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# African States and the Market for Force: The Destabilizing Consequences of Private Military Companies

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## African States and the Market for Force: The Destabilizing Consequences of Private Military Companies

**Abstract:**

This article explains how it is possible to arrive at the paradoxical conclusion that an increased reliance on private actors (in the guise of private military companies) could help strengthen the public monopoly on the legitimate use of force in the weakest African states. It also shows why this conclusion is mistaken. The claim is that the conclusion is reached because observers neglect the independent market dynamics which undermine weak African states' ability to control the use of force. The article shows that *supply* spreads across different market segments and is self-perpetuating hence making it impossible to clearly isolate and limit support for combat. *Demand* in turn does not penalize firms that service "illegitimate" clients in general. Therefore the number of actors who can wield control over the use force is limited mainly by their ability to pay. In the often resource rich, weak, African State that ability is good. Finally, two *externalities* of the market for force are that it drains resources from public armed forces and more weakens the incentives rulers have to invest in providing security for their population. Increased PMCs involvement and the development of a (regulated) market for force will in other words increase the availability of military services, the number of clients who have access to them and at the same time undermine the building of adequate state institutions. It does the opposite of strengthening states control over the legitimate use of force. The article begins with a thorough discussion of the case for a regulated role for PMCs in Africa in order to show that the case is *prima facie* attractive but also that it can be made only because of a narrowly defined focus on case studies and on contractual arrangements, excluding the wider overall dynamics.

## African States and the Market for Force: The Destabilizing Consequences of Private Military Companies

Over the past decade an instructive and interesting debate about the state in Africa has developed. Terms have been invented and explanations found to communicate the idea that African states are of a different kind. African states have been described as "fragile" (Clapham, 1996) "quasi-states" (Jackson, 1990) with "pathologies" tied to their design (Herbst and Mills, 2003: 39). They are associated with the notions of "occult power structures" (Bayart, Ellis et al., 1997b) and have become the standard examples of "pre-modern" or "failed" states (Cooper, 2002; Sørensen, 2001). In these accounts of the peculiarity of African states, the weakness of a state monopoly on the legitimate use of force figures prominently. In the most different of the African states that is the states where "war-lord politics" has become endemic (Reno, 1998), it has broken down altogether. The concern in this article is primarily with these states.

More specifically, the concern in this article is with the paradoxical suggestion that creating/restoring the public monopoly on the legitimate use of force in the African states where it is the weakest might be helped by encouraging private actors, or more precisely private military companies (PMCs[1]) to play a greater role.[2] The aim of the article is to explain why so many

[1] Here PMCs are defined as companies selling core military services (meaning combat services). The companies might be security firms, military providers, logistics/intelligence firms or consultant/trainers. Their activities might be legal or illegal and their employees may or may not be mercenaries according to the Geneva Convention definition. The rationale for this definition is discussed at length in section 2 of the article as it is central to the argument in the article.

authorities have come to this conclusion, which not only runs against common sense but is plainly put wrong. The argument is that this conclusion is reached because two things are disregarded. The first is the extent to which the dynamics of the market for force undermine state control over the use of force. The second is that the market for force produces "externalities" skewed against the affirmation of a state control over the use of force. Even a regulated use of PMCs will diminish the capacity of African states to control the use of force and ensure that the security needs of their citizens are met. Before making this argument, the article presents the case for a regulated PMC market.

## The Case for (Regulated) Private Military Companies in the African Context

"Write a cheque and end a war" is how Doug Brooks summarises his view on the role PMCs might play in Africa (2000b). This is the position of someone who elsewhere argues that private military companies have more in common with the Messiah than with mercenaries (2000a) and who devotes considerable energy to lobbying for an increased role of PMCs in peace keeping operations specifically but also more generally.[3] Brooks does not advocate an unregulated market though. Rather, the cheque should be written to a respectable company that follows the regulations Brooks thinks national and international regulators should be formulating and improving. Enrique Bernales Ballesteros, the UN special rapporteur on mercenarism, holds a similar position. In a spectacular volte-face, Ballesteros has moved from thinking that "to suggest that some mercenaries are illegal and other legal is to make a dangerous distinction which could affect international relations of peace and respect among states" (quoted in Shearer, 1998b: 20) to arguing that PMCs:

> need not be banned, but that domestic and international law must deal with the issue so that there are oversight, regulation and monitoring mechanisms that clearly differentiate military consultancy services from participation in armed conflicts and from anything that could be considered intervention in matters of public order and security that are the exclusive responsibility of the State (UN, 2003: §30).

The rapprochement of Ballesteros and Brooks is indicative of the trend the discussion on PMCs is taking.[4] Even though there are attempts to argue that PMCs have an essentially destabilizing role and should be banned (e.g. Arnold, 1999; Hutchful, 2000; Francis, 1999; Selber and Jobarteh, 2002; Musah, 2002), an increasing number of observers discuss in the space staked out between Ballesteros and Brooks. The reason is that the arguments for a regulated space for PMC operations are both forceful and persuasive. This section presents the four pillars on which it rests.

*Breaking cycles of violence*

The first pillar supporting the case that PMCs would be helpful in consolidating African states is

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2 As stated by Shearer "despite the commercial motives of military companies, their interventions, if anything, have strengthened governments' ability to control their territory" (1998a: 90); or by Coker who argues that the hiring of mercenaries "should be seen for what it really is: more of a partnership to shore up fragile state structures, not challenge the state's monopoly on violence" (1998: 111).

3 Brooks heads the IPOA: international peace keeping operations association which is an industry lobby group. (www.ipoaonline.org ).

