the findings. Despite the SG endorsement, the reactions to the *Report* were at best tepid, or in UN speak, the SC "welcomed" the *Report* and promised to strengthen UN peacekeeping operations and address the *Report's* recommendation in detail. While this was partly accomplished in UNSC Resolution 1327 (2000) 13 November 2000, the full slate of recommendations did not find broad endorsement.[50] Concurrently, during the Summit the GA simply 'took note' of the *Report*, a polite but noncommittal acknowledgement foreshadowing later struggles over some of its recommendations.[51]

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[48] United Nations, General Assembly and Security Council, *Report of the Panel on United Nations Peace Operations*, A/55/305-S/2000/809, 21 August 2000

[49] The Millennium Summit was a special year 2000 General Assembly session with Heads of State and Government in attendance. The Brahimi Report served as the centerpiece for consideration.

[50] United Nations, UNSC Resolution 1327 (2000) S/Res/1327 2000 13 November 2000, available from http://daccessdds.un.org/doc/UNDOC/GEN/N00/745/04/PDF/N0074504.pdf?OpenElement Internet; accessed 11 Apr 2006.

[51] United Nations, *Report on the Panel on United Nations Peacekeeping Operations* (Brahimi Report), available from http://www.un.org/peace/reports/peace_operations/docs/55_502e.pdf, Internet; accessed 15 January 2006.

In the Stimson Center's review, the authors devised three broad topic areas where they considered the recommendations of the *Brahimi Report* could be grouped: doctrine and strategy, the UN's capacity to plan and support operations, and rapid and effective deployment of peacekeeping forces. A closer examination of this *Report* will point to those areas that will require evolutionary change in order to support the concept of the UN employing PMCs. This will centre around a discussion of 12 of the *Report's* 57 main and 25 supplemental recommendations as this paper has assessed that they have the most potential for future impact on any UN-sponsored PMC initiative. For purposes of illustration, the rating system employed by the Stimson Center in order to assess these criteria, will be used.

Table 1 – Stimson Center assessment Criteria[52]

Score	Definition	Score	Definition
0	Recommendation not implemented	3	Partly implemented (Partial funding; partial staff; reduced concept)
1	Proposed by Secretariat; Rejected by intergovernmental bodies	4	Implemented, with capacity equivalent to Report
2	Proposed by Secretariat: action deferred by intergovernmental bodies or is mission-specific and awaits application.	5	Implementation exceeds Report recommendation

Sub 1 – Doctrine and Strategy

While it should be almost evident that doctrine, something that is taught, and strategy, a careful plan or method for achieving an end, are foundational for the success of UN operations across a spectrum of peacekeeping operations, this has not always been

[52] Durch et al, *The Brahimi Report …,* 117.

the case. Indeed, the *Report* noted a "fundamental deficiency in the way [the UN] has conceived of, funded and implemented peace building strategies and activities."[53]
A further review under this heading has pointed to three other recommendations that would be important to future UN initiatives to employ PMCs in a peacekeeping capacity. First, under the rubric of preventative action, "the *Report* highlighted the need for effective measures to prevent the outbreak of conflict, noting the clear gap between verbal support and real financial and political support for conflict prevention."[54] In this case, the comment refers to the ability of the member states to provide the necessary funding and political sanction for the SG to dispatch investigation teams in advance of a crisis developing. This continues the theme from earlier studies whereby the means of the SG to have access to the intelligence information that would allow both he and the SC to make decisions in advance was authorized. The Stimson Report assigned this recommendation a score of 4.0, however, events unfolding in Darfur, Sudan indicate this assessment may have been optimistic.

The second recommendation to merit consideration was an effort to address the subject of clear and credible mandates for UN peacekeeping operations. In *Brahimi*, the SG was encouraged to speak 'to speak truth to power' when advising contributing nations of the risks involved in missions and in explaining to the SC operations in a potentially dangerous environment. This recommendation also made an attempt to address the issue of clear command and control, and unity of effort by troop contributors and to clearly define their operational mandates prior to troops being committed. The Stimson review

[53] Ibid., 15.
[54] Ibid., 29.

of this recommendation assigned a score of 2.5 - 3.0, indicating that it has been partly implemented, but that intergovernmental bodies deferred some aspects.[55]

Another important recommendation for consideration, and one pertinent to the PMC discourse, whether employed within the framework of the UN or not, is the *Report's* commentary on the assignment of robust forces with the commensurate Rules of Engagement (ROE) to accomplish 'complex missions'. The Stimson critique assigned this recommendation a score of 3.0 for being partly implemented; although the UN success of its MONUC mandate in DR Congo with its EU-led force and muscular ROE posture indicate that the template for its continued success is strong. This issue touches on one of the foundational realities posed earlier by stressing the requirement for, "effective peacekeeping requiring competent, well-trained and well-equipped troops in the execution of complex UN missions.[56] While an argument could be made that, as the professional level of troops from developing countries continues to rise, issues surrounding robust forces and their understanding of ROE will improve. The counter-argument is that these forces will continue to struggle in complex peacekeeping operations and the Stimson analysis of a rating of 2.5 indicates that much work remains in this area. A professional and well-trained PMC force could help address this gap.

Sub 2 – Capacity to Plan and Support Operations

One of the key lessons learned in the *Brahimi Report* was that, organizationally the UN, suffered from an ability to concurrently plan, manage and then support peacekeeping operations throughout the 1990s. This was clearly reflected in Rwanda and Somalia, was evidenced in the ad hoc approach to the Former Yugoslav Republic (FRY)

[55] Ibid., 17-18.
[56] Ibid., 21.

and the revolving door of UN peacekeeping support in Haiti. The *Report* made numerous recommendations to address these structural shortcomings. The most significant was a recommendation to create for the Executive Committee on Peace and Security (ECPS) an Information and Strategic Analysis Secretariat (EISAS). This would help support the UN, in conflict prevention and peace building efforts, by correlating and channeling information to desk officers and extending the planning horizon for peace operations. Its implementation, however, stalled as members of the non-aligned movement (NAM) feared that it could become a selective tool for national intelligence activity.[57] Accordingly, the Stimson Center was only able to award an assessment of 2.5 as much political work remains to be completed.[58]

The *Report's* recommendation on creating Integrated Mission Task Forces (IMTF) offers a holistic view at combining the various Secretariat agencies and broader UN organizations to ensure that a one-stop-shop would be created to counter the institutionalized 'stove-piping' that had occurred in the recent past. This initiative envisions members of the DPKO, the UN High Commission on Refugees (UNHCR), the UN Development Program (UNDP) and others, as required, working within the framework of an IMTF. First tried operationally in Afghanistan after the fall of the Taliban, it grew to include participation of thirteen separate UN departments and agencies and, despite considerable challenges, helped to prove the concept of operations.[59] Assessed as a 3.0 by the Stimson methodology, this recommendation will likely continue to find favor within the UN, as it is reflective of current initiatives to coordinate external government crisis response in many Western countries. Clearly any

[57] Ibid., 38.
[58] Ibid,. 39.
[59] Ibid., 49.

future UN reform, that incorporates a PMC-led option, would ensure that this success is leveraged within the IMTF multi-disciplinary approach.

The next two recommendations for consideration share similar characteristics. The rebuilding the UN Secretariat and growth within the DPKO are both important aims to the long-term ability of the UN to manage and lead increasingly complex operations. While the Stimson assessment of the *Brahimi Report* goes into significant detail concerning the type of manning increases required and how the GA must allocate the necessary funding to accomplish this, it is sufficient to note that from the mid 1990's to early 1999, the DPKO was functioning with a decrease of seventy-five percent of its strength, and the UN Secretariat was understaffed in terms of the multiple roles being demanded of it. The net result was that, as the mission complexity increased, the UN's ability to manage aspects of its execution suffered and the lacunae were many. However, since the *Report,* staffing levels have steadily improved, leading the Stimson Center to assess that these areas be assessed at 4.0. From a PMC perspective, the increasing capacity of UN agencies to deal with the operational aspects of peacekeeping operations bodes well for future cooperation. As it is expected that PMCs will require a cadre of UN monitors, or training staffs, to ensure their peacekeeping transition is within the mandate assigned and meets the norms of established practices.[60]

Sub 3 – Rapid and Effective Deployment

While the two areas above are important in defining UN reform from a peacekeeping perspective, it must be understood that this area of the *Brahimi Report* and its recommendations shape the clearest argument for the PMC option to be explored in

[60] Ibid., 50-52.

creating a Standing UN RRF. However, the recommendations in this section are dependent on the previous way of raising UN peacekeeping forces. Specifically, the SG identifies a potential crisis and begins the task of assembling troop-contributing nations to determine force composition. *Brahimi* recommendations, such as defining deployment benchmarks and, providing the capacity for advance planning, mission definition and spending authority, are important to facilitating the aim of rapid and effective deployment times, and enabling the SG, in terms of reducing these times, to have access to pre-troop commitment funding. Unfortunately, according to Stimson, the pre- troop commitment-funding envelope was undefined and the recommendation to articulate deployment benchmarks remains only partly implemented with an assigned score of 3.5. Further, UN deployment goals of 30 days for traditional peacekeeping operations and 90 days for complex operations, as a best case scenario, will continue to mean that traditionally-assigned UN forces will arrive in an area long after the any crisis response is easy to regulate. A Standing PMC RRF, as envisaged by this paper, would be more flexible in response times as it will already be formed and likely pre-positioned within proximity to emerging crisis areas.[61]

The employment of PMCs could assist in addressing *Brahimi's* recommendation on improving UN mission leadership. The *Report* called for early identification of mission leaders and recommended creating a process whereby they would proceed to the UN to conduct pre-mission briefings and training. This was intended to facilitate their interaction with their IMTF in-theatre colleagues and ensure their in-depth familiarity with the SG and DPKO leadership. The Stimson report assigned a rating of 3.0, indicating partial implementation of the recommendation. It must be observed that, if the

[61] Ibid., 65-66.

