



Institute for Security Studies

Conflict Management and Peacebuilding Division

The Involvement of the Private Security Sector in African Conflicts, Peacekeeping and Humanitarian Assistance Operations

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Final Technical Report

(3 November 2008 – 3 May 2012)

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1. Introduction

This is the Final Technical Report on the Institute for Security Studies (ISS) project on *The Involvement of the Private Security Sector in African Conflicts, Peacekeeping and Humanitarian Assistance Operations* which sought to investigate the involvement of the private security sector in African conflicts, peacekeeping and humanitarian assistance operations to inform the development and application of appropriate norms and standards, including the revision of the 1977 OAU Convention on the Elimination of Mercenarism in Africa.

The project had a lifespan of three years commencing from 3 November 2008 to 3 November 2011. This period was further extended for six months thus making the completion date 3 May 2012. This report covers the first, second and third and final phases of the project, which focuses on the involvement of the private security in African Conflicts (Angola, Sierra Leone and Sudan), peacekeeping mission (Liberia, Côte d'Ivoire and Sudan) and humanitarian assistance operations (Cote d'Ivoire, Somalia and Sudan).

The project leader for the project was Dr Naison Ngoma until December 2009. The Senior Researcher, Dr Sabelo Gumedze, assumed the role of Project Leader after Dr Ngoma's departure from the Institute for Security Studies. After Dr Ngoma left the ISS, the Security Sector Governance Programme had two acting Programme Heads (acting at different times) who were Mr Stephen van Neel and Ms Cheryl Frank. The Security Sector Governance Programme merged with the Peace Missions Programme and became the Conflict Management and Peacekeeping (CMPB) Division now headed by Ms Annette H Leijenaar.

2. The Research Problem

The UN General Assembly at its Sixty-second session adopted Resolution 62/145 on the Use of Mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. The General Assembly was “[a]larmed and concerned at the danger that mercenaries constitute to peace and security in developing countries, in particular in Africa and in small states” (A/RES/62/145). As a result of this danger, the General Assembly condemned mercenary activities in Africa since they violate human rights, more especially the right of peoples to self-determination. The global body further commended African States on their collaboration in preventing the illegal actions, which have posed a threat to the integrity of and respect for the constitutional order of African countries and the exercise of the right of their peoples to self-determination. The General Assembly further expressed a concern regarding the new modalities of mercenarism in the form of private military and security companies. It noted that “the recruitment of former military personnel and ex-policemen by private military and private security companies to serve as “security guards” in zones of armed conflict seems to be continuing” (A/RES/62/145).

In this regard, Africa is seen as a fertile ground for mercenary activities in which some private security/military companies are involved (see Working Group Report, 2007). This in turn undermines the African continent's rare commodity: peace and security. Indeed unregulated privatisation of security poses various challenges to the attainment of African peace and security, the growing trend of commercialized security is exacerbated by the gaps in security provision. These gaps are manifested in the decreasing support from UN Member states to contribute to African peacekeeping and compounded by the capacity deficits of African peacekeeping efforts, particularly with regards to logistical and technical expertise. The emergence of Private Military and Security Companies (PMSCs) is catalysed by a realisation of this gap, and their organisational capacity to fill it. Certainly emphasis must be placed on finding a way to coordinate the positive contributions PMSCs to bring to African peacekeeping, whilst eliminating the negative aspects.

2.1. Definitional Challenges

The outsourcing of security-related tasks to private security actors in African conflicts, peacekeeping missions and humanitarian assistance operations, presents a number of ethical, operational and strategic challenges in Africa. One of these challenges presented by the involvement of these companies is that they are arguably viewed as the 'modern mercenaries', who operate under the guise of legitimate PMSCs, yet their main objective is to in some instances perceived to be to destabilise a country for economic gain. It is believed that private security actors are profit-driven and may not always have an interest in a peaceful continent. They are further viewed suspiciously as companies whose motive in Africa is profit-maximisation, whatever it takes. Summing up the client-base of private security actors, Singer (2007) posits that their customers range across the moral spectrum from ruthless dictators, morally deprived rebels and drug cartels to legitimate sovereign states, respectable MNCs and humanitarian NGOs.

Despite the fact that the Draft Convention on Private Military and Security Companies (PMSCs) currently developed by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination (Working Group) is not yet in force, it nevertheless provide a definition for a PMSC. Accordingly, Article 2(a) of the Draft Convention defines a PMSC as "a corporate entity which provides on a compensatory basis military and/or security services by physical persons and/or legal entities." Article 2(b) of the Draft Convention defines military services as "specialised services related to military actions including strategic planning, intelligence, investigation, land, sea or air reconnaissance, flight operations of any type, manned or unmanned, satellite surveillance, military training and logistics, material and technical support to armed forces and other related activities.") The Draft Convention further also defines security services in article 2 (c) of the Draft Convention as "armed guarding or protection of buildings, installations, property and people, police training, material and technical support to police forces, elaboration and implementation of informational security measures and other related activities". Thus far these definitions have not been universally accepted since the members of the United Nations have not as yet adopted the Draft Convention.