4 It is probable that the debate over PMC involvement in Iraq (related to the scandals around the contract awards and the Cheney-Halliburton link, the high (and often spectacular) death toll among contractors, and the involvement of private contractors in the abuse of prisoners in Abu Ghraib amongst other places) will produce a change in this overwhelmingly positive reading of the role of PMCs. At the time of writing this has not yet happened.

that they would make it possible to break vicious circles of violence. They could do this either by working as "force multipliers" for African forces or by providing troops for outside interventions.

The importance of providing troops is usually illustrated with reference to the 1994 genocide in Rwanda. The international community was deeply involved prior to the genocide. It controlled some 80% of the Rwandan budget. It (and particularly France) was equipping and training the Rwandan military. The international community was monitoring the implementation of the Arusha peace agreement through a UN force (UNAMIR) in the country. This involvement made the international community morally responsible for what was going on in the country. But not only did it not use its involvement to limit the racial policies, laws and propaganda, signals about the coming genocide were ignored and obfuscated and, when the genocide began, the UNAMIR was ordered not to act. Following the killing of ten Belgian soldiers, the UN troops were withdrawn, leaving some 500,000 to one million people to be killed (Barnett, 2002; Uvin, 1998).

The reasons for the failure to intervene in Rwanda are varying, controversial and complex. What matters to this paper is that in the debate about what to think and then do about PMCs in Africa, Rwanda has become emblematic of a situation where PMCs could have been used to break cycles of violence: the situation where there is widespread agreement that outside intervention is warranted and necessary, but where no troops are available for the task (Adams, 1999: 113; Gantz, 2003). Indeed, during the Rwandan crisis Kofi Annan complained that he could have saved thousands of lives with a small number of troops, had governments only placed them at his disposal. In its wake, Kofi Annan announced the creation of a 16-member review panel to look at the possibility of the UN hiring private security forces for peace keeping (and enforcing) missions.[5]

PMCs could further be deployed as "force multipliers" by governments who cannot tip the balance to their favour in an armed conflict and who also cannot obtain the help needed from outsiders. PMCs could increase the effectiveness of national or other (public) troops. This case is mostly argued with reference to the "successes" of the South African firm Executive Outcomes (closed in 1998) in ending the cruel and costly (in terms of human lives and limbs) conflicts in Angola and in Sierra Leone.

In Angola, EO was hired in 1993 to retake control of the oil facilities in Soyo and then train government soldiers. The EO guidance brought UNITA to the negotiating table which eventually resulted in the 1994 Lusaka peace protocol. In Sierra Leone, EO was hired in 1995 to defeat the RUF which it promptly did. It retook the Kono diamond area and trained a local ethnically based army unit, the 'Kamajors', to take over security (and later become part of the broader security picture). EO brought the RUF to the negotiating table and paved the way for the 1996 presidential elections. In both places the EO played a pivotal role in breaking long and protracted conflicts, stabilizing the governments and setting the stage for civilian politics.

The idea that PMCs could break vicious violence is weighty at a time when pressures for "humanitarian interventions" in the West (US in particular) are strong, but starkly contradicted by an equally pervasive unwillingness to commit troops from "overstretched" armed forces.

*The respectability of (some) Private Military Companies*

A second pillar supporting the idea that PMCs could be used to stabilize states in Africa is that at least some PMCs are respectable. If this was not the case encouraging their development and relying on them would be foolish. It is therefore essential to show that PMCs do not behave like Machiavelli's "whores of war", that they are not "traditional mercenaries".

The term "private military companies" was launched and energetically marketed by Tim Spicer precisely to describe the "provider of military services" as different from the rogue,

[5] "Proposal for private soldiers in conflict gathers steam", *Financial Times*, 5 Nov. 2003.

individual, free-floating, and ultimately unreliable contemporary mercenaries like Bob Denard or Wild Mike Hoare (International Consortium of Investigative Journalists, 2002a). It presents PMCs as corporations, emphasising that many PMCs have roots in parapublic defence industries, that they employ (mainly) highly qualified retired personnel from armed forces, that they operate as multinational businesses, traded on stock-markets, with headquarters in taxhavens and that they have highly professional advertising and public relations departments. However, being a corporation is in itself no guarantee of respectable behaviour. Therefore, more is needed.

There is more. It is pointed out that PMCs are professionals with no more motivation to maltreat civilians than public soldiers (Taulbee, 1998: 159). They may well be less inclined to do so than public soldiers precisely because their motivation is pecuniary and not linked to national ideals and loyalty (Lynch and Walsh, 2000). Moreover, it is frequently pointed out that the highly politicised market for force makes it essential for the "good" PMCs to behave respectably. "The fastest thing that would get us out of business is humanrights violations" as Nic van Den Bergh of EO explained (quoted in Spearin, 2001: 30). Finally, PMCs have a pro-state bias. They will not act against the interests of states. PMCs "like stable not fragile state. In that respect, their interests and those of the state are usually the same. They have never sought to challenge states" (Coker, 1998: 111).

This account of PMC behaviour is argued to be empirically supported. PMCs advocates stress that the firms have been respectable where they have been involved. They are professional and do a good military job. PMCs are "strategically effective" (O'Brien, 2000a). They have the possibility and flexibility to put together a team with the military training, local knowledge and equipment that is needed to act effectively in any given conflict. PMCs staffing policy is strictly based on the professional qualifications of the staff and the firms. "We can muster more generals than the Pentagon" boasts Ed Soyster (of MPRI).[6] It is also underlined that PMC employees behave well in action. They even do humanitarian work as EO co-ordinating the reopening of schools in Sierra Leone (Zarate, 1998: 97). When they have fulfilled their contract, they withdraw (Spicer, 1998). PMC advocates see critique of the industry as rooted in prejudice rather than in the observance of actual PMC behaviour.