UN possessed a Standing force, this concern would be ameliorated by the very nature of having contracted troops as ready reaction forces.[62]

The final *Brahimi* recommendation to be discussed continues the argument for the use of PMCs within the UN peacekeeping system. Specifically, the recruiting and deploying of capable military forces resonates throughout the *Report* and continually highlights the concern over troop quality being among the most important recommendations to emerge. Issues such as troop quality assurance, the lack of enablers available to developing countries, the 'regionalism' of peacekeeping and the growing trend by the US to favor coalitions over the UN, were all cited as being key reasons why this imbalance needs to be redressed. In fact, while the UN is often hesitant to acknowledge the employment of PMCs during peacekeeping operations, the US-funded Pacific Architects and Engineers (PAE) and ICI Oregon provided logistical support to the 1999 ECOMOG missions to Liberia and Sierra Leone.[63] If current trends towards developing world troop commitments continue, including a requirement for PMC support, how long will it be before the less well-trained and well-equipped troops are replaced by the growing professionalism and capability of PMC forces?[64]

Sub 4 – UN Reform and a Return to Relevance

As the organization charged with the delicate balancing act between emerging security issues, conflict management and State national interests, the UN's pillars are constructed on a 60 year old foundation. As the international community's official, if not practical, sheriff, the SC has become a repository for previous Cold Warriors who have

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[62] Ibid., 67-68.
[63] Singer, Corporate Warriors …, 183.
[64] Ibid., 71.

shown neither the imperative nor desire for reform that compromises their veto power. As emerging, new-power nations begin to influence the global political landscape, they will find the current UN structures inflexible and unrepresentative of trends in world politics. "But in the final analysis, the effectiveness of the UN in preventing conflict will be determined most of all by the credibility of the SC and the readiness of its members to take action in advance of an outbreak of violence conflict forces them to do so."[65] In transposing Sutterlin's observation towards the future, it becomes clear that, if the UN is going to remain credible and relevant in the new security environment, it must possess a credible "peacekeeping toolbox."[66] These implements do not just include the peacekeepers resources, but the structural and organizational changes necessary to facilitate the transition to the uncertain future of modern conflict. This chapter has reviewed the key structures involved with UN peacekeeping operations and has shown how each has serious structural hurdles to overcome. This chapter concludes that, of the UN peacekeeping structures requiring evolutionary change, the OSG has journeyed furthest down the reform road under the leadership of Kofi Annan. He has adopted a proactive approach towards addressing the credibility of the DPKO and the various secretariat agencies tasked with supporting and managing field operations.

The review of the GA and the SC, by contrast, demonstrates that despite the reform rhetoric, little has changed since the important efforts of the late 1990s. In fact, the evidence indicates that, until the P5 members settle their notions of great [super] power relevancy, the ability of the UN apparatus to respond and adapt to the emerging

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[65] Sutterlin, *The United Nations* …, 27

[66] Christopher Spearin, "Between Peacekeepers and Private Forces: Can there be a Third Way," in *International Peacekeeping*, Vol. 12, No. 2, Summer 2005, 3. Spearin uses this term to describe how a proposal from a not for profit organization, the Global Peace and Security Partnership, could contribute to the UN's overall peacekeeping options.

security environment will remain stunted. It is assessed that the continuing reluctance of Western nations to commit *significant* forces to UN peacekeeping will increase the UN reliance on less capable forces in increasingly complex security operations. Within this context, the resultant risk of a catastrophic failure of the peacekeeping structures cannot be ignored and the repercussions for the international order could be great.

This leads to the second part of chapter two, where the initiatives to reform peacekeeping were reviewed under the rubric of the *Brahimi Report*. The range of recommendations and the importance of 'getting it right' gave a weight to the report that was initially championed by the P5, but subsequently the subject of a shift in their attention in the wake of 9/11 in 2001 and OIF in 2003. While a number of the *Report's* recommendations have been implemented or examined, key ones remain in the state of organizational limbo that has characterized modern UN reform initiatives.[67] These observations are not intended to suggest, however, that all is for naught. Indeed, progress no matter how slow remains progress and while the energy and focus of Kofi Annan must be recognized for furthering the reform agenda, much works remains. In returning to the potential for the UN to employ a PMC-based Standing RRF a key argument is not, that the UN reform necessary to realize this initiative is at hand, but that the change momentum to facilitate this initiative have resided within the UN for some time. While inertia for change can be slowed by a number of factors, such as national interests, it tends to be irreversible and if joined by a catalytic event, change can assume shapes previously considered impossible.

[67] Durch et al, The Brahimi Report …, XVI.

Accepting the assumption that, at a point in the future, significant UN structural change will occur, chapter two will turn the microscope on the PMC option and examine whether they are up to the task demanded.

Chapter 2 – PRIVATE MILITARY COMPANIES

> The Special Rapporteur [UN] stresses the need to be careful not to confuse mercenaries with other actors in the field – such as "terrorists", "freedom Fighters", "volunteers", "part-time soldiers", "rebels with a cause" and private security companies" supplying security services to individuals and organizations in trouble spots throughout the world.[68]

While an interesting and profound metamorphosis has taken place within the traditional debate over the role and legitimacy of PMCs, the connotation associated with the word 'mercenary' has not. It continues to recall images steeped in the lore of military history, and of individual ex-soldiers or bands of ex-soldiers selling their services to the highest bidder during the African wars of independence following the de-colonization period, often with unpleasant results. They were most notable during the war in the Congo from 1960 to 1964, where private units, hired by mining firms, fought in support of the Katanga succession.[69] As well, the term imports notions of individuals or groups acting on the margins of international law, driven by profit [greed] and lacking what traditional state-sponsored military professionals would term respect for the Law of Armed Conflict. This has resulted in PMCs receiving, at best, broad international ambivalence towards their use. A situation is further compounded because PMC 'employees' receive, neither special recognition as combatants under the Geneva Conventions nor can they be classified as 'mercenaries' under currently accepted legal

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[68] United Nations Economic and Social Council, Commission on Human Rights, Sixty-first Session, 8 December 2004, 15

[69] Singer, *Corporate Warriors…,* 37.

definitions. Notwithstanding this situation, the rapid emergence of PMCs has caught the attention of all the various levels of state and international governance. Equally instructional has been the evolution of their role within traditional state militaries such as the US and UK, where they are deeply embedded, frequently sharing many of the risks and responsibilities for many aspects of war fighting and peace making.

Singer in his book, *Corporate Warriors,* has conducted the most exhaustive work on the emerging importance of PMCs in the security environment to date, and his lessons are important to the debate concerning their possible future employment by the UN. He has evaluated at PMCs from the perspective of the traditional capability and the responsibility of the state to provide security for its citizens as perhaps the most important function of government. He explains that in the absence of state capability and the rise of ineffectual and failing states that are unable to provide this security service, PMCs have risen to fill the void vacated by the Cold War superpowers and an increasingly ineffectual UN. He quotes organizational delays by the UN in implementing peacekeeping missions, as in Sierra Leone, and the growing trend to use "second-rate militaries"[70] to gap-fill the peacekeeping shortage as key reasons why some states have turned to PMCs in order to provide the resources necessary for the prompt resolution of internal conflict, a recurrent theme.[71]

To enable the PMC discourse, section one will offer a brief overview of PMCs and investigate the various structural hurdles that challenge their continued quest for respectability in the security marketplace. Section two will review Reports by Isenberg

[70] Ibid., 59.
[71] Ibid., 58-60.

and the RAND Corporation on the conduct of PMCs within the context of their recent and continued employment by the US Army in Iraq and Afghanistan.