2.2. Roles of PMSCs in Africa

While much has been said about PMSCs being key actors in a number of conflicts, helping to win wars in countries such as Angola, Ethiopia- Eritrea, and Sierra Leone, their involvement in post-conflict situations has generally not been well researched and analysed. This is particularly true of the pervasive involvement of PMSCs in peacekeeping missions and humanitarian assistance operations. In order to ensure effective post-conflict engagement, in terms of physical and human security, more detailed analysis is required to highlight the positive impact and also the negative drawbacks associated with PMSCs and hence address these accordingly. A more pertinent feature of the debate about the use of PMSCs for post-conflict engagement is the need to ensure a comprehensive legal framework that can be enforced, and one that manifests itself into an opportunity to enhance peace and security. In order to provide a more credible alternative to peacekeeping initiatives a network of robust and effective regulatory and oversight mechanisms at the international, sub-regional and national level is needed.

The industry's diversification strategy of being involved in peacekeeping missions and humanitarian operations has also not been well researched by African scholars. P.W Singer, who is a leading scholar on the subject of privatization of security, notes that in Darfur, private helicopters crews provide transport for African peacekeepers and in the DRC, a team of private soldiers guards UN facilities and warehouses. He further notes that humanitarian actors make greater use of private military agents than is recognized and that contracts between humanitarian actors and private military agents have taken place in nearly every war zone, including DRC, Mozambique, Sierra Leone, Somalia and Sudan. In fact, private security actors have even gone to the extent of offering to provide humanitarian services over and above just providing security services to humanitarian actors. Those private security companies that clear minefields, furnishes a good example in this regard. Increasingly private companies such as DynCorp International are being contracted to engage in critical post-conflict initiatives such as Security Sector Reform (SSR) initiatives.

2.3. Research Gaps

At the regional/continental level, the African Union has not laid down any norms and standards for the engagement of private security/military companies in African conflicts, peacekeeping missions and humanitarian assistance operations. The Convention for the Elimination of Mercenarism in Africa, which was adopted in Libreville, Gabon on 3 July 1977 and entered into force on 22 April 1985, has not been updated to address the current dynamics around the involvement of the private security industry within the African security architecture. The African Union has thus far expressed support to the work of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination.

The absence of a regional regulatory framework addressing the involvement of private security/military companies in African conflicts, peacekeeping missions and humanitarian assistance operations in Africa poses serious challenges in so far as human security is concerned. As Africa remains a relatively conflict-ridden and conflict-prone environment, whose volatility is compounded by the involvement of a plethora of actors (state and non-state actors), the regulation of the private security/military actors should be a matter of priority as they are generally unregulated and are only answerable to their clients. Their objective is not necessarily to ensure peace and security but largely profit-driven. Without effective regulation this may compromise their professionalism in terms of ensuring peace and security in Africa, conversely a comprehensive legal framework may be instrumental in securing sustainable peace in Africa. It must be noted that regulatory and oversight mechanism of the private security/military actors can only be informed by a thorough study on the private security industry in the three identified thematic areas.

The increasing demand for private security services reflects serious shortcomings on the part of the public security services in these African countries. There is, therefore, an urgent need to address the issue of privatisation of security, given its increasingly central role in the configuration of the security sphere and its impact over state capacity to control the instruments of violence. Creating regulatory frameworks to curb unaccountable action by private security actors is imperative, and given state weakness to monitor and enforce regulations, improved governance of the security sector should form a vital part of the democratic dispensation of African states. In addition there is a need to incrementally increase the operational capabilities and capacities of African militaries and consequently improve future home grown initiatives. There is a lack of empirical knowledge about the private security arena and how it operates and this gap needs to be closed by the undertaking of research, such as the present.

The privatisation of security has not been adequately addressed in Africa. This is particularly concerning due to the far-reaching scope that PMSCs are becoming involved in. Increasingly private companies are offering a range of post-conflict reconstruction activities that were previously left to the domain of state technocrats and civil society. These include assisting local government create a more open environment for democracy and good governance, providing law enforcement training to strengthen the rule of law and access to justice and engaging with local organisations to fortify civil society efforts. The extent to which such close interaction between private security providers and the fundamental institutions and processes of state building will lead to sustainable peace, and a more democratically structured society with a viable economic outlook, is still a moot question. It would certainly be a difficult undertaking to identify transparency, which is a central tenet of democracy and good governance, based on the confidentiality that clouds the transactions between PMSCs and their clients. This highlights the importance of establishing an effective and comprehensive legal framework to address the potential for an accountability deficit regarding the activities of PMSCs.

Another dimension of the private security discourse is that of defining the following: a mercenary, a private security company, and a private military company. The definition of

a mercenary in international law remains unsettled. The same is true with the definitions of private security companies and private military companies, which are to a large extent associated with mercenaries (rightly or wrongly). While some regard private security companies and private military companies especially operating in conflict situations as mercenaries, others see them as genuine private security actors, whose sole mandate is mainly to maintain peace and stability. It for this reason that the previous ISS project sought to feed into the process of revising the 1977 OAU Convention for the Elimination of Mercenarism in Africa, which is viewed as an entry point in addressing the challenges posed by mercenaries as well as its new forms and manifestations in Africa.

2.4. ISS engagement with the Working Group on the use of Mercenaries

In December 2007, the ISS was requested by the Working Group to participate in a regional consultation for Latin America and the Caribbean on the "Effects of the Activities of Private Military and Security Companies on the Enjoyment of Human Rights: Regulation and Oversight". The consultation whose objective was to gather a regional perspective about the current practices of PMSCs recruiting personnel to be deployed in armed conflict and to review steps taken by States to regulate and monitor the activities of private military and security companies took place on 17-18 December 2007. It also attempted to develop regulatory options and best practices aimed at ensuring that private military and security companies activities are in conformity with international human rights standards. The Intervention by the ISS was on the regulating and monitoring of PMSCs in South Africa.