> What most seems to bother many observers, especially those on the left, is that nowadays, PMCs are respectable. They cannot bring themselves to believe that PMCs operate with discipline, observe laws and customs of the host nation, and adhere to the principles of the Geneva Convention (Isenberg, 2000: 15-6).

*The fallibility of African forces*

The third pillar upholding the claim that PMCs bolster state control over the use of force in Africa is the patent insufficiency of many African forces. The argument is that when discussing the use of PMCs it is important to compare with the most likely alternative: that is the deployment of local forces. PMCs are argued to stand out as far more professional and efficient, and even as potentially contributing to improving African forces.

The lack of professionalism of African forces is a recurrent preoccupation of regional scholars, ranked by many as one of the main political problems of African politics (Howe, 2001). Even the continent's stronger and more cohesive armed forces lack training, equipment and resources (Clapham, 2000; de Waal, 1998; Luckham, 2002). Public armed forces have looted, racketed, and abused civilians to the point of being the key perpetrators of the big ethnic cleansing operations on the continent, of course most notably in Rwanda, but also in many other countries (Clapham, 2002). The fallibility of African armed forces is reflected also in the fate of a variety of regional operations. The ECOMOG in Sierra Leone was for example mockingly dubbed:

6 "America's for-profit secret army" *New York Times* 13.10.2002.

“Everything Carried or Moved or Gone” with reference to the generous understanding the intervening mainly Nigerian troops had of their rights to the property of civilians.

In arguing the case for a regulated sphere of PMC activity the undeniably poor record of public African forces is used to sharpen the image of PMC professionalism. But more importantly, it undermines the public/private contrast underlying the critique of PMCs. The “public” (and hence legitimate) status of the African armed forces that are driven by private interests, behaving as mercenaries, and often worse than the real existing PMCs is questionable. This undermines the claim that PMCs are principally different from the public forces. It is far from clear that they are the worse alternative. Certainly African governments do not seem convinced that they are. Reliance on private security firms has become one of the key strategies (the others being reliance on regional forces and Western sponsored upgrading of national forces) used by African leaders to respond to attempts to compensate for the lack of professionalism of the own forces and if possible upgrade them (Howe, 2001: 2).[7]

*Pragmatism, practice and regulation*

A final pillar of the case for encouraging PMC involvement in Africa is that PMCs are already so extensively involved on the continent that any reasonable and practice minded approach to the issue calls for a pragmatic approach. Regulation is necessary and feasible. Banning blocks discussions about how to deal with an important question (Brayton, 2002; Møller, 2004).

The point of departure is a reference to the increases in “mercenary involvement” in African armed conflicts during the 1990s. Even if it is hard to document, specialists working on various African conflicts and attempts to quantify the phenomenon point in the same direction. One compilation of available information on “mercenary activity” in Africa from the 1950s onwards shows 15 entries for the 40 years spanning 1950-1989 and 65 for the period 1990-98 (Musah and Fayemi, 2000). Similarly, the recent Foreign and Commonwealth Office Greenpaper (2002a: Annex A) shows 15 entries for the period 1950-1989 compared to 80 for the period 1990-2000. The impression is corroborated by the growth in the annual revenue of the private military industry from Z55.6 bn in 1990 to Z100 bn in 2000 and it was expected to double again and reach Z202 bn by 2010 (International Consortium of Investigative Journalists, 2002b: 4).

Moreover, PMC advocates point out that many of the activities undertaken by foreigners in Africa depend on private companies to compensate for the absence of effective state control over violence. Firms have to protect their installations and their personnel. Aid workers need protection from racketeering, kidnapping and attacks. In situations where the public armed forces and police are either unavailable, ineffective, or involved in the activities against which protection is needed, private solutions seem to be the only ones available. Consequently, both firms and humanitarians rely extensively on PMCs. For instance, DSL (Defence Systems Limited), lists among its humanitarian clients: the International Rescue Committee, CARE, Caritas, USAID, GOAL and World Vision. In the UN system the UNHCR, UNICEF, UNDP, and WFP amongst others declare to have used private security services (Spearin, 2001).

In view of this considerable PMC presence on the African continent, it is argued that PMCs respond to a demand for their services. They fill a security gap (Mandel, 2002). This gap cannot simply be banned out of existence. Attempts to ban are bound to be counterproductive: “not using legitimate private firms will probably lead to a resurgence of uncontrollable individual freelance mercenaries who will flock to satisfy the profitable demand for military expertise, but who have far less regard for the legitimacy of their clients” (Brooks, 2000a: 128).

There is, to sum up, a strong and well-argued case for the need to revise existing conventions

[7] Howe does not distinguish security firms from military firms because he argues that in practice they are indistinguishable. I agree with this view for reasons I return to below.

condemning the use of mercenaries.[8] This section systematized the main arguments on which it rests as comprehensively and persuasively as possible for two reasons. One is to clarify why so many scholars and policy makers arrive at the conclusion that a private market for force will strengthen the public monopoly on the legitimate use of force in weak African states. The second is to do justice to the ideas against which the remainder of this article is directed.

## The Dynamics of the Market for Force

The arguments presented in favour of (regulated) space for PMC activities in Africa as a way to enhanced security and greater public control over the use of force are well taken. However, the conclusion that a private market for force will favour publically ensured security remains mistaken. The main reason is not what the advocates tell us, although that can of course be contested. It is mainly what they omit. This point is often made with reference to the difficulty of governing contracts in the sector, that is with reference to the difficulties inherent in controlling costs, ensuring accountability and regulating the activities of the firms (Avant, forthcoming; Krahmann, 2003; Singer, 2003). This paper emphasises a different kind omission: the lack of discussion (and understanding) of the degree to which the market for force has a logic of its own which policy-makers can shape and structure but not fully control.[9]

This omission and lack of understanding is expressed in the recurring idea that it is a "technical question" whether private or public forces provide security (Brauer, 1998: 135). The task is finding the most cost effective solution (Shearer, 2001: 30) and in the process PMCs should be approached as "weapon systems" at the disposal of policy makers (Shearer, 1998b: 90). But unlike weapons systems, PMCs act on their own initiative. Ensuing developments in the market change both price and the availability of "technical solutions". The rules of the game and the starting points of the players change. A look at the supply, demand and externalities in the market for force makes clear that an expanded, even if regulated, use of PMCs would most probably tilt the rules of the game against enhanced control over the use of force in the weakest African states.