Section 1- A BRIEF HISTORY

The arrival of modern PMCs can be traced to their early predecessors such as Sandline International and Executive Outcomes, two South African based PMCs active in Africa during the 1990s. Their genesis goes even further back to the mercenary forces that emerged following the breakup of European colonial empires, however, the modern private military industry as understood today emerged in the mid 1990s. This arrival at corporate credibility and rise to prominence in the international security marketplace has been driven, as offered by Singer, by three factors: "the end of the Cold War, transformations in the nature of warfare that blurred the lines between soldiers and civilians, and a general trend towards privatization and outsourcing of government functions around the world."[72] What has been impressive, however, is that while PMCs grew to fill the security void created when traditional military forces were downsized during the 1990s, they did so in a manner that capitalized on the confluence of a number of security-centric events. Following the attacks of 9/11 the US-led interventions in Iraq and Afghanistan created the market conditions for the concept of privatized military forces to emerge from the shadows of shady financing into the light of corporate accountability and responsibility. As highlighted by Spearin, in referring to the international trade capacity in private security, a growth of approximately seven percent

[72] Peter Singer, "Outsourcing War," in *Foreign Affairs*, March/April 2005; available from http://www.foreignaffairs.org/20050301faessay84211/p-w-singer/outsourcing-war.html; Internet; accessed 16 October 2005.

was expected up to US$ 200 billion by 2010.[73] This assessment was conducted before the events of 9/11 reshaped the international security marketplace. With the cost of the US-led wars in Iraq and Afghanistan approaching US$ 200 billion as of March 2005 and Congress Research Services projecting the 2005-2014 costs to exceed US$ 450 Billion, Spearin's projections now appear cautious.[74]

That PMCs should be concerned with the profit margin should come as no surprise, as it is an industry largely dominated by previously serving military professionals who did not work in the service of their national militaries for free. However, the specter of 'mercenaries for hire' remains one of the primary legacies from the early history of PMCs and continues to cast a long shadow over how they continue to be viewed today and especially within the context of this paper's proposed UN employment.[75] Additional concerns over the use of PMCs have centered around whether they are numerous enough to assume a larger role in peacekeeping and, if they are, whether they are operationally capable of filling the UN role as currently conducted by troop contributing nations. Finally, issues of PMC legitimacy and accountability also surround this debate. As potential combatants, they are not currently recognized under either Geneva Convention III (1949) or Additional Protocol 1 (1979) and are therefore not subject to protections offered by the Prisoner of War Convention.[76] In some ways, PMCs fall into a legal no-man's land where their status ultimately impedes their ability to be considered as a valid option for a UN sponsored standing force. This section will

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[73] Christopher Spearin, "Private Security Companies and Humanitarians: A Corporate Solution to Securing Humanitarian Spaces," in *International Peacekeeping*, Vol., 8 No. 1, Spring 2001, 20-43, 21.

[74] United States Department of State, Congressional Review Services Report, *The Cost of Operations in Iraq, Afghanistan, and Enhanced Security*, 14 March 2005; available from http://fpc.state.gov/documents/organization/44917.pdf Internet; accessed 16 February 2006.

[75] Singer, Corporate Warriors …, 185-187.

[76] Geneva Conventions and its Additional Protocols, available from http://www.unhchr.ch/html/menu3/b/93.htm; Internet; accessed 01 April 2006.

address these issues, offer an overview of current PMC employment and conclude with an assessment of how future business-related trends could impact on the use of PMCs by the UN as a Standing RRF.

Sub 1 – Overview of Current Employment

It is difficult to offer precise numbers of personnel employed by PMCs today, however, the numbers estimated for Iraq in September 2004 should serve as a good departure point. As offered by Isenberg, "in response to a request by Congress, a Congressional and Public affairs team (CPA) compiled Report lists 60 PMCs with an aggregate total of 20,000 personnel employed in country."[77] When these numbers are extrapolated to include current conflict zones in Africa, the Balkans, Afghanistan and logistical support to ongoing UN peacekeeping operations, it is reasonable to conclude that the global estimate is approaching 30-40,000 personnel and this excludes those PMCs employed by MNCs and other State actors. For the purposes of illustration, a January 2003 International Peace Operations Association (IPOA) concept paper on supporting the MONUC mandate with Private Services in the Democratic republic of Congo (DRC) shed light on how a PMC- based construct could augment an existing UN peacekeeping mission. In the paper, services were offered from international logistics, to aviation and police expertise, to specialized training and security augmentation forces able to "operate across the full spectrum of complex peacekeeping operations." [78] While no personnel numbers were offered in this proposal, the consortium, consisting of five

[77] David Isenberg, *A Fistful of Contractors: The Case for a Pragmatic Assessment of Private Military Companies in Iraq*, Research Report 2004.4, British American Security Information Council, 2004, 7; available from, http://www.basicint.org/pubs/Research/2004PMC.htm Internet; accessed 15 November 2005

[78] Doug Brooks, IPOA Operational Concept Paper, *Supporting the MONUC Mandate with Private Services in the Democratic Republic of Congo*, Alexandria: IPOA, January 2003, 4-5; available from http://www.ipoaonline.org/uploads/030201IPOA-DRC.pdf Internet; accessed 16 January 2006

relatively large PMCs would require in the vicinity of 5,000 professional security personnel to conduct the range of tasks offered, plus whatever in-country support was engaged, an estimate borne out a cost forecast of US$ 100-200 provided by IPOA.[79]

While the above numbers represent an unsolicited proposal, it hints at the ever-broadening reach of PMCs and their increasing willingness to work together, to combine resources, and to compete for a share of the UN peacekeeping marketplace. What is certain, however, is that PMCs are employed across the globe and they work for an ever-expanding list of clients. For example, ERINYS a UK-based PMC, is conducting security related operations on three continents for a broad range of multi-national corporate clients, and they are typical in scope to other similar sized PMCs.[80]

Sub 2 – Issues Concerning PMC Legitimacy

The mercenary versus PMC debate has swirled around since PMCs emerged in the mid 1990's and no other issue is as seminal to the discussion as that concerning the legality of employing PMCs on the modern battlefield. This is due to what has been described by Singer as, "a striking absence of regulation, oversight and enforcement on both the personnel and corporate level,"[81] on the part of PMCs. The concerns also involve how PMC personnel are perceived, as they frequently blur the line between what constitutes a civilian contractor employed in the service of a military, and a civilian contractor conducting combat operations as an embedded member of a State's military force. Current legal practices, the LOAC and the Geneva Conventions make clear

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[79] Ibid., 6.

[80] Available from, http://www.erinysinternational.com/CompanyOverview.asp, Internet; accessed, 13 April 2006. ERINYS recently announced the establishment of their Nigeria operations in partnership with the Ibru Organization. The Ibru Organization's portfolio includes oil and gas interests and facilities, port facilities, banking, hotels and real estate.

[81] Singer, "Outsourcing War,"

distinctions between soldiers and civilians and if PMCs are going to be considered a valid peacekeeping option, then the regulations that govern their employment will need to be transformed. While this legal evolution will not be easy, there is mounting evidence that the rules of the game are changing as the US-led Global War on Terror continues. Recent pronouncements by the UK Secretary of State for Defence, Dr George Reid, that it may be time to re-examine the Geneva Conventions and international laws governing the conduct of war, its perpetrators and its victims led to his statement, " we risk continuing to fight a 21st century conflict with 20th century rules."[82] This comment reflects what Singer calls, "the grayness of the privatized response,"[83] where PMCs are often called in to conduct the affairs of state normally accomplished by functioning State structures. When an external actor fills the lines between a State's moral and legal responsibility for its citizens security there is a danger that the line between political expediency and military necessity will blur significantly.

While Reid's comments have import due to the terrorist connotation, it is important to note that definitions of what constitutes a lawful combatant and how terrorists should be treated following capture have important implications for present and future combat employment of PMCs. Countries such as the US and UK have been grappling with this issue since the late 1990s, but the 2003 US-led mission into Iraq galvanized the debate in both countries given their heavy reliance on PMCs.[84] This burgeoning growth leads to Singer's, "morality dilemma,"[85] in which PMCs are being

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[82] Excerpt of a speech given by Rt Hon Dr John Reid to the Royal United Services Institute, 03 April 2006, available from http://news.bbc.co.uk/1/hi/uk/4873856.stm, Internet; accessed 09 April 2006.

[83] Singer, *Corporate Warriors*, 228-229

[84] Isenberg, *A Fistful of Contractors* …, 7. The relative numbers of PMCs operating in Iraq in the two Gulf Wars illustrate this point. During 1991 for every one contractor there were 50 military personnel. In 2003 the ration was 1 to 10.

[85] Singer, *Corporate Warriors*…, 216-229.

increasingly viewed within the modern context as security providers, and their role is being measured by some international actors as a public or private benefit. In this case, an argument for legitimizing future UN employment of PMCs, beyond their current supporting role, would have to be made within the construct of a greater global good, as their employment would serve to mitigate future humanitarian and conflict crisis. A parallel argument exists that market forces will forever influence even legitimate PMCs and that non-regulated PMCs, who use the construct as a cover of legitimacy, will detract from how legally constructed PMC-based peacekeeping missions will be viewed.[86] This conflicting argument will make the moral dilemma over the use of PMCs a difficult one to resolve in today's unreformed UN structures, where the national interests of 191 GA members, the 10 SC members and the P5 are in tension, when it comes to building consensus on issues affecting international peace and stability. A situation further complicated when the effects of the ability of P5 member to veto UN intervention is considered. What is clear is that, whether the legal status of PMCs is resolved within the structure of international law [UN] or within the domestic laws of their parent State, their continued employment within or for State militaries and on the modern battlefield will require a substantial legal review of their status.