In April 2008, the ISS participated in the third Annual Session of the Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-determination. This session took place in pursuant to the Commission on Human Rights Resolution 2005/2, to General Assembly Resolution 60/251 and to Human Rights Council Decision 5/1 entitled "Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-determination. This was in terms of paragraph 12 of Resolution 60/251, which provides that the Working Group is requested to meet annually for five working days *inter alia* "to seek opinions and contributions from Governments and intergovernmental and non-governmental organizational organizations on questions relating to its mandate".

The aforementioned Resolution is further supported by the most recently adopted UN General Assembly Resolution 62/145 on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-determination (adopted on 4 March 2008). In terms of paragraph 19 of the Resolution the General Assembly "Requests the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-third session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination".

The mandate of the UN Working Group has recently been extended for three years. (See Press Release of the Human Rights Council dated 28 March 2008). This gave the ISS an excellent entry point in so far as influencing policy processes at the international level to inform processes at the regional level and possibly influence the African Union in the revision of the now outdated OAU Convention for the Elimination of Mercenarism in Africa and consequently inform policy-making processes at the domestic levels. The ISS has noted that further studies need to be undertaken in Africa as presented in this proposal. Drawing from our engagements on the subject at almost all levels it has been apparent that the ISS is the only policy research institution engaging in this debate as it is constantly requested to make representations on the African perspective to this dynamic discourse.

The UN Working Group comprises of Chairperson-Rapporteur, Shaista Shameem (Fiji), the former Chairperson-Rapporteur Alexander Nikitin (Russia), the former Chairperson-Rapporteur José Luis Gomez del Prado (Spain), Najat Al-Hajjaji (Libyan Arab Jamahiriya), Amada Benavides de Pérez (Colombia), and all of whom were been briefed about the ISS project on Regulation of the Private Security Sector in Africa and the new project focusing on the involvement of the private security sector in three thematic areas namely: African Conflicts, Peacekeeping and Humanitarian Assistance Operations. The project has a much wider country focus: Angola, Sierra Leone, Sudan, Liberia, Côte d'Ivoire and Somalia.

The ISS continues to support the UN Working Group, which is requested by the UN General in terms of paragraph 16 of Resolution 62/145 to "...continue to take into account, in the discharge of its mandate, the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities, and in this regard requests its members to continue to pay particular attention to the impact of the activities of private companies offering military assistance, consultancy and security services on the international market on the enjoyment of human rights and the exercise of the right of peoples to self-determination".

2.5. Geographical coverage of study

The project undertakes to use Angola, Sierra Leone, Sudan, Liberia, Côte d'Ivoire and Somalia as case studies. The criteria used to select the countries for project thematic areas are as follows: -

Angola, Sierra Leone and Sudan represent countries that have witnessed the involvement of the private security sector during their protracted conflicts. They are also countries that have witnessed the involvement of external actors resulting from their rich mineral resources. The long-term impact of the involvement of the private security sector in these countries' conflicts requires more in-depth analysis. In Sierra Leone for example, despite the involvement of private companies the assistance of official UN peacekeepers 'corruption lack of jobs for retrained combatants and a generally poor economic outlook means the country's security structures will require further assistance' (Howard, 2008).

Liberia, Côte d'Ivoire and Sudan have witnessed the involvement of the private security sector not only during their protracted conflicts but also within the UN and AU led peacekeeping missions. While much of the literature is on the international organizations peacekeeping missions in these countries, the extent to which the private security has been understudied.

Côte d'Ivoire, Somalia and Sudan are countries that are currently hosting international organisations which undertaking humanitarian assistance operations resulting from the humanitarian crisis caused by protracted conflicts. Again, the extent to which the involvement of the private security sector in these countries has been understudied.

3. Research Objectives

The specific objectives of the project were as follows:

- To enhance an informed understanding of the role of the private sector in African conflicts, peacekeeping missions and humanitarian assistance operations (past and present).
- To learn the extent to which private security actors operated within the realm of the laws in Africa's past conflicts and the manner in which they do so in current conflicts. Cases in point being Angola, Sierra Leone and the Sudan.
- To critically explore the trend in the outsourcing of non-core military functions as well as the increased role of the private sector in United Nations (UN) and African Union (AU) peacekeeping missions in Liberia, Côte d'Ivoire and Sudan; its impact these countries, particularly in the logistic design and concept of the African Standby Force and the UN-AU hybrid mission (UNAMID).
- To investigate the use of the private sector in humanitarian assistance operations undertaken by the UN agencies, AU, ICRC and other organisations in Côte d'Ivoire, Somalia and Sudan's Darfur region and its impact on classical conflict management and post-conflict reconstruction strategies.
- To explore the interplay between the private security industry and gender with particular focus on women. This will entail the determination of roles and relationships; personality traits; attitudes; behaviour; and values that the private security actors (the industry and its personnel) ascribe to men and women, with a specific focus on the treatment of women. The new study will also consider the question of gender mainstreaming, whereby the implication for women and men in planned operations by private security/military institutions will be assessed. Similar assessments shall also be made regarding international instruments, domestic legislation, policies and programmes involving the operations of private security actors in the states covered.
- To continue to positively influence the policy processes towards the revision of the 1977 OAU Convention on the Elimination of Mercenarism in Africa through the dissemination of research material (as is the case with the ISS project on *Regulation of the Private Security Sector in Africa*), collaboration with the African Union Member States at the parliamentary level, and the African Union at the African

Commission level, and in engaging in debates on mercenarism and the private security sector.

