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**OUTSOURCING PEACE. PRIVATE MILITARY AND SECURITY
COMPANIES. A SETBACK TO SECURITY SECTOR REFORM IN POST
CONFLICT AND TRANSITION STATES?**

A THESIS SUBMITTED TO THE SCHOOL OF POLITICS, HISTORY AND INTERNATIONAL RELATIONS
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BY CYNTHIA MEHBOOB

UNIVERSITY OF NOTTINGHAM

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ABSTRACT

To what extent does the privatisation of security effect the ongoing Security Sector Reform (SSR) in post-conflict and transition States? Are Private Contractors capable of performing security sector reform operations at all? Using J.S. Mill's method of agreement and disagreement coupled with process tracing techniques of investigation, this dissertation examines the extent to which Private Military and Security Companies effect the post conflict SSR operations in Afghanistan, Colombia and Iraq. Beginning with an inquiry into the nature and scope of PMSCs operations, the paper attempts to assess, if PMSCs are capable of performing post-conflict reconstruction of a states' security architecture at all. The findings suggest that PMSCs are efficient actors and capable of demonstrating strength and speed when performing "train and equip" operations for the armies of failing states. However, PMSCs at present are incapable of taking a holistic approach towards SSR implementation and operations like 'reform and development' are beyond the scope of their abilities. Using, cost, legitimacy and effectiveness as indicators, the dissertation notes that the liberal discourse rubric which asserts that PMSCs are more cost effective, is a façade by the donor states to avoid political accountability. PMSCs operate in an accountability and oversight vacuum, where mismanagement of funds, frauds and corruption committed by PMSCs is rampant. This situation makes PMSCs, far more expensive than a national army. Hence, contracting more PMSCs in post conflict scenarios by donor states and organisations is a way of evading not economic but political costs. However, it cannot be ruled out that PMSCs can prove to be very valuable and effective contributors in contingency operations, if they are sent on the field after a careful overhaul of the existing ineffective legal regime under which they function.

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Glossary

AAF	Afghan Air Force
ANP	Afghan National Police
APPF	Afghan Public Protection Forces
AUC	Autodefensas Unidas de Colombia or United Self Defense Forces of Colombia
CBO	Congressional Budget Office
CF	Coalition Forces
CPA	Coalition Provisional Authority
CRS	Congressional Research Services
DDR	Disarmament, demobilization, and reintegration
DEA	Drug Enforcement Agency
DoD	Department of Defence
ELN	Ejército de Liberación Nacional or National Liberation Army
EO	Executive Outcomes
FARC	Fuerzas Armadas Revolucionarias de Colombia or Revolutionary Armed Forces of Colombia
GAO	Government Accountability Office
IPOA	International Peace Operations Association
ISAF	International Security Assistance Force
KBR	Kellogg Brown & Root
MPRI	Military Professional Resources Inc.
NATO	North American Treaty Organisation
NCO	Non-Commissioned Officers
OECD	Organisation for Economic Cooperation and Development
OEF	Operation Enduring Freedom
OSCE	Organization for Security and Co-operation in Europe
PMSC	Private Military and Security Companies
SIGAR	Special Inspector General for Afghanistan Reconstruction
SSR	Security Sector Reform
TCN	Third Country Nationals
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNITA	União Nacional para a Independência Total de Angola or National Union for the Total Independence of Angola
WPPS	Worldwide Personal Protection Services

INTRODUCTION

The decline of the Cold War changed the political landscape of the world irrevocably. The 1990's saw two inherently different phenomena taking place side by side, the first one being the rise of Private Military and Security actors and the second focused on the reform of security of post conflict states; one dealing with war and the other an effort to make peace.