Sub 3 – The Organizational Structure of PMCS

"Only by understanding what the limitations are of the different types of PSC [PMC] structures, will we be in a position to take maximum advantage of the services they offer and devise new ways of organizing security."[87] What makes the growth of

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[86] Ibid., 217-218.

[87] Christopher Kinsey, "Examining the Organizational Structure of UK Private Security Companies," in *Defence Studies*, Vol. 5, No. 2 (June 2005), 188-212, 188.

PMCs attractive from a capability perspective is that, in order to compete in today's security environment, they have adapted their corporate and operational structures in order to remain flexible and responsive to customer demands. Kinsey's research provides important lessons on how to examine PMCs in order to ensure that they are structurally able to provide the services they claim to offer. Kinsey posits that, "without this knowledge, our reliance on PMCs will continue to be haphazard while the chances of making mistakes in relation to their employment will remain high."[88] In examining whether, PMCs offer the UN an alternative to the current peacekeeping practice a discussion on their corporate and organizational practices will help determine the future of the initiative. After all, what would be the validity in a PMC option that, once contracted by the UN, became insolvent due to poor corporate stewardship or leadership mismanagement, resulting in them being unable to accomplish their assigned peace or security mission? Its failure could provide a catalyst for critics of the initiative and offer evidence that such a proposal is untenable within the foreseeable UN and PMC construct. The two structures offered by Kinsey, the loosely coupled organic model, and the divisionalised and hierarchical model both deal with the how the PMC's core management team is organized to direct the employment, the services, and retention of skill-sets within the Company. Traditionally the organic model has been associated with PMC's such as Olive Security and Aegis Defence Services where a collegial atmosphere is developed based on shared, usually military, experience.[89] This permits, a small, but highly centralized management group to expand and manage crisis, including limited or short duration situations that fit within the modern peacekeeping environment. However,

[88] Ibid., 189.
[89] Ibid., 197-198.

the core structure is likely highly personalized and, once operating at full capacity, it is difficult for these PMCs to stretch and manage competing priorities. Ultimately this model may prove useful in filling specialist niche roles, but structurally it is assessed that they will not be robust enough to manage more complex peacekeeping operations.

In contrast, the divisionalised and hierarchical model, is employed by a wide range of PMCs, and offers structure along horizontal and vertical lines thereby permitting a more traditional corporate approach to conflict and security management. The vertical dimension is used to describe a multi-layered approach to leadership and decision-making while the horizontal dimension facilitates agility across the spectrum of specialization for their employees. This permits PMCs, such as the Armor Group, to develop strong regional expertise and with over 7,600 employees in 26 nations including offices in 10 African countries it becomes evident that it is exhibiting the necessary corporate foundations and infrastructure to ensure that a future collaboration within a reformed UN construct is feasible.[90]

Finally, national legislative efforts, such as the *Green Paper*, a British Government initiative that outlined options for the regulation of PMCs operating out of the UK, are providing important foundational work towards the legitimization of PMCs. While the *Paper* was initiated to investigate the actions of a founding PMC, Sandline International, the results broaden the debate and help to define the responsibilities of host nations and their governments in the regulation of private security providers.[91] In providing these regulatory guidelines for UK PMCs, "the government was expressing

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[90] Information concerning Armor Group corporate and geographic disposition; available from http://www.armorgroup.com/region_africa.asp; Internet; accessed, 15 April 2006.

[91] United Kingdom Parliament, Select Committee on Foreign Affairs, Ninth Report; available from www.publications.parliament.uk/pa/cm200102/cmselect/cmstaff/922/92203.htm; Internet; accessed 27 February 2006.

concern about PMCs because of the possibility that they will impact on British interests abroad,"[92] but precedence of this nature can serve PMCs as well as governments. Lilly goes on to state his view that it unlikely the UN would be able to establish a regulatory system for PMCs as the powers to authorize PMC contracts of a military nature, reside are the purview of Member States.[93] While this corporate regulatory dilemma will be difficult to resolve in linking the PMC option to the UN's peacekeeping mandate, the current approach to managing PMCs by all parties is self-regulation. Holmqvist contends that under this approach the PMCs who do not conform to accepted behavior and international practices would eventually go out of business, as the international marketplace will shun them.[94] This theory of the market finding its equilibrium has merit form a corporate and business perspective, however, it tends to cast aside legality in favor of agreed to legitimacy. Placing the onus on PMCs and their clients to ensure compliance to international law and ethical business standards. In offering that, "PMCs are unlike either the individual mercenaries of the 1960s or those freelancers still active today,"[95] Singer acknowledges important differences between mercenaries and PMCs and agrees that by becoming more corporately responsive and accountable, PMCs are casting off old doubts and emerging as a legitimate force in the security marketplace.

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[92] Damian Lilly, *Regulating Private Military Companies: The Need for a Multidimensional Approach*, delivered as a Seminar to Consider the Foreign and Commonwealth Office Green Paper, 24 June 2002, 3; available from http://www.fco.gov.uk/Files/kfile/pmclillly.pdf; Internet; accessed 18 April 2006,

[93] Ibid., 10.

[94] Caroline Holmqvist, *Private Military Companies: The Case for Regulation*, SIPRI Policy Paper No. 9, 2005, 49; available from http://www.sipri.org/contents/publications/pp9.html; Internet; accessed 10 December 2005. Holmqvist, a graduate of the London School of Economics is a Research Assistant in the SIPRI Armed Conflict and Conflict Management Program.

[95] Ibid., 45.

Section 2 – TRANSFORMATION OF PMCs

This section will review how PMCs have been transformed by the factors listed above and review whether they can offer a valid option as a Standing UN RRF. One of the conclusions gathered, is that PMCs are in a continual state of evolution and transformation, in the modern security marketplace. And while this paper will later hypothesize a future scenario to defend its thesis, this section will review the work of Isenberg and the RAND Corporation on the use of PMCs within Iraq and the Global War on Terror in Afghanistan. Several themes keep reoccurring in their work and it is particularly instructive, within the context of the PMC debate, to visit them now.

First, is the issue of retention of PMC military employees and concerns expressed over how PMC recruiting tactics are diluting the regular armed forces of leading Western nations such as the US and the UK of their best trained and most capable soldiers.[96] Second, are concerns over political and military control and accountability of PMCs, particularly in consideration of the fact the several PMCs were implicated in the ongoing Abu Ghraib Prison torture scandal.[97] Third, are concerns over whether PMCs are best qualified to fulfill some of the tasks and roles being assigned to them as opposed to regular military units and how mission risk factors are considered when assigning this employment. Finally, throughout both reviews the continuing trend towards legitimizing the use of PMCs on the modern battlefield resonates as a key point for concern in the future of this debate. If PMCs are going to continue their evolution in the security marketplace, then these issues will not be wished away. The greater PMC involvement in complex military operations, the greater the scrutiny when mistakes occur or things go

[96] Singer, *Corporate Warriors* …, 76-77.
[97] Isenberg, A Fistful of Contractors …, 67.

wrong. A failure to learn and apply the lessons to follow may well retard advances made in the modernization of PMCs and render their possible future use as agents of international will within the UN construct very difficult to achieve.

Sub 1 – The Isenberg Report

Should, as this paper argues, at some point in the future the UN decide to employ PMCs as lead forces for complex peacekeeping operations, it is likely that the work of Isenberg will figure prominently in the data-base of lessons learned. In his *Basic Research Report 2004.2* on the US Army's use of PMCs in Iraq, he provides an analysis of PMC activities during the first year of Coalition intervention (2003-2004). The Report examined a broad range of issues related to PMC employment, both on a modern asymmetric post-conflict battlefield and within an unstable nation re-construction environment where security concerns are paramount. It looks at advantages and disadvantages that PMCs offer and completes with a series of recommendations and conclusions. While, the Report also investigates the role of PMCs in the Abu Ghraib prison scandal, the situation within the prison was complex, and the role of PMCs (CACI and Triton) was poorly defined. It is likely that critiques of the PMC option will point to this incident as proof that PMC employment is untenable, however, Isenberg's conclusion vis-à-vis their role offers a more sober assessment. "What Abu Ghraib indicates above all else is that, much like the overall slipshod, ill-planned way the US prepared for post-major combat operations, it [the scandal] is a reflection of broader policy failings." In fact, "the bulk of the evidence to date suggests that most of the abuses were carried out by regular military forces."[98] This is an important lesson to be

[98] Ibid., 51-67.

remembered in a future UN/PMC initiative as it highlights the need for thorough mission analysis and a detailed post-intervention follow-on plan by the UN.