- Contribute to effective DDR processes in Liberia, Côte d'Ivoire, and Sudan and other areas, in order to prevent poorly executed DDR leading to the aggravation of the problems associated with mercenarism and the proliferation of private security companies on the continent.
- Develop norms and standards for the use of private sector actors in African conflicts (in combat or non-combat operations), peacekeeping missions by the UN and AU in Africa and humanitarian assistance operations.
- To engage in regional and international debates, which seeks to ensure that private military and security institutions operating in areas of conflict show greater respect for international law and human rights through the confirmation of existing legal obligations of the actors and the development of non-binding good practices.

4. Research Methodology

The project comprised of both desk and field research. Case studies on the involvement of the private security sector were undertaken under the three themes: African Conflicts, Peacekeeping and Humanitarian Assistance Operations. The study included workshops, roundtable discussions, seminars and conferences. Field researchers in the various countries undertook the case studies. Methodology meetings were held in order to guide the research and also to ensure that field researchers were well versed with what was required of them. To this end, a questionnaire was developed in order assist field researchers in their work.

The study included conducting of interviews with representatives of the states, private security/military companies, associations of private security/military institutions, experts in the peacekeeping and humanitarian field, employees of private security/military companies. Over and above these, representatives of international organizations, such as the United Nations, African Union, International Committee of the Red Cross, were also interviewed in order to determine the extent to which their organizations engaged with the private security sector in Africa in relation to the conflicts, peacekeeping missions and humanitarian operations.

On the issue of the private security/military companies and gender and women in particular, interviews were also conducted with both men and women actors within the sector; men and women stakeholders in security sector reform processes led by private security/military companies; men and women victims of gender-based violence within the private security/military industry and within the population of the states with private security/military actors. These interviews were conducted within the rubric of human rights, which tends to be violated not only by states but also non-state actors.

Through the field researchers, the ISS gathered information relevant to the research project in accordance with high ethical standards, respecting human rights and general well being of research subjects. In conducting field research, the field researchers ensured they complied with all the principles that were aimed at protecting the dignity and the

privacy of every individual. Individual who were subjects of research were informed of the following: - one the aims, methods, anticipated benefits and potential hazards of the research; two, his/her right to abstain from participation in the research and his/her right to terminate at any time his/her participation; and three, the confidential nature of his/her replies. This was duly communicated to the individual in the language that they understood. An individual who become a subject of research under this project were notified of the above facts and further given an informed consent that he/she agrees to participate in the research. At no point did the field researchers exert pressure or inducement of any kind in an endeavour to encourage an individual to become a subject of research.

The ISS also ensured that the identity of individuals from whom information (valuable or otherwise) was obtained in the course of the research project was kept strictly confidential. The ISS further ensured that any information that reveals the identity of individuals who were subjects of research was destroyed unless the individual concerned had duly given his/her informed consent in writing to its inclusion before hand. No information revealing the identity of any individual is included in this final report or in any other communication prepared in the course of the project. Documentation on the regulatory frameworks for private security/military companies (including self-regulation) was also be compiled and compared in order to give a thorough analysis of the different approaches which seek address private security actors involved in conflicts (and post-conflict situations), peacekeeping operations and humanitarian assistance operations. The documentation obtained in the course of the research was obtained in a transparent manner and not in contravention with any laws, regulations or policies.

5. Project Activities and Schedule

The project activities included the following: -

- Developing a concept paper which was guide the research and upon which desk research on recent trends in the private security sector's involvement in African conflicts, peacekeeping missions and humanitarian assistance operations in Africa was to commence.
- Holding annual round-table meetings with stakeholders on the security industry and users to determine gaps in the current knowledge and to develop the terms of reference for the subsequent commissioned research tasks. The annual round-table
- Undertaking exploratory visits to Angola, Sierra Leone, Sudan, Côte d'Ivoire, Liberia, and Somalia to identify potential research collaborators and develop institutional links with other organisations in these countries. The Somalia study will be conducted through interviews with the African Union mission (AMISON) and humanitarian actors, depending on the volatility of the situation on the ground.
- Identify and appoint field researchers and commissioned research reports.
- Building institutional links with other organisations interested in working in this field.

- Conducting annual methodology meetings to standardize research focus, approach and content for the three proposed thematic areas (African Conflicts, Peacekeeping Missions and Humanitarian Operations) to investigate the role of the private security sector in each selected country.
- Undertaking commissioned desk and field research on the size and extent of private security actors, especially external corporate actors, in past and present conflict in Angola, Sierra Leone and Sudan. In so far as Somalia is concerned, only the African Union mission and humanitarian organizations operating in Somalia shall be approached with a view of determining the extent to which they make use of the private security actors.
- Conducting commissioned desk and field research on the size and extent of private security engagement in peacekeeping missions in Liberia, Côte d'Ivoire and Sudan to investigate the relationship between this and the logistic concept for the African Standby Force.
- Engaging with the Commission of the African Union in Addis Ababa, Ethiopia with the purpose of feeding project research output into the revision of the 1977 OAU Convention for the Elimination of Mercenarism in Africa.
- Convening roundtable expert meetings on the trends in outsourcing of core and non-core military functions as a supply side factor as well as the increased role of the private sector in African conflicts, peacekeeping operations and humanitarian assistance operations and its potential impact upon Africa, particularly in the design and concept of the proposed African Standby Force and the UN-AU hybrid force. Results would be released as an edited monograph.
- Arranging 3 international conferences on the involvement of the private security actors in the proposed thematic areas.
- Compiling a draft policy paper with recommendations, and submit in French, Portuguese and English to policy makers - in particular the United Nations and African Union.