### *Supply: self-perpetuating cross sectoral supply*

An unchecked supply of military services has few (if any) advocates. Instead, proposals for a regulated PMC space invariably include some limitations on the kinds of supply admissible. Where exactly the boundaries are best drawn is controversial. Most observers draw a line between the supply of internal (security) and external (military) services (Mandel, 2002). The former is usually argued to warrant lesser control than the latter. A distinction between the kinds of services firms supply is also usually brought into the discussion. Control over direct military support services is usually thought to be of greater importance than control over the other aspects. The view of the market in these accounts is one where we can neatly distinguish market segments and regulate them separately. The way supply operates in the real world market for force makes this very difficult: the first reason is that the market segments are closely linked, the second that supply in the market for force is self-perpetuating due to the specific nature of the service sold.

The significance of cross-sectoral linkages is reflected in attempts to define and classify PMCs. Most presentations of the "industry" end up including a considerable variety of activities. Characteristically, Singer (2003) focuses his "case studies" on firms as diverse as EO (providing support during military operations), MPRI (doing consultancy and training), and Brown and

8 The 1997 OAU Convention condemns the use of mercenaries (but not if these are used by states); and the 1989 UN Convention condemns the finance and use of mercenaries (UN, 1989; OAU, 1972).

9 A market which is entirely publically controlled and regulated has become a command economy.

Roots (a logistics firm). The book also contains extensive discussions of firms providing intelligence, security guards, and military equipment. Moreover, many studies of PMCs include both security and military firms in their discussions.

One reaction to this amalgamation is to reject the category "PMCs" as nonsensical and sensationalist. This reaction reflects a misunderstanding of why the category ends up amalgamated and woolly: most authors working on PMCs strive to capture the activities of firms working in the market where the services which are central to military activities (combat) are sold. To do this they have to abandon the strict categorical divisions between inside and outside as well as sectoral divisions where those selling direct combat services (mercenaries) are separated from logistics firms, arms producers and traders, or private intelligence providers.

The reason is that these distinctions have limited bearing in contemporary warfare.[10] Of 59 armed conflicts between 1990 and 2000 only three were interstate conflicts (SIPRI, 2001). Most contemporary wars are of "the third kind" (Holsti, 1996), that is they are not well structured or grand scale inter-state wars, but involve a variety of actors and complex alliances fighting. Formal declarations of peace and war have lost much of their salience as the two are increasingly blurred (Duffield, 2001: chap. 7). This sharply reduces the salience of distinguishing between inside (security) and outside (military) conflict. Is a security guard fighting rebels to defend an oil pipeline in Chad selling a military or a security service?

The changes in the nature of warfare have also accentuated the perennial difficulty of drawing the line between combat services and other military services. In the low technology, low intensity conflicts, firms are not necessarily very specialised, but slide between offering different kinds of military services. Consultancy firms "advise" troops in action, an activity which to non-initiated observers reassembles fighting to the point of being confounded with it. For example, Ukrainians who were leasing planes (including its maintenance) to the Eritrean air force are on the face of it logistics firms. However, in practice these firms also "advised" on this choice of plane and trained the pilots to fly them (engaged in training and consultancy) and found themselves flying (officially for training purposes) in military operations against Ethiopia (Singer, 2003: 233-4). Similarly, Brown and Roots formally offered logistics, consultancy and training to Rwandan government troops. However, when these troops went into DRC and killed thousands of Hutus, they are thought to have been directly involved (Musah, 2002: 923).

It is therefore not conceptual confusion and sensationalism that lead PMC observers to include firms supplying a variety of services and goods to the military in their studies. Rather (as Figure 1 illustrates) they do so because some firms (though not all) from these sectors do in fact supply direct support for military operations.

[10] They might never have had much bearing, that is not the issue here, nor a debate I wish to cover but see e.g. (Kaldor, 1999; Gray, 1999; van Creveld, 1991).