The growth of the Private Military and Security Companies (PMSCs) began in the last decade of the 20th century, when the neo-liberal model of economic policy took the centre stage in the global economic framework, leading to a wave of privatisation of State Owned Enterprises (SOE). This approach that began in the 1980's, gave impetus to a movement of economic liberalisation which has now been extended to include not only security intelligence, and military services, such as those that require PMSC's to fight wars at the frontline, but has also come to include peacebuilding and post-war reconstruction. Neo-liberal policies necessitate a shift from public to private ownership in all institutional arenas including the military and security sectors with an understanding that the dynamics of the market will lead to innovation in the military sector which in turn, will lead to the provision of effective services at cheaper rates (Monbiot, 2016). Proponents of privatisation of security sector view it as an alternative way of handling security, which is far cheaper than maintaining a national army that has to be paid in peace time and provided pension upon retirement. (Frontline, 2005)

The second major development at the end of Cold War was a renewed global interest in peacebuilding and peacekeeping, with a special focus on human security, that places the security of individuals as primary to further state security and development (United Nations, 2012: 1-3). This awareness brought to the fore issues to which no significant importance was paid earlier such as that of security, governance and justice. Major powers who, during the cold war provided aid and assistance only to allies with key strategic interests, now began taking an active interest in the post war reconstruction of societies whose social, political and economic fabric was torn by internal and external conflict. It is within this particular context that a new field of literature and operations, which has been that of security sector reform (SSR) began. SSR and PMSC's both share the same point of origin; both the ideas gained strength after the end of the cold war and can be considered a post-Cold War approach to security.

This dissertation has as its focus, post-conflict, and transition states of Afghanistan, Iraq and Colombia which have hosted various PMSCs for years, placed in those states under contracts for reforming the security sector of these states. PMSCs deployment in these countries took place in situations where the rule of law is almost absent and governance is poor and questionable. Therefore, the state's monopoly on the use of coercive force is less thorough and shady exercises by PMSC can thrive well.

INTRODUCTION TO SECURITY SECTOR REFORM

BIRTH OF THE CONCEPT

Security Sector Reform is a dynamic concept and still one that is challenged. There is no one universally accepted definition of the security sector reform, but regional and international organisations have adopted their own definitions in order to conceptualise and implement SSR properly. The UN defines SSR as a process of assessment, monitoring and evaluation led by national authorities that has as its goal the enhancement of effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law. (United Nations, 2012). This definition only makes a reference to sanctioned governmental institutions tasked with the responsibility of the provision of safety. Other definition coming from OECD includes both private and official actors that are efficient and accountable to democratic authorities, concomitantly the complete judiciary of a state. (DCAF, 2011; OECD, 2007; Gross and Jacob, 2013)

The post-Cold War security order was radically different from the one prevalent in the bipolar world. The Secretary General of the United Nations, Boutros Boutros-Ghali, keeping in mind the changing security dynamics of the world presented a new way of looking at security challenges that were prevailing in the early 1990's. (UN, 1994). He argued that since ideological hostility between East and West had crumbled with the demise of the Cold war, new issues such as that of ethnic, linguistic, social, political, cultural and religious strife, rampant immigration movements and aggressive nationalism would be the new challenges facing the world. Boutros also noted that post-Cold war conflicts led to a collapse of state institutions, especially those that played a part in providing security and justice such as police and military because of the breakdown of the law and

order framework (Boutros-Ghali, 1995). His assessment proved to be true as the nature of conflicts changed drastically after the end of the Cold war.

Where the renewed conflicts jeopardised the territorial security of the state, these internal wars directly threatened the life and security of individuals. It was for the first time in history, that the idea of human security was shaped, that reinforced the belief that individual security is essential to ensure state security. (Moreno, 2007:17) In its 'Human Development Report of 1994', the United Nations, for the first time linked the development of a state, inextricably to the kind of security that is provided to its individuals (UNDP, 1994: 23) This novel way of conceptualising security had at its heart the consideration that security should be promoted as a public good and hence the birth of this concept, that advocated more security for all individuals (Abrahamsen, Leander and Liss, 2015) This new perspective of looking at security resulted in a sweeping change in the Western rich states policies, who believed that democracy promotion abroad is the only solution to bring under developed and post conflict states out of their misery and save them from becoming failed states. Such a progression was important as it worked as the foundation for the creation of a concept that was later labelled as Security Sector Reform.