6. Research Outputs

6.1. Achievable Products

The following were achieved during the project:

2009

1. ISS Paper 206: Addressing the Use of Private Security and Military Companies at the International Level, Sabelo Gumede Tuesday 1st December – 2009 **(Annexure 1)**
2. ISS Round Table Report - Pretoria: The Involvement of the Private Security Sector in African Conflicts, 11-12 June 2009 **(Annexure 2)**

2010

3. ISS Seminar Report: Guns for Hire: Private military and security companies: current efforts to regulate - Wednesday 17th November – 2010 (**Annexure 3**)
4. ISS Paper 219: Fusing Privatisation of Security with Peace and Security Initiatives - 10th November – 2010 (**Annexure 4**)
5. ISS Seminar Report ISS: the Privatization of Security: Implications for the African Union and African States, Addis Ababa, 5 March 2010 (**Annexure 5**)
6. ISS Conference Report: The Involvement of the Private Security Sector in Peacekeeping Missions, Nairobi Office, Kenya, 21 – 22 July 2010 (**Annexure 6**)

2011

7. Monograph 176: Merchants of African Conflict, More Than Just a Pound of Flesh, edited by Sabelo Gumedze, 30th January – 2011 (**Annexure 7**)
8. Monograph 183: From Market for Force to Market for Peace, Private Military and Security Companies in Peacekeeping Operations, Edited by Sabelo Gumedze 1st November – 2011 (**Annexure 8**)
9. Conference Report: Involvement of the Private Security Sector in Humanitarian Assistance Operations - Monday 16th January – 2012 (**Annexure 9**)

6.2. Incomplete Products

2012

The following outputs are outstanding: -

10. Country Case Study Report on Private Security in African Conflicts – Angola, Sierra Leone and Sudan (**Annexure 10**) – This monograph was rewritten on basis of external peer review report. It was returned to the peer reviewer on 22 May 2012. As soon as the peer review submits a second report, the monograph will be sent to a language editor and thereafter published.
11. Country Case Study Report on Private Security in Peacekeeping Operations – Liberia, Cote d’Ivoire and Sudan. Discussions on the involvement of private security companies in Côte d’Ivoire and Sudan are found in Monograph 183: From Market for Force to Market for Peace, Private Military and Security Companies in Peacekeeping Operations, Edited by Sabelo Gumedze 1st November – 2011. The only country case study approved for publication by the external peer review is on Liberia on *Private military and security companies in peacekeeping operations and SSG reform in Africa: the case of Liberia* is now awaiting approval from the ISS’ Director: Research to be sent for language editing (**Annexure 11**)
12. Country Case Study Report on Private Security in Humanitarian Assistance Operations – Côte d’Ivoire, Somalia and Sudan – The research findings for these countries were presented in Addis Ababa, Ethiopia during a Conference (see Annexure 8). These case studies were sent out to the external peer reviewer and the authors were given feedback. The authors are delayed in submit their final

drafts. This report will be published once the editorial process is finalized.
(Annexure 12, Annexure 13 & Annexure 14)

The main challenges, which this project faced can be summarised into two: - Firstly; the subject on privatization of security remains a difficult and complicated one. This is largely due to the fact that no studies are undertaken either at undergraduate or graduate level in African institutions of higher learning. Thus far, the ISS is the only African think-tank undertaking studies on private security in Africa. Unlike in other parts of the world, such as in America and Europe, African scholarship in this field remains very limited. Secondly, the authors that submit good abstracts take some time to write papers and to comprehensively address the comments from the external reviewers on time. Some of the papers were of poor quality in that they did not add any value to the debate and for that reason they could not be published.

6.3. Capacity

In terms of capacity building, on 1 March 2010, the ISS employed a research intern, Ms Margaret Gichanga. Ms Gichanga holds a Bachelor of Arts degree with Honours in International Relations from the University of the Witwatersrand. During her internship, Ms Gichanga assisted the Senior Researcher with background research for research projects and paper presentations under the auspices of the project. She also assisted with organising seminars/workshops and conferences.

As part of her deliverables, Ms Gichanga compiled the following publications:

- ISS Paper No 219: *Fusing privatization of security with peace and security initiatives, (October 2010) - (Annexure 4)*
- ISS Conference Report (with Melanie Roberts and Sabelo Gumedze): *The Involvement of the Private Security Sector in Peacekeeping Missions. - (Annexure 6)*
- An ISS paper which she co-authored with Sabelo Gumedze on *Private military and security companies in peacekeeping operations and SSG reform in Africa: the case of Liberia Private military and security companies in peacekeeping operations and SSG reform in Africa: the case of Liberia - (Annexure 10)*

On 1 April 2011, the ISS employed another research intern to succeed Ms Margaret Gichanga. The research intern, Ms Michon Motzouris, is currently completing an MA Sociology at the University of Stellenbosch. She was a former tutor for undergraduate students in both political and industrial sociology. She obtained her BA (Hons) in Sociology and my BA Humanities degree from the University of Stellenbosch. The focus of her honours research project was the skills transfer from the national armed forces to the private military sector.

As part of her deliverables, Ms Motzouris compiled the following publications.