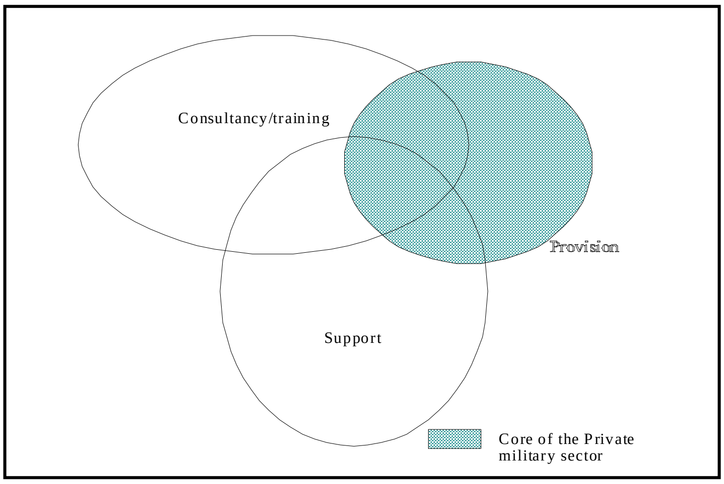


Figure 3.1 Overlapping activities in the private military industry

Given this picture of supply in the market for force, it is surprising that so many of those painting it end up advocating sectoral regulation of supply. Their own picture indicates that such regulation is unlikely to have much impact. It is bound merely to result in an expansion of activities formally (though not necessarily substantively) falling outside the hard military core. No firm will declare to offer services that could be expected to fall in the military market strictly defined. This is already the trend. EO closed in 1998. Sandline closed down April 16th 2004 because of the "general lack of government support for PMCs willing to help end armed conflicts in places like Africa..."[11] No major firm now offers direct "military" combat services. At the same time though, the larger firms probably continue to lead a less visible existence, as indicated by e.g. by the role of EO employees in the Equatorial Guniea coup and by the fact that Tim Spicer won a major contract for providing security to the government in Iraq.[12] and the number and size of firms offering consultancy, training, intelligence, logistics, and security is growing exponentially, as is the number of conflicts reportedly involving "foreign mercenaries" and the number of "private contractors" killed on duty.

In the market for force, supply does not only spill over from one sector to another, it also tends to perpetuate itself. The conventional way of explaining this has been in terms of racketing: suppliers threaten buyers into paying for their services. However, even for the Sicilian Mafia this picture of why supply expands may not be adequate. Voluntary mechanisms are far more important and pervasive than the picture of racketing allows for (Gambetta, 1993). For the PMCs in Africa it is even less so. It is of course not impossible that classical racketing occurs. However, even less respectable firms are unlikely to get most contracts at gun point.

Rather, the self perpetuation of supply is better understood in terms of the particularity of the market for force. This market is "inscrutable", in the sense that neither the seller nor the buyer can actually know the quality and value of a service offered (Gambetta, 1994b). There is no agreed upon way of measuring exactly how important a threat is, nor how important it is as compared to other threats. Nor is there any available mechanism of deciding how well the service offered by anyone PMC is able to respond to threats. Nor is it possible to compare the services offered by one PMC with those offered by another. The measure comes with the actual clash. But that is too risky and costly a way of getting information. Actual conflict is what the protection service is intended to prevent.

The consequence is that PMCs have to develop alternative strategies to market their product.

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11 www.sandline.com .

12 "Iraq Security Contract Won by Sandline Man", *Daily Telegraph*, 29.05.2004; "The men behind the 'Guinean Plot'", *BBC Online News* 12 March 2004.

In the competition in the market for force reputation and symbols become crucial (Gambetta, 1991; 1994a). More generally, the "inscrutable" nature of the market for force makes it crucial for PMCs to shape the understanding their clients have of threats how they can best respond to them. They have to convince clients that the threats they are specialised in dealing with are the real and important threats to be responded to. As privatization increases the competition for market shares, this is also what is happening:

> the key to corporate survival resides increasingly in a political or even a cultural capacity; the ability to influence future customers and suppliers (...) The leading defence company of the future will be primarily a manipulator of opinions, in a diversity of markets, rather than the familiar engineering enterprise of the past (Lovering, 2000: 167-8, 174).

PMCs are no longer merely technical experts, the pressure of markets and competition pushes them to transform themselves into lobbyists, security advisors and makers of public opinion at both the national and the international levels (Leander, 2004 forthcoming). In other words, the market logic makes PMCs contribute to the "securitization" (in the sense of turning something into an existential threat (Buzan, Wæver et al., 1998)) a variety of issues, hence creating the demand for the services they themselves offer. This does not imply anything about the nature or intentions of PMCs or the immorality of their managers. It is likely that representatives of the private sector genuinely believe in the threats they depict and in their own proposed solutions.

In weak African states, the "local knowledge" and past experience is a key marketing tool for suppliers. South African, French, British and UK companies market their local knowledge and past experience in the region. The marketing works. Private firms are called in by African governments to assist in the organisation of defence planning. They are employed by firms and NGOs to assess security needs and propose action plans.[13] Foreign governments follow the trend. In explaining the US perspective on the role for private security providers in Africa, Theresa Whelan (US deputy assistant secretary of defence for African Affairs at the time of the speech) insisted on the importance of their local contact and partners and pointed to this as a key reason for the outsourcing of a large share of the US military training and planning on the continent.[14]

The tendency for the supply in the market for force to span across sectors and to self-perpetuate is *per se* not a sufficient reason to claim that the control African states have over the use of force would be adversely affected. The cross sectoral nature of the supply merely indicates that it is a chimera to believe that "combat" services can be isolated and banned from a legal market for logistics and consultancies. Similarly, the self perpetuating nature of supply merely indicates that legalising supply would most probably increase militarization. But whether or not "more arms" increases insecurity is a perennial and unresolved controversy (Krause, 1995, first ed. 1992: 7-8). If it were the case that supply was challenged exclusively to rulers who used it to centralise and assert state authority over violence on their own territories the logic of supply might indeed work to stabilise states. As a closer look at the logic of demand reveals, this is not the case.

*Demand: the satisfaction of a multiplicity of clients*

Advocates of a regulated PMC market insist on the importance of controlling who firms work for. This is true both in academia (Edmonds, 1998; Brayton, 2002) and in the industry (IPOA, 2004; GPSP, 2004). It is agreed that sales to illegitimate clients should be banned. However, demand in the market of force is such that drawing the line between legitimate and illegitimate clients is difficult and that even if this difficulty could be overcome, it is close nay impossible to

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[13] For an illustration consider the extent and variety of MPRI's operations in Africa, described in detail on the firm's web page (www.mpri.com).

[14] "Remarks to IPOA Dinner", *PMC List* 2.12.2004.

imagine that regulation could effectively regulate which demand by what clients is satisfied. This in turn (particularly if considered in combination with the expansion of supply) has far-reaching implications for the capacity of African states to monopolize the use of force.