Another reason responsible for the conception of SSR was the high level of instability in the post-Cold War world, as the dissolution of the Eastern Bloc left the countries associated with former Soviet Union greatly weakened, where they needed immediate help in order to make their transition towards becoming democratic regimes that were capable of catering to their own security and defence needs. The Western states realised that these instable and politically volatile regimes were not only a threat to themselves but to international security, and a consensus was reached among developed states where they agreed to help the states that had a failing security infrastructure (Monero, 2007: 20). It was a new phenomenon, as historical analysis illustrates clearly that a century ago, the security and defence matters of a state, and its post-war reconstruction and rebuilding was the responsibility of the state that had undergone conflict itself.

ELEMENTS OF THE DEBATE SURROUNDING SECURITY SECTOR REFORM

ENVIRONMENTS IN WHICH SSR IS PERFORMED

The birth of SSR is rooted in situations that compelled national governments to seek international security assistance in order to gain stability. The popularity of the concept has also strengthened

after its repeated application in conflict and post-conflict environments during international development assistance efforts (Folke Bernadotte, 2007:3) SSR though, can be performed in various kinds of environments and is not limited to Post-Conflict environments for example, in countries that are in the process of political transition and undergoing transition from authoritarian to democratic regimes. SSR is also performed in tandem with Disarmament, Demobilisation and Reintegration (DDR) programmes, as together they determine the nature and size of a particular security sector. Public financial management reforms also incorporate SSR in their application to ensure that taxpayers money is not used unjustly. SSR is also integrated in the implementation of national poverty reduction strategies and development plans. (DCAF, 2015) Therefore, security sector reform as a framework of security provision is not limited in its usage to post-conflict and transition situations alone, but this dissertation would address the issues and challenges faced during the SSR process that take place only in post-conflict situations.

SSR can be implemented in different ways and experts believe that SSR must be based on and should follow its own particular principles (Beswick and Jackson,2011)

PROBLEMATISING SECURITY SECTOR REFORM

A few studies conducted on the subject of Security Sector Reform (SSR) do not accept that SSR is an effective technique to address post-conflict scenarios, and consider it a highly politicised model of intervention in sovereign states. Van Nieuwkerk considers SSR to be supporting the Western Foreign Policy and imperialistic agendas and materializes its interests manipulating the beneficiary country. (Nieuwkerk, 2015) Such an assertion may stem from the fact that most scholarly literature still relies greatly on the literature classical Weberian model of statehood that considers any sort of external intervention, may it be international development assistance, as an attack on a nations sovereignty.

A major reason given for failed SSR is the ‘theory to practise gap’ according to Sean McFate, a PMSC theorist and a former PMSC, DynCorp employee. There are many theoretical proposals on SSR, such as performing SSR that is tailored according to the geographical and societal needs of a country. SSR that is not designed according to the indigenous needs of a country is impossible to operationalise in the field successfully. Problems faced on the field create prohibitions in performing an ideal SSR, which is why the most feasible and realistic model is adopted. (McFate,

2015) Although the effectiveness of SSR is still a topic of academic discussion, SSR remains the most important method to address inter alia security reforms within a state emerging from a major wars and tumultuous conflicts.

SSR is broad framework, but the amount of funds dedicated to SSR by states remain uncertain. The only reliable data about what is being given as international development aid by donor states and organisations comes from Organisation for Economic Co-operation and Development (OECD) but even this data presents an incomplete picture of the situation as OECD data underestimates the scope of SSR initiatives. (DCAF, 2011; Eckhard, 2016: 16) The reason behind this lack of data could be that many donors contribute in the United Nations international development fund. With budget stretched across multiple lines, objective data is hard to find. It then falls upon the donor states to maintain a thorough record as to what part of the budget provided by them would be allocated to contracting PMSCs.