- Co-authored with Lindy Heineken: chapter titled “The effect of private security on national armed forces’ capacity and capabilities” in Monograph 176: Merchants of African Conflict, More Than Just a Pound of Flesh, edited by Sabelo Gumedze, 30th January – 2011 – page 77 (**Annexure 8**)
- Co-authored with Sabelo Gumedze: Introductory chapter titled “The Role of Private Military and Security Companies in African Conflicts” in forthcoming Country Case Study Report on Private Security in African Conflicts – Angola, Sierra Leone and Sudan (**Annexure 9**).
- ISS Conference Report: Involvement of the Private Security Sector in Humanitarian Assistance Operations - Monday 16th January – 2012 (**Annexure 10**)

7. Project Outcomes

Through the research project, interesting findings were revealed and these will no doubt influence policy processes at international, regional and domestic levels. This part shall firstly consider the main research findings, providing examples of some of the country case studies. This will be followed by the research outcomes at international, regional and domestic levels.

7.1. Main Research Findings

The project revealed that the two examples that epitomize the rise of PMSC engagement in Africa are the involvement of Executive Outcomes in conflicts in Angola and Sierra Leone, and Sandline International involvement in Sierra Leone. While these companies are now considered mercenaries, they were the initial founders of the booming industry that we recognize today. Today’s legitimate PMSCs are a different breed of corporate entity which diversify their business ventures to suit the needs of their clients.

Some of the reasons for the privatisation of security in Africa include: the end of the Cold War and a decline in direct engagement with external powers which left a security vacuum, general human insecurity in Africa due mainly to intra-state conflict and weak or failed states, globalization and the marketization of the public sphere, downsizing of armed forces, liberalization of the arms trade making it easy for the private sector to obtain and utilize weapons, and the insecurity of aid workers in Africa which makes the private security sector indispensable.

The modern PMSCs could be understood by the application of Peter Singer’s ‘tip of the spear’ metaphor. This metaphor categorizes PMSCs into three groups: tip of the spear, middle of the spear and further from tip of spear. Tip of the spear refers to those PMSCs which provide implementation and command services (front liners), middle of the spear refers to those PMSCs providing advisory and training services, and further from the tip of the spear are those firms providing non-lethal aid and assistance. The project’s thematic areas can be understood in terms of Singer’s ‘tip of the spear’ metaphor.

The role of PMSCs in African conflicts forms part of the tip of the spear category with

case studies conducted in Angola, Sierra Leone and Sudan. The Sudanese case study revealed that PMSCs would intervene in the event that states do not want to intervene in complex Africa conflicts and that PMSCs are more likely to be attracted to areas rich in mineral resources. The involvement of PMSCs in cases of oil protection in Sudan actually accentuated divisions and led to more conflict. Regulation of PMSCs in Sudan was found to only suit the needs of the employer and not necessarily to protect human rights.

The PMSC involvement in peacekeeping missions represented the middle of the spear category, and case studies were conducted in Liberia, Côte D'Ivoire and Sudan. Results from the case study in Liberia, for instance, revealed that PMSCs provide logistical support in peacekeeping missions as well as security sector reform. PMSCs were even providing training to the fully-fledged Liberian military. The main challenge facing PMSCs in Liberia is that they are only accountable to their employer and not the state in which they operate. PMSCs in Liberia had diversified their services and are now involved in pursuing "smart power contracts", including post-conflict reconstruction and development. PMSCs were essentially becoming 'jacks of all trades', and invading the space that was originally occupied by NGO's, to ensure profit-maximisation.

The PMSC's involvement in humanitarian assistance operations falls into the further from the tip of the spear category. Case studies for this research area were conducted in Côte D'Ivoire, Somalia and Sudan. In the Somali case study, no evidence of PMSCs offering humanitarian assistance was found, and international PMSC involvement in the country is limited. Humanitarian organisations operating in Somalia made use of mainly local security providers, often hired with the consent of the local community. Beyond the humanitarian sector there was a variety of international PMSCs providing services such as training, context, risk analysis and consultancy, and mobile convoy protection.

While privatisation of security in Africa is on the increase, regulation, monitoring and oversight mechanisms were slow to develop and largely ineffective. The studies also showed that the Weberian notion of the state was being eroded with the growing trend of privatisation.

7.2. International Impact

In 2009, the ISS published the ISS Paper 206: Addressing the Use of Private Security and Military Companies at the International Level, Sabelo Gumedze Tuesday 1st December – 2009 (**Annexure 1**). This paper was a commentary to the Draft of a possible Convention on PMSCs. Among others, the commentary was considered by the UN Working Group in refining Final Draft that was consequently submitted to the Human Rights Council as an annex to the Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (UN A/HRC/15/25). This report was submitted to the Human Rights Council and distributed on 2 July 2010. This report can be accessed at <http://www2.ohchr.org/english/issues/mercenaries/docs/A.HRC.15.25.pdf>. (**Annexure 15**)

Having considered this report, the Human Rights Council established the "Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies" through Resolution A/HRC/RES/15/26. **(Annexure 16)** The will be making submissions to the Open-ended intergovernmental working group on the draft of a possible international convention dealing with private security and military companies.

As a result of this project, in 2012 the Senior Researcher, Dr Gumedze, was approached by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, with a view of engaging him in putting together a compendium of laws in Africa on PMSC and analysing them. The discussion on this pending work is currently on going and it envisaged that it would commence before the end of 2012. Thus far, the Working Group has requests the African Member States to submit their laws on PMSCs and thereafter, the terms of reference for this engagement will be finalised.