The basic difficulty in setting limits between legitimate and illegitimate demand for military services is that most contemporary armed conflicts arise because of disagreements about that question. In a war of the third kind settling who has authority is a (or the) central stake. Therefore, it is impossible to fall back on *a priori* assumptions that states are legitimate clients and non-state actors are not (Kuofor, 2000). In the North East of the DRC a variety of militias, many of whom could formally claim to represent "the state" have been fighting each other and the population over the last decade (UN, 2001). Who represents "the state" and hence has a "legitimate" right to demand security services is practically impossible to settle. Moreover, that states are so often blatantly illegitimate undermines the possibility for a blanket answer. It is for example hard claim that the governments in Kigali and Khartoum were legitimate clients at a time when they were tolerating and encouraging the *Interahamwe* and *Janjaweed* militias respectively.

The difficulty is accentuated as many conflicts are initiated and prolonged by the interests of foreign firms. In "resource" wars – where the control over natural resources (such as coltan, diamonds, timber, gold, or coffee) is central – the interests of foreign firms to protect employees from racketing and kidnapping, as well as their payments into hidden account of and their interest in buying future war booty (in the form e.g. of extraction rights) play a central part in both initiating and prolonging wars (Ross, 2003; Le Billon, 2000). Whether the demands for protection services made on behalf of firms (or others defending their interests) are legitimate or not is exceedingly contested. This is palpable e.g. in the controversies surrounding the UN "global compact" and more generally surrounding the firm involvement in conflict zones. For some, the security demands related to firms' interests, NGO protection and foreign governments' policies are merely a new phase of colonialism, an extension of markets at the expense of human rights and local autonomy. For others, it is part of the legitimate process of defending private property right and the openness of international markets (UN, 2002; Haufler, 2004).

Even assuming that some process for settling the legitimacy of various demands for PMC services could be agreed upon, it remains hard to imagine any effective mechanism that would prevent private firms from also satisfying "illegitimate" demand. Self-regulation through the market can hardly be counted. Rather to the contrary. It is simply not the case that a reputation of working for illegitimate clients is a disadvantage for firms.

First, for some PMCs it is unimportant whether or not the market sanctions working for illegal contracts. Some firms will make one operation and then withdraw. This is a viable strategy as the markets are is very fluid. Firms can be created, dissolved, branched, merged and moved from one location to another and hence be very difficult to trace. Individual employees stay on after a company leaves and set up their own operations.[15] Many firms are loose virtual creations, little more than web-sites from which operations are co-ordinated. Observers of the industry therefore talk about a tendency of "anarchic proliferation as employees set up their own companies, engage in joint ventures and work for rebel groups" (O'Brien, 2000b: 61).

But more profoundly, also for firms with a long term market presence the reputation of working for (some) illegitimate clients, or at least to be willing to do so, may be a competitive advantage, the "trade mark" so to speak. For example, the team of some 80 military contractors arrested in March 2004 for their plans to overthrow the government in Malabo, Equatorial Guinea, probably got their contract in part because of the past reputation of the participants (many were earlier EO employees[16]). They were probably motivated by a generous offer from an employer (whether the Lebanese business man Calil or the opposition politician Moto Nsa)

[15] Musah illustrates the point with reference to Niel Ellis and Carl Alberts in Sierra Leone (2002: 926).

[16] "The men behind the 'Guinean Plot'", *BBC Online News* 12 March 2004.

tabling on using the country's oil sources.[17]

It is not only in the eyes of private employers that responding to "illegitimate" demand can count as an advantage. In Western countries a main reason for relying on private contractors is that they make it possible to evade procedures ensuring public scrutiny (Avant, 2004). The extensive reliance on private contractors in Iraq (including as interrogators in the Abu Ghraib prison[18]) for example has been linked to their importance for special operations. States (including those claiming the moral high ground) are not likely to see the willingness of private firms to take on this demand for services of dubious legitimacy as a drawback. Nor have they in fact changed their attitude towards firms who have behaved illegally in the process. DynCorp International FZ-LLC for example does not seem to have fallen out of favour with the US government despite its involvement in various scandals including a sex-ring in Bosnia.[19] Nor does DynCorp's reputation seem tarnished by its role in the very controversial war against drugs on behalf of the US government in Latin America.[20] On the contrary, the firm keeps being awarded major public contracts, including the contracts to protect Karzai and to train the police in Iraq.[21]

It might matter which illegitimate clients firms work for. Governments prefer to think that firms only work for the clients favoured by themselves and it may therefore be the case that firms working for outright enemies are shunned. There are few confirmed cases of firms working for both sides in conflicts. But even that is no certainty. It is not uncommon that individuals work for the two sides subsequently in protracted conflicts. EO employees for example, had worked for the UNITA before they worked for the government (this was one of their strengths).

More broadly, there is little confirmation of the claim that the market for force will (or can be harnessed to) cater exclusively for the demands a limited number of state or state-supported clients. On the contrary, the market makes military services available to a far larger number of clients. The main limitation seems to reside in the capacity of potential clients to make interesting offers. In resource rich African states that capacity – including through the selling of future war booty (Ross, 2003) – is bound to remain large. Morever, as the number of firms in search of clients expands the threshold for which offers can be considered interesting falls at least at the lower end of the market. This leads to the worry that "the return of proxy wars could become a nightmarish reality were well-equipped foreign private forces are allowed to continue propping up opposing parties in today's conflicts" (Musah, 2002: 928).