One big line of segregation present in SSR is that it is either local or international in nature. Local SSR and International SSR differ on their area of operations (Freedman and Donais, 2008). SSR procedures that pursue the delivery of effectual and operative security and in many cases work as the catalyst for justice provision for the promotion of sustainable development, democracy and peace fall under the definition of local SSR. In other words, a state's effort to rebuild its security sector and remove dysfunctionality by employing reforms in its security sector institutions that are accountable to the state and its people is the phenomenon of local SSR. These establishments have an obligation to function under complete democratic oversight governance without any discrimination to human rights and the rule of law (United Nations, 2012).

The concept of SSR is not limited to security provision by local actors as SSR has become an indispensable component of international policies addressing post-conflict situations. Thus, International SSR refers to the processes of strengthening a country's security establishments and peace building through non-state actors, which are in most cases international humanitarian and peace building organizations i.e the UN, OECD-DAC OSCE and others (Freedman and Donais, 2008). These organisations have assumed increasingly important responsibilities in shaping the SSR agenda. This dissertation has its focus on internationally sponsored SSR only.

APPROACHES TO PERFORMING SECURITY SECTOR REFORM

There are two main approaches to SSR as per a report by Alliance for Peacebuilding. (Alliance for Peacebuilding, 2016)

- 1) Reform and Development
- 2) Train and Equip.

REFORM AND DEVELOPMENT

Security sector reform can be successful, for the most part, if the designed framework for security assistance finds favour with local populations. The Reform and Development approach to SSR is employed if a state loses its monopoly on legitimacy. It is intended at creating a system of governance in post-conflict state that can give a population a sense of security, where they can go out of their house, travel and perform their daily tasks without any fear of violence, and conflict. This approach has human security at its core. (Alliance for Peacebuilding, 2016) It works on providing a security structure to the civilians where they respect their armed forces and police and are not scared of them. Police in many countries is a symbol of fear for populations. This fear is inculcated in people due to the malpractices of police and military, such as using illegitimate violence, corruption, coercion and asking for bribes. (Smits and Schirch, 2016) Reform and development approach to SSR aims at creating a framework that places the security forces of such countries under strong democratic oversight where they perform their duties in such a way that any fear of being repressed by those who wield power becomes irrelevant for civilians. (Alliance for Peacebuilding, 2016) The biggest factor that needs to be addressed in this approach is strengthening the security governance of a state.

Liberia is one such example where all the democratic institutions of the state, in collaboration, initiated a national security dialogue to identify threats, their nature and the priority order in which they should be dealt with. Liberia is a success case for the reform and development approach towards SSR as it accomplished its goals by bringing the governance, development and security apparatus of the country in line with one another.

TRAIN AND EQUIP

Train and Equip (T&E) approach to SSR focuses on the training of security forces and equipping them with modern weaponry. This objective of designing such SSR is to help the security forces establish their monopoly on the use of force against insurgents. It is a short term approach and is used as a counter-insurgency tactic. Security forces are trained to collect intelligence and target enemies. Knowledge, skills and resources are transferred to the host nation implementing this approach. (Smits and Schirch, 2016) T&E SSR has little room to keep human security in consideration and disregards civilian rights. Under this approach, at times non-state actors are trained and equipped such as the United Self-Defence Forces of Colombia (AUC), that were illegitimate actors trained by the Colombian and American Forces. (Montalvo, 2000) AUC went on to become a paramilitary force that had an active part in drug trafficking in Colombia. Train and equip then is a kind of approach, that has a tendency of going seriously wrong if non-state actors are trained under this kind of SSR. Arming such illegitimate actors has consequences for the entire state, and international security at large. This approach has severe gaps in the accountability and transparency dimension. (Evans, 2015) In cases of Afghanistan and Iraq, where this approach has been deployed, there is a serious lack of technical and financial accountability in terms of the equipment that is supplied to the host nations and the trainings that are provided.