7.3. Regional Impact

Having undertaken research on private security in Africa since 2006 Africa and advocated strongly for the African Union to lead on addressing the emergence and involvement of private security in Africa, the African Union released a revised final draft Policy Framework on Security Sector Reform (PFSSR) dated 8 August 2011, which addressed the phenomenon of privatisation of security within the context of security sector reform. **(Annexure 17)** Section C, paragraph 20 of the PFSSR provides that

The African Union deplores the use of private military companies (PMCs) in security sector reform activities in Africa either by the RECs, Member States or their international partners. Where any of the above parties engages the services of private security companies (PSCs), such parties will conform to relevant international, regional and national frameworks regulating the activities of PSCs.

The mere recognition of the existence of Private Security Companies (PMCs) and Private Security Companies (PSCs) is a step in the right direction. There has been a tendency of grouping PMCs, PSCs and mercenaries together thus making it difficult to thoroughly addressing the various challenges by these. The main challenge faced by the branding of companies as PMCs and PSCs is the fact that there is no universally accepted definition of these. Compounding the problem further is the fact that some PMCs provide services offered by PSCs and vice versa. The ISS will continues engage with the African Union by providing critical comments on the PFSSR.

7.4. National Impact

At the request of the Private Security Regulatory Authority (PSIRA), the ISS reviewed the Draft Policy Document on the Amendment of the Private Security Industry Regulation Act (Act 56 of 2001). **(Annexure 18)** Among other things, this process led to

the Private Security Industry Regulation Amendment Bill of 2011, which will in the not so distant future replace the Private Security Industry Regulation Act (Act 56 of 2001). The amendment of this Act was long overdue, given the fact that the South African private security industry had grown exponentially over the last two decades. The South African Parliament approved the Bill in June 2012. As soon as the Bill tabled before the South African Parliament, the ISS will continue to engage in the debates by making submissions to the Parliament that will be aimed at making the South African private security industry (as well as individual employees) more accountable. The ISS is currently planning to firstly organize a Public Seminar on *The Private Security Industry Regulation Amendment Bill of 2011* and thereafter to compile a submission to Parliament.

Through this project, the ISS participated in the process of developing the Swaziland National Standard for the Private Security Industry in Swaziland. In October 2011, the *Times of Swaziland* reported that the Swaziland Standards Authority (SWASA) had embarked on developing Private Security Standard for Swaziland. This initiative was aimed at bringing orderliness and comparability of service in the private security industry. The standard for private security was envisaged to help service providers who wished to distinguish themselves from others in as far as quality of service is concerned. The SWASA invited the public to comment on the draft National Public Review Draft Standard on Private Security, which was prepared by a Technical Committee (SWASA TC 35) Security Services in accordance with procedures of the Swaziland Standards Authority, in compliance with Annex 3 of the WTO/TBT Agreement. In response to this call, the ISS submitted comments on the Swaziland National Standard for Private Security Industry, which were almost all considered in refining the Standard. **(Annexure 19)**

7.5. Outcome on the Specific Objectives

In view of the specific objectives of the project, the project has been able to enhance an informed understanding of the role of the private security in African Conflicts and Peacekeeping Missions and Humanitarian Assistance Operations. Through this project, African Scholars, both young and seasoned participated in the debates and also contributed to the ISS publications on the subject matter. This could not have been the case if the project was not in existence. The ISS continues to pride itself for being the only African think-tank researching on this subject matter.

Through this project, the extent to which private security actors operated in within the realm of the laws in Africa's past conflicts and the manner in which they do so in current conflicts has been documented in the country studies on Angola, Sierra Leone and Sudan. These studies also provide contemporary challenges that will better inform policy-making decisions in dealing with the involvement of the private security sector in African conflicts.

The research project has also made a significant impact in terms of exploring the trend in the outsourcing of none-core military functions as well as the increased role of the private security sector in peacekeeping operations in Liberia Côte d'Ivoire and Sudan. The case

studies illustrate the pervasive roles of the PMSCs in these countries and the challenges associated with such roles.

The research project has also been able to document the involvement of the private security sector in humanitarian assistance operations in Côte d'Ivoire, Somalia and Sudan. The case studies on these countries illustrate the point that the private security sector is here to stay and the need to address the challenges in poses cannot be over emphasised.

7.6. Lessons Learned

In undertaking a project of this nature, one of the most important lessons to be learned is that the project outcomes are not immediate. African States, International and Regional Organizations take time to consider addressing the challenges posed by the private security industry. What is important, however, is to ensure that research is conducted in order to assist these States and organizations with credible information and analysis. For example, the development of Swaziland Standard on Private Security is a direct response to an ISS commissioned a research paper on Swaziland, which was authored by Prof. Hamilton Siphon Simelane titled “The State, Security Dilemma, and the Development of the Private Security Sector in Swaziland” in S Gumedze (Ed.) *Private Security in Africa: Manifestation, Challenges and Regulation*, ISS Monograph Series No. 139 (November 2007). This paper was commissioned under the auspices of a the IDRC-funded research project, *Regulating the Private Security Sector in Africa*, which was undertaken between 2006 and 2008.

The process of amending the Private Security Industry Regulation Act (Act 56 of 2001) by South Africa was a result of the IDRC – funded project on *Regulating the Private Security Sector in Africa*, which was undertaken between 2006 and 2008. In one of the commissioned case studies, undertaken by Ms Raenette Taljaard, she argued that such South Africa needed a tighter regulatory framework and this required “additional powers and obligations that will, in turn, require more funds and more staff [and as such] [t]his will necessitate thoughtful regulatory institutional construction.” (See R Taljaard “Private and public Security in South Africa” in S Gumedze (ed) *The Private Security Sector in Africa: Country Series ISS Monograph No. 146*, July 2008 at 94) The Private Security Industry Regulation Amendment Bill of 2011 has sought to address some of the concerns raised in the previous ISS study on South Africa’s private security.