It might be hard to prove that more arms increase insecurity. It is not hard to prove that an expansion of the number of actors that can wield control over the use of force (by buying it on the market) weakens the state monopoly on the use of force. It does so by definition: a monopoly is "the exclusive possession or control of trade in a commodity or service" (Oxford English Reference Dictionary). This is no less true in the African context than elsewhere. On the contrary, precisely because the state monopoly on the use of force in many cases is weak or non-existing and the continent is rich in natural resources that can be used for payment, it is unusually pertinent.

*The Externalities from the Market for Force*

The neglect of PMC involvement in politics, or more precisely in the process of building states and consolidating state institutions is a third dimension of the argumentation that PMCs can be useful to strengthen African states. This neglect is rooted in an understanding of institution and state building where PMCs can be asked to level the ground but not to be architects and construction workers. "Military companies can claim success in achieving immediate strategic

[17] "Soldiers of Misfortune", *Sunday Herald*, 14 March 2004.

[18] Seymour Hersch, "The Gray Zone", *The New Yorker* 15 May 2004.

[19] For a discussion of the case see among many others Singer (2003: 335-6).

[20] "We're already at war in Colombia" *Houston Chronicle*, 19.02.2003.

[21] "Corporate mercenaries. Profit comes with a price", *Asia Times*, 19 May 2004; "Can mercenaries protect Hamid Karzai?", *The New Republic*, 25 Nov. 2002; "Scandal-hit US firm wins key contracts", *Guardian*, 13.4.2003.

objectives. But these companies are unable to address the underlying political or social issues that prompted conflict in the first place" (Shearer, 1998a: 10). *Prima facie* this sounds reasonable. It would sound brazen to demand that PMCs do what no-one else can do and then reprehend them when they fail. At closer inspection the argument does not stand well. The market for force reshapes processes of state and institution building, it has "externalities" for state building processes. Acknowledging that PMCs cannot and should not build states, is no good reason for ignoring this. Two externalities are discussed here: the undermining of the African public forces and the disincentive to broaden security coverage.

Rather than assisting the consolidation of public forces, a first externality of the market for force is to weaken public forces. This is so because the market diverts financial and human resources which might otherwise have gone into constructing public institutions.

The development of a market for force will work to diminish spending on the upgrading and maintenance of public forces. One reason is that if there is a market to draw on, it is likely that rulers will be tempted to further reduce their spending on public forces. First because the constantly growing pressure for slimmed budgets and reduced military spending on behalf of donors, lenders and investors makes relying on potentially foreign firms rather than home grown professional armies tempting (Luckham, 2003). It may be cheaper for governments. This is not because PMCs are necessarily cheaper and only have to be paid for what they do. PMCs might cost less than public forces but it is hard to ascertain. Particularly if one considers the difficulties involved in estimating the costs: "how does one factor mineral concessions, which are often granted to PMCs and their mining associates in makeweight payments, into the cost-effectiveness equation?" (Musah, 2002: 928).

More pertinent is the fact that giving a greater role to private security forces makes it possible to place the burden of financing security on those who demand it. Companies and persons who can pay for their own security have to do so, directly. They can also be induced to pay for security provided by public forces. Shell and Chevron for example financed the Nigerian military and police to secure their facilities in Nigeria (Avant, 2004: 154). However, displacement is easier if security is privatized. Foreign firms, NGOs and governments are often more content with private solutions.

PMCs from the home country are often trusted to a better job. Second, governments will often be happy to secure contracts for their own private security firms. US government pushed through the decision to replace EO by MPRI in Angola (Musah, 2002: 914). More generally, the UK Green Paper heavily insists on the importance of defending British interest in the industry and on the risk that contracts will go to foreign competitors (Foreign and Commonwealth Office, 2002b). Finally, relying on PMCs, foreigners do not risk being accused of financing the military forces of oppressive African regimes. In "the test case of international collaboration to defuse the 'curse of resources'"– the Chad-Cameroon Petroleum Development and Pipeline Project – a key concern was to avoid that the government of in Chad used the project to finance the own armed forces (engaged in a civil war).[22] A key controversy originated in the use of some Z4 mn. by president Deby to buy arms for his troops.[23] Unsurprisingly, project security has since been largely provided by private companies.[24]

The market also diverts human resources from the public armed forces by shifting the relative status of public and private employers for soldiers in favour of the latter. It offers better salaries in particular for the more competent and professional. The salaries in many African armed forces are notoriously low and often not paid at all. It is hence not surprising to discover that African soldiers (and not only white South Africans) work as contractors for private companies. This is

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[22] This is a project where a consortium of oil firms (Exxon, Chevron), international organizations (world bank and IFC) and international NGOs (transparency international) have come together to construct and manage a pipeline www.worldbank.org/afr/ccproj, (Bray, 2003: 345).

[23] For example: www.bankwatch.org ; www.planetarc.org ; www.ciel.org.

[24] www.earthdaynet/goals/chadcameroon.stm ; www.amnestyusa.org/justearth/chadcameroon.html .

true both in the close neighbourhood, but also in far off-places such as Iraq.[25]

More important than economic gain in shifting the status of the armed forces is that the market further erodes the already weak boundaries between private and public forces. African governments themselves play a central role in this as they force their armies to support themselves.[26] They do this by not paying salaries, pushing soldiers into financing themselves including as "free floating mercenaries", or more outright, by sending soldiers as mercenaries into neighbouring conflicts, often in view of securing control over resources and trade. In the DRC e.g. Zimbabwean army units played a central part in propping up Kabila's war efforts while at the same time defending Mugabe's mineral interests. On the other side Ugandan and Rwandan army units' side were waging a predatory war for their leaders (Musah, 2002: 914).