CORPORATE COMBATANTS, PEACEMAKERS OR AGENTS OF UNSTABILITY?

PMSCs in the early 1990's surfaced into the realm of security industry both as frontline combatants and humanitarian forces. Intentions of capitalistic organisations such as PMSC's can, however, be a cause of concern. Persistent insecurity and instability in a country is the guarantor that PMSCs would keep getting their contracts extended. Solving the issues of such states then meant a serious cutback in profits (Lock, 1999). Besides this extreme capitalist problem, PMSCs have frequently been associated to various Multinational Corporations whose key concern can be embezzling resources from war-torn states, such as the role of the PMSC Sandline in Sierra Leone where it gained exclusive diamond mining rights in exchange for its services (Douglas, 1999; Cilliers, 1999).

PMSCs at the same time have garnered praise for their operations. The PMSC firm called the Executive Outcomes (EO), launched by Eeben Barlow in 1989. Barlow was a former Lieutenant Colonel in South African Defense Force, and EO can be seen as the first and most well organised firm of this kind, that deployed ruthless force in Sierra Leone (1996) in order to fulfil their contractual requirements (Spearin, 2008: 366). The evidence available also suggests that Executive Outcomes went out of their way to help resettle the local villages that got effected by the conflict in Angola. Their services are exaggerated to an extent that many suggest it was EO whose operation forced the *National Union for Total Independence of Angola* (UNITA) rebels to sign a peace settlement with the government (Fitzsimmons, 2013). Many analysts suggest that the success of EO in Sierra Leone and Angola was due to their advanced weaponry, air assets, and the use of superior firepower (Rubin, 1997).

At the same time, many PMSCs have started to include humanitarian aid in their operations and began extending their services not only during and after wars, but after natural disasters as well. (Fenton, 2010). Humanitarian organisations working in post conflict areas need security that is provided by this multi-billion-dollar industry, hence strengthening their presence further in these areas. Therefore, this industry itself seems intent on muddling with humanitarian agencies, but PMSCs should not be the only ones to blame for this as the contracting parties help them reinforce their newly and to a large extent self-assumed humanitarian roles by hiring them either due to the pressure exerted by privatisation lobbyists or out of their own security requirements. (Isenberg, 2010) These companies have created a confusion in the market concerning their roles as they are performing the duties of uniformed soldiers fighting at the frontline and have also began to replace personnel who perform post-war reconstruction in war struck areas and put their life at stake for a small amount of money.

The question then arises if it is a viable policy option to deploy private contractors in the place of uniformed personnel? The organisational structures that SSR aims to create, must be democratic in nature with a proper democratic and civilian oversight on all military as well as civilian institutions. PMSCs are organisations that are extremely non-democratic in nature because of their legal ambiguities and the authority they might exude as the reformers of democratic institutions can be judged as illegitimate. (Hall, 2014) Accordingly, the normative structures for reforming security sector should then ideally be recreated by professional armies and not private military

contractors. (Krahmann, 2007 ; Schmeidl, 2007) While it is argued that PMSCs are used as an exit strategy of powerful states who have wreaked havoc on weak and fragile states, it has also been called a good solution in an absence of a professional army or an army that has become corrupt. (McFate , 2015)

I argue that the vacuum caused by the lack of governmental presence, with an absence of functional institutions, which are then handed over to private military and security organisations for the reform of security sector can be highly detrimental for Post Conflict and transitional state. The transformation of private security actors into authorities capable of reforming security institutions from scratch, can give them hold on tremendous power which can be problematic. These organisations can act as a catalyst for deteriorating security situations of fragile states, spill over of which can be highly problematic for the entire region, since security is a field that spills over from the “internal to the external” (Bigo, 2006).