The other important lesson to be learnt from the project is that due to time and funding constraints, there was no enough time to disseminate the research findings. The dissemination strategy is one of the most important tools for influencing policy at all levels. The ISS will continue to disseminate the research findings and ensure that policies and laws are developed to address the involvement of the private security sector in various fields. Again, policy-change cannot be expected to be immediate. The ISS has ensured that its research findings in the form of the project deliverables (monographs, papers and reports) are availed and presented to relevant policy and decision makers at the United Nations, African Union, Regional Economic Communities and African States.

The dissemination process is ongoing.

Largely, what contributed to some of these outcomes are the credible reports, which the ISS has produced over the years. The engagement with various stakeholders has also been instrumental. The networking strategy is also important in order for the ISS to be visible in its work. Hence there have been a number of engagements that the ISS had been invited during the project period. The UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination continues to invite the ISS to participate and give the African perspective to the deliberations on PMSCs during its sessions both in Geneva and New York.

Most notably, the participation of the Senior Researcher, Dr Sabelo Gumedze, in a ongoing book project called *The Markets for Force*, where he contributed a chapter with on “Markets for Force: South Africa”. The book project resulted from the fact that for over a decade, the market for force (encompassing mercenaries, private military and security firms, and other privately-funded paramilitary-style forces) has puzzled researchers. Although significant progress has been made, there is surprisingly little that is known about the market itself. For instance, the question on why is the market organized or designed differently in different regions of the world still remains. Further how did the different forms of the market for force develop in the different regions of the world and whether these different market designs have different effects?

8. Overall Assessment and Recommendations

8.1. Overall Assessment

The overall assessment of the project can be summarised in two words: resounding success. The knowledge produced from this project (as well as in the previous IDRC-funded project), is utilised in Africa and abroad, within the academia, policy-making environments and think-tank institutions. Students from African and beyond continue to make requests for information on the subject matter as it pertains to Africa. The challenges encountered in ensuring that the research outputs are completed within the project’s life-span does not negate the importance of achieving the specific objectives set out at the beginning of the project. As the ISS will continue to work on this topic, more interest will be generated.

As more policy-makers from African States acquaint them selves with the information produced by the ISS through the IDRC-funded projects, the processes towards developing and reforming laws and policies will be more evident. The ISS will be developing a database on that on these laws and policies in order to ensure that best practices are available to anyone wishing to learn about how the private security industry is regulated in African States. States that effectively regulate the private security sector in the various fields contribute towards human security, which in turn harness development.

8.2. Recommendations

The only recommendation that can be made is that there is a need for further research on the topic for continuity purposes. For instance, there is a need to conduct research on the “Private Military and Security Companies’ Involvement in Post-Conflict Reconstruction and Development” and on “Private Military and Security Companies’ Involvement in Africa’s Maritime Security.” The ISS would be delighted to undertake these studies in with the IDRC support.

List of Annexures

(Annexure 1): ISS Paper 206: Addressing the Use of Private Security and Military Companies at the International Level, Sabelo Gumedze Tuesday 1st December – 2009

(Annexure 2): ISS Round Table Report - Pretoria: The Involvement of the Private Security Sector in African Conflicts, 11-12 June 2009

(Annexure 3): ISS Seminar Report: Guns for Hire: Private military and security companies: current efforts to regulate - Wednesday 17th November – 2010

(Annexure 4): ISS Paper 219: Fusing Privatisation of Security with Peace and Security Initiatives - 10th November – 2010

(Annexure 5): ISS Seminar Report ISS: the Privatization of Security: Implications for the African Union and African States, Addis Ababa, 5 March 2010

(Annexure 6): ISS Conference Report: The Involvement of the Private Security Sector in Peacekeeping Missions, Nairobi Office, Kenya, 21 – 22 July 2010

(Annexure 7): Monograph 176: Merchants of African Conflict, More Than Just a Pound of Flesh, edited by Sabelo Gumedze, 30th January – 2011

(Annexure 8): Monograph 183: From Market for Force to Market for Peace, Private Military and Security Companies in Peacekeeping Operations, Edited by Sabelo Gumedze 1st November – 2011

(Annexure 9): Conference Report: Involvement of the Private Security Sector in Humanitarian Assistance Operations - Monday 16th January – 2012

(Annexure 10): Draft Monograph Merchants Of African Conflicts: Case Studies On Angola, Sierra Leone And Sudan

(Annexure 11): Draft ISS Paper, Private military and security companies in peacekeeping operations and SSG reform in Africa

(Annexure 12): Draft Country Case Study - Cote d'Ivoire

(Annexure 13): Draft Country Case Study - Somalia

(Annexure 14): Draft Country Case Study - Sudan

(Annexure 15): Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (UN A/HRC/15/25)

(Annexure 16): Policy Framework on Security Sector Reform (PFSSR), 8 August 2011

(Annexure 17): Resolution on the "Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies" (A/HRC/RES/15/26)

(Annexure 18): Draft Policy Document on the Amendment of the Private Security Industry Regulation Act (Act 56 of 2001)

(Annexure 19): Comment on the Swaziland National Standard for Private Security Industry