The outsourcing of training by Western governments (and most importantly the US) accentuates the blurring of distinctions. Outsourcing training to contractors enshrines the erosion of the public/private distinction in the armed forces. It epitomises and sanctions the fluid boundaries between public and private forces. It arguably also reverses the status hierarchy between the private and the public. It is necessary to convince both soldiers and politicians that private training is as good as public training, at least. The message is that it is acceptable to move between public and private forces and that the status of working for the private is as high as (possibly higher than) that of working for the public. This message is sent out in a context where precisely the fluid boundaries separating public and private forces, interests, behaviour and status are crucial problems. The figure of the Sierra Leonian 'sobel' (soldier by day, rebel by night) incarnates the concrete problems posed by the existing indistinction (Clapham, 2002: 787).

It is unclear how affirming the blurring of boundaries could possibly work to enhance professionalism. More generally, reducing resources for public forces, draining them of their most qualified staff and diminishing their status could hardly be considered an ideal route for enhancing public control over the use of force. Even if there is little in terms of agreement about what the ideal route is, this one would find few advocates.

A second externality the market for force produces is the consolidation of a Swiss-cheese like security coverage. One of the points underlined in the literature on contemporary state building in Africa is that it is not because certain groups "opt out" that the weakest African states fail to control the use of force. Rather, the rulers in the capital decide to "abandon people who could contribute little to a political alliance and would make demands on scarce political resources" (Reno, 1998: 10; Poirier, 1993). There is a sharp (and widening) gap between *l'Afrique utile* and *l'Afrique inutile* (Bayart, Ellis et al., 1997a). The development of a market for force cannot be charged with creating that gap. However, it does reduce the likelihood that the holes in the security coverage will be mended.

In market for force, security will and can be covered for those who have the means to pay for it (or to get others to pay for them). This is what is happening as local strongmen, "warlords", foreign firms, aid organisation and governments ensure the security coverage they need. The trouble is that those who can pay for security are unevenly distributed in space. Even more troublesome is that even when they are present, it is not self-evident at all that their security needs will lead them to cover also the economically and socially weak in the area. On the contrary, as illustrated for example by the conflict between Ken Saro-Wiwa's Movement for the Salvation of the Ogoni People and Shell, the security needs of the firm sharply diverged from those of the people inhabiting the area (Reno, 1998: 205-8).

Moreover, the market for force deprives people whose security needs are not covered of one – historically central – route for compelling public authorities to take their interests (and security

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[25] "The Baghdad Boom", *The Economist* 25 March 2004; "Angolan Temp Agency Teaming with Mercenaries", *The Onion*, vol. 40, no. 2.

[26] This is not the only way in which armed forces are being commercialised. Armed forces increasingly run economic ventures of more or licit kinds on their own, and governments are using their contributions to multilateral operations to finance their armed forces.

needs) into account. Along side the bargain over taxation – "no taxation without representation" – one of the key mechanisms by which European citizens managed to persuade their rulers to take their interests and security demands into account was via their role in serving for the military (Giddens, 1985: 233; Mjøset and van Holde, 2002). In Tilly's formulation, the combination of the increased need to tax and to conscript to finance wars led to "the central paradox of European state formation": namely that "The pursuit of war and military capacity [...] as a sort of by-product, led to a civilianisation of government and domestic politics" (Tilly, 1990: 206).

The development of a market for force in contemporary Africa allows rulers to buy the military manpower they need on a market. The need to recruit/conscript a large part of the population is correspondingly diminished, and with it, the need to make concessions in terms of security coverage. That need is further reduced by the fact that also taxes are much less important for financing warfare (and state constructions more broadly) in Africa than they were in Europe because of the greatly expanded possibility to get foreign credits and the possibilities to rely on the sale of natural resources. The quest for internal adherence and legitimacy (which has often gone via the covering security needs) is replaced by a quest for the external recognition necessary to get credits and facilitating operations in the market for force (Leander, 2004).

Considering these externalities, the market for force is likely to diminish both the quality and extension of public security coverage. The lack of professionalism of African armed forces looks bound to be further aggravated and the fluidity between public and private forces accentuated. Moreover, the pay for yourself approach to security, inherent in the market, sanctions the patchy approach to security needs many rulers in the region already adhere to.

## Conclusion

PMC advocates and everyone else agree that institution building and the stabilization of states are complex matters. The point in this article is therefore not that PMCs, or the market in which they operate, should be held responsible for the difficulty of stabilizing states in Africa or for the endemic difficulties of ensuring their monopoly on the use of legitimate force. Rather the point has been that the independent dynamics of markets as well as the externalities it creates work against the consolidation of states. This point is often missed. Defenders of an expanded, regulated role for PMCs in African contexts have focussed on case-studies and have narrowed issues of governance to questions of governing contracts. These issues are important and merit more attention than they have so far received. However, as this article has suggested, they leave out crucial parts of the picture that ought to form the basis for thinking about how far to encourage PMCs in the African context. The central claim of the article has been that it is *only* by leaving these pieces out of the picture that one can reach the paradoxical, widely shared, but mistaken idea that private markets could strengthen public authority in Africa.

The discussion about PMCs and state authority in Africa points to the far broader question of whether strengthening the weakest African states, trying to normalize them, and reinforcing the monopoly on the use of force is the right aim of policy-making. Many problems of African states might be fundamentally tied to their design. If that is so, it might "be better to try to redesign at least some African states rather than simply trying to prevent disaster and then attempting to resurrect them after profound failure" (Herbst, 2000: 258). Moreover, in a context where the worst violence by far has been perpetrated by states, it is certainly worth raising the more general question of whether or not "sovereignty" – and the state monopoly on the legitimate use of force central to it – are valuable aims in and of themselves (Sofsky, 1996; Agamben, 1995). At least for the weakest states in Africa, there are many indications that the conclusion that they are is not foregone (Clapham, 2002).

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