Within this framework, it is not wrong to conceptualise these transnational entities called the Private Military and Security Companies as the major destabilising factor in the SSR of post conflict and transnational states. Transnational threats are especially unfavourable for places as weak as failing states, because these are tantamount to ‘ungoverned spaces’, which are spaces that are considered beyond the governance belt of a state, such as the tribal areas of Pakistan where the state cannot exercise its authority (Patrick, 2010) The question then arises that if the power of reforming the security sector of a state is handed over to the PMSCs’ and they assume the functions traditionally performed by democratic authorities or governments, are the post conflict states bound to fail because of these transnational entities? This brings us to the question that this dissertation aims to uncover.

RESEARCH QUESTION

How does the Privatisation of Security in Post-Conflict and Transition States effects the ongoing Security Sector Reform Programmes in these states? Are the Private Military and Security Companies (PMSC’s) capable of performing SSR?

HYPOTHESIS

I began with an understanding that ‘Private Military and Security companies can have adverse effects on the implementation of Security Sector Reform in Post Conflict and Transition States.

PMSC's threaten the legitimacy of the government and its monopoly on the use of force. This leads to a mistrust of the government, and the SSR project in these States and causes the populace to look at the state legitimacy as irrelevant, public security as inadequate and leads to insurgencies against the states, further undermining the security situation in a Post Conflict State.'

Whether it is in the favour of Afghani, Colombian and Iraqi people or not, PMSCs are de facto security institutions in Afghanistan, Colombia and Iraq. Success to control or failure in regulation can affect the legitimacy of these countries' government in the eyes of their public. Private security creates situation in frail states which provides them with an opportunity to thrive. The only effective way of dealing with these actors can be that they are brought under the control of legal regimes that control them and not turned into institutions that can monopolise SSR itself. (Abrahamsen, Leander, Liss, 2015).

STRUCTURE OF THE DISSERTATION

The first chapter comprises the review of the literature. The first half of the chapter discusses the background of the PMSCs, the conditions under which their use became rampant, and their eventual foray into the peacekeeping industry. The second half of the chapter intimates some classical observations that have been made about PMSCs and peacekeepers from the National armies and engages in an in-depth comparison of the pros and cons of the usage of both. This helps provide a clarity to the analysis which can help determine if PMSCs in reality are the cost-effective actors that they are proclaimed to be or not. It also engages in a discussion as to how presence of both effects post-conflict societies and SSR operations. The chapter mentions the issues of accountability and legislative opaqueness that are the main problem areas in PMSC use. It highlights the gaps in the literature and determines cost, effectiveness and legitimacy as the three indicators that would help analyse if PMSCs are a threat to SSR agenda in Iraq, Afghanistan and Colombia.

The second chapter discusses the methodology adopted to conduct this research and also justifies as to why case study research is an efficient method of tackling a research question such as the one that this dissertation is dealing with.

The third, fourth and fifth chapters cover the three case studies of Iraq, Colombia and Afghanistan. Using process tracing techniques, the study tracks the history of PMSC usage in these three

countries, and their role in accomplishing the SSR goals that were assigned to them. Afghanistan, Iraq and Colombia may not seem to be ‘like for like’ case studies on the surface, but they share as many similarities as differences across a broad range of examples. Their comparison makes it possible to achieve a larger data from which to draw analysis as to the relative pros and cons of PMSCs usage and an assessment of their capabilities to answer the research question. Each case study also discusses the kind of SSR that was implemented in a specific country to assess the comparative utility of Train and Equip SSR over Reform and Develop SSR.