It is important to note that Isenberg has quantified the differing roles that PMCs offered in Iraq and it is clear that they are not all created equal. In his typology of PMCs, Isenberg demonstrated that two of the three commonly accepted forms of PMC were active in Iraq, military consulting firms and military support firms. These two appear fairly self-explanatory while the third, military combatant companies, are those that would most closely resemble the type of firm intended in the thesis of this paper. These firms are limited and today constitute only a minority of current PMCs, but as the first two forms merge with the third and the security marketplace drives PMC economics, it is reasonable to conclude that more of the last form, with expanded capability, will emerge in the near future. PMCs in Iraq were employed by the US Army primarily to counter the manning shortfalls occurring for reasons offered earlier, and they were utilized in roles as diverse as close personnel protection, to near combat support for the Coalition Provisional Government. In this report, Isenberg lays out the realities of mixing regular military and civilian contractor forces on the modern battlefield and concludes with four major areas of concern for future like employment.[99] Specifically:

a. The challenges of retaining regular soldiers in the face of aggressive competition from PMCs themselves and the subsequent drain it causes on regular armed forces;

[99] Ibid., 15-26. This typology closely mirrors that of Singer in his book Corporate Warriors, although Singer expands the definition to Military Provider Firms instead of Military Combatant Companies the result is the same, those firms that operate at the complex end of the security operations.

b. The broad issue of political interference, particularly as it relates to contract tendering and political party donations, as well as how the leadership of PMCs interact with the military hierarchy and national political chain of command;
c. The issue of control and accountability as it relates arms control and transfer protocols and how PMCs are screened for duty and by whom; and
d. The legal status of PMCs on the battlefield. This explores the notion of mercenaries and examines changes required to International law and the Geneva Conventions on combatant definition.[100]

Of these four key recommendations, the issue of PMC retention and political interference figure prominently in the debate over the employment of PMCs by the UN. Other issues surrounding the legality and the status of contractors, and control and accountability are equally challenging, but fall into the arena of those things which can be interpreted as tangible and therefore, if suitable political will exists, can be regulated over time and the appropriate regulatory oversight. In reviewing the issue of political interference, Isenberg offers that, in spite of PMCs generally executing their tasks well and their personnel conducting themselves professionally, the lack of strategic and political planning affected the way in which the PMCs were hired, managed and then employed.[101] This in turn led to coordination problems between PMCs and the regular Army, and hindered how risk assessment was considered in making decisions on the terms of their employment, a subject to be further explored in the next sub-section. The recruiting and retention issue is one that will likely remain difficult to address as any UN/PMC initiative moves forward, as PMCs will be recruiting from the same limited

[100] Ibid., 68-72.
[101] Ibid., 68.

personnel resource as national militaries, specifically well-trained personnel. In addition, full-service PMCs are selective in the type of soldiering and specialization skills they require. This in turn has led to a surge in the recruiting of special-forces personnel, frequently the best-trained and hardest to replace by national militaries. What will this mean into the future as militaries shrink and the marketplace intensifies? In some ways, it is akin to robbing Peter to pay Paul, if nations agree to increase UN capacity by creating a PMC-led RRF, it is likely that these PMCs will hire from the same forces now considered essential for State capacity to respond to modern asymmetric security challenges.

Sub 2 – The RAND Report

In examining the employment of PMCs or civilian contractors within the US Army, the RAND Corporation in a 2005 Research Brief entitled, *Civilian or Military: Assessing the Risk of using Contractors on the Battlefield*, reviewed work conducted as part of a larger research project. The project, sponsored by the US Army, was designed to provide an evaluation of how they should assess and balance risk when operating with and employing PMCs on the battlefield. Using data extracted from the Iraq and Afghanistan experience, the Report highlighted the processes by which the US Army arrives at decisions in routine operations and offers a seven-step template to guide decision-makers in determining the following PMC employment issues. First, whether PMCs are capable of conducting the tasks they were hired for and, if so, do they offer the best value from a comparative military advantage perspective? Second, should the Army decide not to employ PMCs, what are the capability trade-offs when force structure limits

have been placed a specific theatre of operation?[102] In other words, if force structure is 100,000 soldiers and the Army cannot augment this number with PMCs, what combat or post-conflict stabilization capability is left behind and what will be the inherent mission risks in such a decision? While the Report was US Army focused, it is assessed that four of the seven risk mitigation factors examined are relevant to the UN employing a PMC-based Standing RRF. The four are:

a. Do PMCs offer an advantage? Specifically do they alleviate current US Army shortfalls in a demonstrative manner;

b. What are the risks? This factor centered on mission success or failure and what that would mean to whether PMCs would be employed broadly or within niche roles;

c. What are the hazards? This factor dealt with international status of force agreements and issues of international law when employing PMCs on the battlefield; and

d. Which source of support, PMC or military, best suits the circumstances of a particular activity? Once the above criteria have been considered this factor asks the question, "Which is the best solution, for a particular mission or task, PMC or regular military?"[103]

Along with an examination of the risk mitigation factors the RAND Report also offered four key findings that support the argument concerning PMCs and the UN. They are:

a. That PMCs will continue to play an important role in military operations;

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[102] Rand Arroyo Center Research Brief, "Civilian or Military? Assessing the Risk of sing Contractors on the Battlefield," *Rand Corporation*, 2005, 1; available from www.rand.org Internet; accessed 15 December 2005.

[103] Ibid., 1.

b. Any decision about using or not using PMCs carries risk;

c. Decisions about using PMCs on the battlefield tend to be complex; and

d. A disciplined approach in applying the US Army's risk management procedures to decisions about PMC use can clarify key considerations and help reduce the complexity of the decisions.[104]

The Report concluded with the statement that, "all other things being equal, the US Army would typically prefer to use military personnel, yet it continues to use contractors [PMCs] on the battlefield, and such reliance shows no sign of ending soon."[105] This dichotomy between the ideals of military capability and PMC control sound familiar to the peacekeeping discourse occurring within the UN. Surely, if they were available, the UN would prefer to use Western peacekeeping troops and, if the UN had enough military personnel, then deployment and sustainment responsibilities would not need to be contracted out to PMCs and other third parties. However, as dichotomy moves closer to reality in today's rapidly evolving security climate, then the lessons learned from both the RAND and Isenberg Reports can serve as beacons for navigating the complexities of implementation of the PMC initiative.

Sub 3 – Are PMCS Ready

The emergence of PMCs in modern conflict poses challenges to both laws and to thinking about international security and its attendant unpredictability. There is little doubt that, for PMCs to continue to thrive within the global security marketplace, work on their regulation, as initiated in the US and the UK, is an important step towards recognizing their emerging role in conflict resolution. As well, the ability of PMCs to

[104] Ibid.,1.
[105] Ibid., 3.

create corporate accountability and governance structures that mirror the best-practices of successful Fortune 500 companies, indicate that they intend to continue their growth in the security marketplace. In answering the question, are PMCs ready to assume a broader role under the aegis of UN peacekeeping, the work of Isenberg and the RAND Corporation offers a caution. While both Reports highlight obvious shortfalls of today's PMCs, this paper concludes that two issues will require careful attention for a future merger of PMC capability with UN legitimacy.

First, as in Iraq, the issue of political oversight and the preparedness of US Army to appropriately employ PMCs in highly complex military environments is likely similar to the regulatory challenges that will surround the consideration for future UN employment. Also, the unpredictable nature of future conflict and the speed at which UN sponsored, PMC-led, intervention may occur will make specific contingency planning difficult and mission supportability subject to many of the same national interest tensions witnessed today. *Evolutionary* UN change as proposed in chapter one would help mitigate this reality, but it is assessed as unlikely that political interference will never play a role in the deployment of peacekeeping forces, PMC-based or otherwise. Second, despite claims such as being, "a full service security company with resources to operate worldwide,"[106] many PMCs would remain generally smaller players in the global security market and a decision to employ them will always entail a degree of risk management on the part of the employer. In this area, notwithstanding the strides taken by the UN [DPKO] to gain better intelligence and situational awareness, this will remain similar for the larger PMCs that this paper suggests could comprise the Standing UN RRF.

[106] Available from http://www.soc-smg.com/ Internet; accessed, 15 April 2006. SOC-SMG is a US veteran owned Security Management Group that is based in the US. It is currently employed by the US Army within Iraq, but also lists NIKE and BOEING as corporate customers.

Whether the UN and the international community are ready to accept PMC-led peacekeeping operations is debatable, at least in the near term. However, despite the cautionary factors outlined, it is assessed that PMCs are well on their way to providing the UN with an important option to consider as the other military realities, already discussed, influence troop availability over the next decade. Indicators are pointing to sustained PMC growth and increased military capability. It appears feasible that PMCs will be ready and chapter three will evaluate whether the UN will be as well.

Chapter 3 - DISCUSSION

> Just [over] a decade ago, a book on PMCs being players in the global security arena would likely have been regarded as simple fiction. The private military industry is now a reality. Its emergence raises possibilities and dilemmas that are not only compelling and fascinating in the theoretical sense, but also driven by their real world relevance.[107]

In this chapter, the question associated with the cost of not doing something will be discussed and, while tempting to dismiss PMCs and their ilk, nature abhors a vacuum, and in the absence of the UN leading the security charge into the Twenty-first century, who will? This paper has examined the challenges of UN reform and in legitimizing PMCs within the context of their recent corporate and operational performance. Both topics, while individually daunting and far from being reconciled, appear to have common ground and proffer the option for using PMCs as the vanguard of a rapidly deployable and responsive UN intervention force. However, the UN experience with PMCs has been standoffish at best. From the 1994 statement by then Under Secretary General for Peacekeeping Kofi Annan, 'that the world may not be ready for the privatization of peace," to Isenberg's 1999 observation that, "PMCs may be ill- suited for

[107] Singer, *Corporate Warriors* …, 242.

various types of peacekeeping operations,"[108] the UN's capacity for seeing PMCs for anything other than low intensity security providers appears short-sighted, when in fact the UN is a frequent employer of PMCs across a spectrum of peacekeeping and humanitarian support operations. For example, the UN World Food Programme currently employs Hart Security.[109] Especially when this mission-specific approach to PMC employment leads to speculation that, despite the UN's reluctance to consider a more robust employment of PMCs, some standard of legitimacy is being conferred on them.[110] In some ways, the UN's past and present employment of PMCs as mission security enablers and to provide logistical support to peacekeeping operations creates perceptional risks and may generate a false impression that the current status quo is achieving the desired results. The removal of PMCs from current UN operations, such as Hart Security and Armor Group, could undermine security arrangements and hinder the UN's ability to operate securely in complex environments. In other words, the marketplace and the security challenges it faces are driving global-reach organizations such as the UN into tightening business relationships with PMCs.

It is assessed that a more comprehensive utilization and integration of PMCs by the UN appears inevitable. While hurdles remain in achieving this level of operational fidelity, this chapter will focus the argument down into the art of the possible from the realm of the unlikely. In reviewing today's international security challenges and looking at who has the capacity and perhaps more importantly, the will, to respond to them into

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[108] David Isenberg, Combat For Sale: The new, Post-Cold War Mercenaries, in *USA Today* (Society for the Advancement of Education), March 2000; available from www.findarticles.com/p/articlesmi_m1272/ Internet; accessed 10 February 2006.

[109] Available from http://www.hartsecurity.com/aboutus_selectedexperience.asp#un, Internet; accessed 13 April 2006. Hart conducts detailed, multi-layered security risk assessment programmes that cover all aspects of World Food Programme activities in many different countries.

[110] Holmqvist, *Private Military Companies …*, 45.

the future, it will be demonstrate that PMCs offer the UN a legitimate solution for a Standing RRF.

Section 1 – INTERNATIONAL SECURITY CHALLENGES

Gizewski's article, *the Future Security Environment: Threats and Risks*, outlines, from a Canadian perspective, the uncertain security road ahead. There are, however, important observations that contribute to this discussion on the factors and forces that would facilitate the UN engaging PMCs as a solution for future peacekeeping operations. Specifically, the mention of "uncertainty, volatility and increasing rapid change"[111] as the key 'markers' or determinants for understanding the type of international security environment of the future, strengthens the position that having a 45-90 day timeline for gathering UN crisis response forces will likely be too little, too late. In returning to chapter one, the argument was made that the UN must change so that it will be capable of responding quickly to future crisis situations, the evolving nature of war and the security challenges ahead, both conflict and humanitarian based, 45-90 days is simply not quick enough. The current churn in international relations surrounding the Iranian nuclear program is plainly illustrative of how these risks and challenges can reach a flashpoint and force decision makers into rapid and potentially ill-considered positions. While this issue is within the traditional construct of the UN to manage, the tension it has caused and the further strain it will cause on international and US resources and decision–makers may spill-over and divert the West's attention from the urgent humanitarian and potential conflict situations unfolding in places such as the Darfur region of Sudan. As cases in

[111] Peter Gizewski, "The Future Security Environment: Threats and Risks," in *Towards the Brave New World: Canada's Army in the 21st Century*, ed. Brend Horn and Peter Gizewski, (Kingston: Directorate of Land Strategic Concepts, 2003), 57-67, 57.

point, Darfur and Iran highlights the duality of the UN role and the "chaotic and unpredictable"[112] nature of the security climate it faces and will continue to confront in the future. If a Standing UN PMC based RRF was constituted it could act as a substantial enabler to address the short lead times and spontaneous nature of areas such as Darfur by providing the UN with valuable early intervention and crisis situational awareness. This would provide a 'de facto' deterrent capability to the UN and enable it to focus its additional resources on a wider range of issues. With no such capability currently available, the responses will continue to be ad hoc, non-responsive, and may lack the resources necessary to address the crisis at hand, this has been especially so with the UN mandated African Union led mission in Darfur; a troubling return to some of the conditions that initially prompted Annan to sponsor the *Brahimi Report*.

The continuance of traditional state-centric security concerns colliding with the unpredictable future security environment leads to the conclusion that some degree of conflict is inevitable and that it will continue to challenge the international system of States, the interconnected and globalized world in which they economically live, and the regimes that govern them into the foreseeable future. It is clear that this evolving security environment will be threat asymmetric, and that it will place increasingly arduous demands on, all States, but predominately the US and international organizations, to implement safeguards in order to ensure rapid and effective response across the spectrum of these challenges.

[112] Ibid., 57.

Sub 1 – Who Will Respond

By stating that, "no task is more fundamental to the UN than the preservation and resolution of deadly conflict," Kofi Annan has clearly defined what he sees as the UN's responsibility to respond.[113] In accepting that future security challenges will be driven by a myriad of conventional and non-conventional threats, it must also be acknowledged that their underlying conditions will be ones driven by conditions relating to human 'insecurity.' Since the recent "unambiguous acceptance" of the principle of the UN's Responsibility to Protect agenda in September 2005 the debate has broadened with the critical question of not who must respond but who will respond?[114] This paper has argued that the obvious answer is a reinvigorated UN with its own standing response capability, but is this the preferred model? After all, a multitude of factors will determine the lead actor in almost every conflict situation, it could be the US as in Liberia, or the UK in Sierra Leone, or it could be intervention based on the NATO model as currently employed in Afghanistan. There are foreseeable coalition-type responses, as in Iraq, and missions generated under the auspices of the European Union with their planned, but not yet activated 1,500 member, Rapid Reaction Force.[115] One could speculate that the future will see China or Russia leading a coalition 'of the willing' outside the sanction of the UN on their border regions. Consider the implications and potential repercussions of a Chinese-led Burmese, North Korean and Zimbabwean mission to represent Chinese economic interests in Africa.

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[113] Kofi Annan, excerpt from a speech, *In Larger Freedom: Towards development Security and Human Rights For All*, delivered at the UN, 21 Mar 2005; available from http://www.un.org/largerfreedom/contents.htm Internet; accessed 10 March 2006

[114] United Nations General Assembly, Excerpt from 2005 World Summit Factsheet, September 2005; available from http://www.un.org/summit2005/presskit/fact_sheet.pdf Internet; accessed 13 April 2006.

[115] European Union Council, Secretariat Factsheet, *EU Battlegroups*, EU BG 01 November 2005 ; available from http://ue.eu.int/newsroom Internet; accessed 10 December 2005.

The answer to the question, however, is rather more fundamental and while it depends on whether you are an advocate of the UN and multilateralism, the historic precedence indicates that a supranational organization has the best chance of sustaining a broadly supported intervention, and eventual management of a conflict of some nature. As previously demonstrated, no organization or State has had more reach or been responsible for more missions in the post-Cold War era than the UN and this, despite many missions being cobbled together on relatively short notice. What is also clear is that, in the fractured international order today, only those organizations that have international legitimacy [UN Sanction], NATO and perhaps in future the EU, will be able to intervene with the type of force composition necessary to manage complex threat to security, whether human or more conventional. There is also growing evidence that other, regionally focused organizations such as the Economic Council of West African States (ECOWAS) and the African Union (AU) will also seek to play a more pro-active role in the mitigation of human security and conflict situations.

What is certain in this debate, and of importance for the continuing vitality of the UN, is that it lead and facilitate the composition of the international response. A failure to anticipate crisis and respond swiftly will mean that those States, so capable, will feel obliged in the absence of a credible UN response to act in their own national interests. This paper offers that this situation would continue the acrimony evidenced, following the UNSC debate surrounding OIF in 2003, and create additional fissures in the relationships between those more powerful nations who may begin to see their own national interests as superseding the interests of the global community as a whole. In light of this, and as earlier discussed, with the definitions on both the nature and face of

conflict in rapid transition, the UN must incorporate a relevant rapid crisis response component into its overall options for intervention.

Sub 2 – Who Can Respond

If one accepts the contentious and evolving US definition of self-defence as opposed to the UN definition under Article 51,[116] then any State may respond pre-emptively to a security or terrorist threat. However, under the UN Charter the SC remains the sole internationally accepted body charged with not only the authority but also the mandate to do so under Article 39. The essential difficulty is that while the UN and SC can remain seized of any conflict or security situation, it does not currently possess the physical capacity to intervene unless member States supply the necessary forces as required under the provisions of the UN Charter. This reality speaks volumes about where the UN finds itself today, at the crossroads of relevancy, caught between wanting to act and being able to act. As an adjunct to this, it is interesting to visit the UN Rapid Deployment website and observe how recommendations from the *Brahimi Report* remain stagnant. Specifically, initiatives concerning the commencement of mission planning are "not yet completed" and the current status of the UN Standby Arrangement System (UNSAS) for nations willing to commit peacekeeping forces at certain readiness levels remains woefully under represented and has not been updated since 15 April 2005.[117] This is a worrying continuation past practices.

There are, however, other organizations and individual States that have taken the lead and this trend may continue in the future. The 1999 Australian-led UN intervention

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[116] United Nations General Assembly, The UN Charter, available from http://www.un.org/aboutun/charter/index.html, Internet; accessed 20 February 2006.

[117] United Nations, Department of Peacekeeping Operations, available from http://www.un.org/Depts/dpko/rapid/ Internet; accessed 10 April 2006.

in East Timor, the EU-led mission to the DRC, and continuing NATO involvement in Afghanistan are all clear indicators of willingness for international resolve. However, the deployment and sustainment of these initiatives was not immediate and, in several cases, other agenda were considered as an adjunct to determining which trouble spots received assistance. In this area the tension between the UN and the US over the approach to managing the international security agenda presents other difficulties. It is assessed that this wariness will continue until such time as the US sees that its broad national security interests are best served with a well-supported and militarily responsive UN; a role that the US, as the most powerful P5 nation, could champion.

Sub 3 – Competing Visions

In the discussion on the UN employment of PMCs within complex peacekeeping operations, it is important to acknowledge that there exist competing visions as to the feasibility of this initiative. This section will examine two such positions and resume a third option that is to simply continue conducting missions in the same manner as today. Bures in his recent article has examined PMCs from the perspective of "a second best peacekeeping option."[118] While not dismissive of their role, he adopts a more cautious approach, similar to that of Singer in which he considers the option viable but fraught with accountability and legal issues. Kinloch-Pichat by contrast in his book, *A UN Legion: Between Utopia and Reality*, urges consideration of, "a peacekeeping force that could be directly recruited, trained, deployed and placed permanently at the disposal of an international organization such as the UN."[119] In this option, he argues that the UN

[118] Oldrich Bures, "Private Military Companies: A Second Best Peacekeeping Option?" in *International Peacekeeping*, Vol. 12, No. 4, Winter 2005, 533-546, 533.

[119] Kinloch-Pichet, *A UN Legion …*, 1

could enter the military business and raise its own standing army, a concept that, given the already complex political brew that is the UN, seems implausible from a concept of sovereignty and GA national-interest perspectives.

Section 2 – TYPOLOGY FOR SUCCESS

In order for the UN to successful employ PMCs, this paper posits that three conditions must be met. First, and most importantly, the UN and the international community it represents must agree to significant reforms, both in institutional structure and process structure. While earlier acknowledged that this goal will remain difficult to actualize in light of past reform experience, the issue of crisis-initiated change has also been discussed. If the current peacekeeping/nation-building demands remains consistent, then that crisis [in whatever form it may take] and the change momentum it will create could arrive within the near future. Second, for the employment of PMCs to be viable, the companies employed would require a larger degree of openness and customer flexibility, and this in turn would test the PMC marketplace. For example, in a review of the PMCs listed on the various internet sites, only a few, such as Westminster International Ltd, and Armour Group, would have the global growth potential to support the demands of a complex UN peacekeeping mandate today.[120] As PMCs are considered for Standing RRF providers, they would require a level of accountability necessitating strict UN oversight on recruiting, training and leadership standards. In addition, the requirement for corporate transparency may prove difficult to achieve if certain PMCs

[120] Available from http://www.armorgroup.com/about.asp Armor Group is a global risk management services business with over 7,600 employees in over 26 countries, and http://www.wg-plc.com/international/security/privatemilitary.html, An affiliate of Westminster Security, ISEC provide a fast, effective team, capable of rapid, cost effective conflict resolution. Each team is self contained, highly experienced and combat ready. As an example these PMCs offer a diversity of services and corporate structure that could serve the foundation for a larger and more Robust UN peacekeeping force. Internet; accessed on 06 April 2006.

choose to remain in the shadows of accountability, thus making it difficult to ensure proper regulation and oversight.

Finally, as PMCs shift to corporate respectability, the growing security challenges ahead will mean that there will be increasing, not decreasing, demand for what will likely remain, a relatively small PMC resource pool. If so, the marketplace competition that may arise between international organizations, such as the UN, and other wealthy customers, i.e., the US or even the EU, could mean that the ability for the UN to hire and retain PMCs to the appropriate force level would prove extremely challenging. How the PMC sector manages these challenges and the type of personnel screening conducted, will be an important determinant in the success of any future UN initiative in this area. Holmqvist has observed that increasing market demands frequently create competitive environments in which the lowest bidder wins and that the current, highly personalized nature of relations within the industry [PMC] creates impediments to market conditions. If not carefully managed, the PMC industry risks extending its capacity, but diluting its capability. This could occur through any combination of fly-by-night contractors, questionable hiring practices and poor business planning. Careful regulation, whether international [UN based] or state managed will be essential to ensure that PMCs do not slide down the slope and into the pool of more mercenary orientated forces.[121] Finally, with the presumption that, in the near future, the UN has been reformed and the PMC option is now the official UN Standing RRF a notional construct for its composition will be proposed.

Sub 1 – The UN is Reformed

[121] Holmqvist, Private Security Companies …, 30-31.

"The concept of the private sector profiting from peace operations has the potential to radically transform the very nature of peace operations, opening up all sorts of new options."[122] As discussed, for the UN to leverage the potential of an agile and flexible PMC option, the organization must evolve from the institution it is today into something more representative of the dramatic realignment within the international power structure of States. The practice of the continuing exclusion of powerful regional actors from permanent status on the SC is unwise, in either combating common global threats or threats congruent with their regional stability and therefore, creating the conditions for a wider conflict. Reform will not prove easy, as it will involve changing the fundamental structure of the SC and removing the P5 veto, as a minimum. While the Japanese-led reform initiative was ultimately unsuccessful, it will continue to provide a framework for critical thinking on this subject and could serve as a template for future evolution. In addition, the proposals championed within the *Brahimi Report* offer essential reforms in the area of peacekeeping management and these will continue to contribute to the debate. Within this context, when the two realities in international relations and conflict management are revisited, it is also logical to extrapolate that unforeseeable significant crisis events, such as the end of the Cold War and 9/11, will remain the norm in the coming decades.

While UN reform to the level required for the adoption of an on-call PMC force remains challenging, the catalyst for such change is unpredictable and may not be that far away. A recurring constant is, that the UN has experienced considerable momentum towards reform at the end of each significant 'unexpected' crisis event. Including those that have resulted in profoundly shifting definitions of what constitutes a nation's right to

[122] Singer, Corporate Warriors …, 188.

self-defence, and those that permit nations to intercede in other 'States' either unwilling or unable to manage their internal human security crisis. For the UN and the nations that have the most to gain and, correspondingly, the most to lose should it fail, the evidence is clear, lead the change or be lead by the change. In returning to another theme, that the UN's inability to reform will result in diminishing relevancy in future security and conflict scenarios, it is assessed that the P5, will likely await a yet-to-be-defined crisis prior to agreeing to the kind of necessary reforms to mitigate this eventuality. While somewhat pessimistic, the observation is logical when the P5 record on championing reform is reviewed. This paper does not intend to suggest a formula for SC reform, however, for the sake of illustration an assumption will be made that the previously discussed hurdles inhibiting reform have been overcome, and the UN has undergone a transformation in which it has become both more operationally responsive and regionally inclusive.[123]

In this scenario, the reformed SC has agreed to the creation of regionally based PMC RRF answerable to the SG, and focused primarily on immediate and short duration conflict management. Within this construct, it is expected that this reform will help overcome previous narrow national interest agenda, by the more powerful States, as well as deep-seated notions over post-colonial interference by the weaker ones. As well, the UN would demand that the PMCs they employ create employment opportunities, as a percentage of their notional force, for qualified military personnel within their regions. This, or a similar initiative, would serve to counterbalance the immediate loss of

[123] Muzaffer Yilmaz, "UN Peacekeeping in the Post-Cold War Era," in *International Journal on World Peace*, Vol. XXII, No, 2, June 2005, 13-27, 23. Yilmaz is an assistant Professor of Conflict Resolution and International Relations at Balikesir University, Turkey. He earned his Ph.D from the American University, Washington in 1998.

peacekeeping revenue being generated by their 'State controlled militaries' and augment PMCs organizations with a nucleus of regional, cultural and military expertise. These newly contracted PMCs will be charged with providing the RRF in a move that points towards a robust UN-led and responsive solution to emerging regional security threats and challenges.

Sub 2 – The PMC Construct is Refomed

The option of the UN employing PMCs as a Standing RRF is complex and predicated on a number of successful answers to long-troubling questions. Perhaps the most fundamental is PMC accountability in the application of armed force. International law and the UN Charter, Article 53, permits States the exclusive right to apply force in self-defence and, until now, this right has not been subordinated to international organizations such as the UN or their agents.[124] Common security initiatives underway within the EU and the concept of collective self-defence, as practiced in NATO, offer a glimpse as to how this could be accomplished. However, reform that would see the international community granting the UN control over the employment and command of its own standing force remains a significant leap of faith. In particular, for those member States and the P5 who may perceive their influence diminishing from such an initiative? Additionally, concerns surrounding the legality and legitimacy of PMCs as combatants will need to be addressed. This will require the UN to revisit its own definitions and for the international community to agree to substantial changes within the Geneva Conventions and the Law of Armed Conflict. While this will not be a simple process, the

[124] United Nations General Assembly, UNCharter, Article 51, available from http://www.un.org/aboutun/charter/index.html Internet; accessed 01 April 2006.

evolving nature and face of war likely implies that it is time to revisit the currency of these documents within the modern era.

Once PMC accountability has been addressed, the second issue requiring redress will be how to finance the PMC option and how Member States will impose spending limits on the SG. If the PMC option were adopted, a requirement would remain for States to contribute to the follow-on peace and stability operations, once the Standing UN RRF has completed the initial military intervention and stabilized the situation. This additional cost may not prove as prohibitive as maintaining national militaries on high alert for UN-led operations, but as evidenced in the examination of the UN Standby List States are currently supplying little towards this initiative. It is expected that extra funding would be used to augment or permit extraction of the PMC RRF and commence UN-led initiatives to facilitate the peace and begin the reconstruction process. GA Members would have to have the vision necessary to view this potential double-funding dilemma on balance with the inherent flexibility and rapid deploy-ability a Standing PMC RRF would provide the whole international community.

With these factors in mind, this paper moves to the future and propose a possible a Standing UN RRF deployment construct. The year 2015 was chosen as the current pace of change within the PMC community and the evolutionary initiatives already underway within the UN are creating the conditions for collaboration within the next decade. The key to appreciating how this construct would work, is to understand that the RRF forms the revolutionary part of the larger UN evolution and that this enabler will ensure that actions sanctioned by the UN, during times of crisis, are initiated by the SG

and SC ensuring a fusion of the robust response capability of PMC with the legal and moral authority of the UN.

Sub 3 – The Year is 2015

> In coping with internal strives of the post-Cold War era, the utility of the UN peacekeeping cannot be denied. Failure by the international community to try to control such conflicts and resolve them peacefully may lead to wider conflicts.[125]

In 2015, the UN has been transformed with the key regional powers as Permanent Members of the SC and the veto removed. Under this construct, the UN has engaged four regional PMCs and each has been awarded a contract to provide a force of 5,000 permanent soldiers on call in Africa, the Middle East, Asia, and Central America. Each PMC is located in a Permanent Member State and directly responsive to the SG. The PMC RRF is rapidly deployable (7-14 days) and, its leadership team, in conjunction with a UN IMTF serves as the regional experts in factors that could initiate crisis situations. Under a revised UN Charter, the SG has the power to authorize deployments of the RRF as soon as it is evident that a conflict, whether interstate or intrastate, is about to occur. The SC is required to meet within a nominal period to determine the extent of the crisis and whether regional PMCs need to be, or indeed can be, augmented. This is similar to the US utilizes its Marine Corps, with the President able to authorize short-term crisis interventions, but requiring Congressional approval prior to committing the full extent of national military capability.

Additionally, the concept for this model has Member States or regional organizations providing a substantial follow-on intervention and peace building force (mission dependent) within 60-90 days of RRF deployment, along the lines of the current

[125] Yilmaz, UN Peacekeeping …, 26.

UN goal. The financial model is contractual and PMCs are funded to guarantee force levels, this would include graduated measures commensurate to managing the inherent risk concerns raised in the RAND Report. Logistical support and force sustainment issues fall under the purview of the PMC, but could be negotiated from any GA Member or regulated PMC, a situation similar to how Canada currently meets it strategic airlift requirements as part of the NATO's Strategic Airlift Interim Solution (SALIS). [126]

It is not necessary for this construct to be fully examined, within a notional crisis environment, to extrapolate that, had a similar construct been available in the following the end of the Cold War, the tragic peacekeeping outcomes of the 1990s could have been mitigated. In concluding this section, this paper has analyzed the inherent structural and motivational challenges in UN reform, in particular the SC and the peacekeeping process. It has reviewed the debate surrounding the emergence of PMCs in the international security marketplace and demonstrated that, as they continue to gain corporate and professional accountability, PMCs will play an increasingly important role in the management of future crisis and conflict. While acknowledged that the current climate may not facilitate a fuller operational employment of PMCs, their continued use by the UN is synergistic and will produce the mutual confidence necessary for the forces of evolutionary change to acknowledge their potential within a reformed UN. Since the success of both organizations is intimately tied to the future international security environment, the reform process commenced at the end of the Cold War, must lead them both down the path towards mutual cooperation. This paper recommends that PMCs be incorporated into the UN's peacekeeping organization as a continuance of the larger

[126] Canadian American Strategic Review; available from http://www.sfu.ca/casr/bg-airlift-nato.htm; Internet; accessed 16 April 2006. The SALIS program provides Canada with 125 flying hours per annum on 72 hours notice based on the Antonov 124-100 airframe.

reform and evolutionary process. Further, as an area for future study, the question of whether any organization that appears to facilitate change through crisis has the ability to weather one of truly global proportions and retain its relevance is proposed.

CONCLUSION

This paper has examined how PMCs, in whatever their future nomenclature, can be utilized by the UN to address future relevancy concerns and how that employment can prove beneficial in the emerging conflict and security realities of the twenty-first century. This debate, while rife with discussions of PMC accountability and legitimacy, appears content to revisit these notions in circular but less convincing arguments as opposed to leveraging the enormous progress in the private military industry in the past decade. These gains have occurred as a result of sudden and profound change within the international security climate. This type of change, while difficult to forecast, appears constant and this inevitable future crisis could act as a catalyst for the type of UN organizational change, begun during the 1990s and presaged in the *Brahimi Report*, to move beyond conception and into actualization.

In order for the PMC option to become a reality as a Standing UN RRF, the UN must adopt real and substantial institutional change at the level envisaged by Goulding when he stated, "what matters [to change] is the Member State's political capacity to abandon positions which they have held for decades, understand the new threats described by the [High Level] Panel, recognize their vulnerability to those threats, and revise their perceptions of what the UN is for and what it can do."[127] This statement has an urgency that demands action by those not yet ready to dismiss the role of the UN as a

[127] Goulding, *Wither the UN* …, 3

key actor in the regulation of modern conflict. However, for the UN, the French axiom, la plus ca change la plus c'est la meme chose [the more things change the more they stay the same] has unfortunately come to represent its approach to managing two of the key challenges it faces in the Twenty-first century. First, how to ensure that the necessary peacekeeping force structure, commitment to its availability, and excellence is maintained in spite of growing stressors being applied on those nations currently bearing the brunt of the peacekeeping operational effort. Second, how to continue the important, if cautious, steps made in the direction of institutional reform while balancing operational relevance as a manager in current conflict and concurrently facilitating the reform initiatives that will lead to a more responsive and regionally reflective manager of future conflict situations.

Nowhere has this challenge been more evident than in the SC where, the UN remains a structural prisoner to a system unchanged in over thirty years and unreflective of the political and regionally reality of 2006. However, when future UN reform initiatives are combined with the trends in the successful outsourcing of private military capability being evidenced in Afghanistan and Iraq, a solution emerges. The opportunity exists for the UN to embrace the employment of PMCs as part of an overall *evolutionary* strategy to address a broad range of operational credibility issues. Further, the review of PMCs, their projected growth, and their capacity to accomplish a broad range of complex security and peacekeeping missions makes employing them the correct option.

Failure by the UN to reform and consider employing PMCs as a Standing RRF, in the near future, suggests that the growing and competitive security marketplace will determine the UN's ability to remain a viable and relevant international leader. The

UN's founding fathers, in creating the Charter in the aftermath of WW II vowed 'never again' and were determined to create an organization that would not repeat the mistakes of its predecessor, the League of Nations. *Evolution* does not have to be *revolutionary*, but a failure to evolve will consign the UN to a similar fate to those structures of the past that will litter the history books of the future.

ANNEX A – Troop Contributing Nations[128]

Troop contributing Nations	Personnel on UN Missions as of March 2006
1) Bangladesh	10,255
2) Pakistan	9,638
3) India	9,061
4) Jordan	3,723
5) Nepal	3,498
6) Ethiopia	2,772
7) Ghana	2,584
8) Uruguay	2,567
9) Nigeria	2,456
10) South Africa	2,046
11) Senegal	1,884
12) Morocco	1,578
13) Brazil	1,268
14) China	1,137
15) Sri Lanka	1,013
16) Egypt	939
17) Argentina	906
18) Kenya	815
19) Poland	712
20) Namibia	659
21) Ukraine	658
22) France	584
23) Philippines	574
24) Chile	572
25) Tunisia	522
26) Niger	499
27) Ireland	467
28) Zambia	464
29) Austria	418
30) Benin	412
31) United States of America	369
32) United Kingdom	344
33) Sweden	330
34) Togo	326
35) Slovakia	293
36) Germany	283
37) Rwanda	270

[128] United Nations, Department of Peacekeeping Operations, Internet, http://www.un.org/Depts/dpko/dpko/contributors/2006/march_2.pdf, Accessed 16 April 2006. Information represents top 37 UN troop contributing nations as of 31 March 2006.

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