The last chapter, which is the sixth one, is based on the discussion of results and discusses the findings from chapter three to five. The chapter rigorously compares the three scenarios of PMSC use and concludes that PMSCs are agile and efficient actors that can be mobilised at a very short notice. However, they should not be used in post-conflict scenarios, unless there is an international legal framework for their accountability and oversight. Without a mechanism capable of ensuring transparency in PMSC operations, the presence of PMSCs in war torn states can create insecurity in populace. It also answers the research question by concluding that PMSCs are not capable of performing holistic SSR, as they can only perform the T&E operations, and Reform and Development of the security sector of a country remains out of the sphere of their capability. T&E, performed without oversight, is fraught with operational, financial and human. The abuses committed by the public forces also remain significant, with the bureaucratic tardiness in the quick mobilisation of forces also continue to be an ongoing issue. It is therefore, imperative for the UN, other regional bodies and contracting states, to first create an oversight framework, and then put PMSCs, in collaboration with other forces, on ground in a fragile State, to ensure a SSR implementation framework that uses the expertise of both the kind of forces, while keeping both in check.

CHAPTER 1

LITERATURE REVIEW

This dissertation aims to investigate the impact of the use of private military and security companies in the security sector reform of the States Iraq, Afghanistan and Colombia in the period between 1990 to 2016. The cases selected are the prototypes of post-conflict and transition scenarios where PMSCs have been deployed for the reform of security sector. PMSCs like DynCorp International have worked in Colombia since 1990 for the elimination of drug cartels (Perret, 2011:3), but they began taking an active part in SSR of Colombia after the initiation of Plan Colombia after in 2000. Similarly, PMSC's in Afghanistan and Iraq established an operational presence after the US's invasion in 2001 and 2003 respectively. The words post conflict and transition are used interchangeably throughout the dissertation based on Brown et.al's definition that characterises Post Conflict situations as scenarios marked by "multiple transition processes," which include transition from war to peace, or democracy to decentralisation and market liberalisation (Brown, Langer & Stewart; 2011)

The rise of PMSCs is attributed to the ending of the Cold War and the prevalence of the neo-liberal paradigm in the market that stressed privatisation of all industries on the ground that privatisation leads to cheaper but efficient provision of services. This view is highly disputed among theorists where the proponents suggest that private armies do not have to be paid during peacetime. A neutral assessment of literature suggests that so far there is no proof if contractors are cheaper in any way. (Frontline, 2005; Singer, 2005)

Within the security studies realm, the growth and use of PMSC's in conducting wars has been a topic of hefty interest for policymakers, academicians and scholars. These companies have increasingly become rampant in the international security arena, especially since the end of the Cold War. The scope of the private security industry is huge and its annual revenue has increased from \$55.6 billion in 1990 to \$244 billion in 2016, with the United States being the largest consumer of this market (Leander, 2005; Freedoniagroup.com, 2016). However, the US's reliance

on PMSC's is not new; the American Revolution also relied on civilian actors for the provision of logistical and land support such as the hiring of drivers and transporters. (Michels, 2003: 20) The United States dependence only increased on private security after that, till the US started maintaining a large standing army in the Cold War.

PMSC's are now performing various different roles for many different governments and non-governmental organisations mainly in the fields of arms security, providing security for personnel, logistical support, combat, and demining, intelligence support, and training of national armies (Avant, 2004; Avant, Berlin and Kruse, 2011). Despite the bulk of literature drafted on the subject, the discourse surrounding these companies has mainly been about their role in conflicts, and gruelling analysis on the subject of PMSC's performing Security Sector Reform operations remains unavailable. Simultaneously, most published works on the commercialisation of security are focused on the aspects of understanding the market and sorting out accountability, along with the debate on the effects PMSCs have on the idea of statehood (Leander, 2010). However, most questions are still unanswered or contested.

Regardless of the surfeit of literature that has emerged on SSR and Private Military and Security Industry, there remains a gap in the literature as there are a very few voices engaging in the understanding of both these entities together. Most studies that have been conducted lately, seem to focus on entirely on issues of accountability, transparency and tight regulation of these unleashed private contractors. (Krahmann, 2007; Perito, 2009) These studies do not deal with a broad range of cases, and do not address the scope of global SSR initiatives. This dissertation aims to analyse three very different case studies, and aims to conduct an analysis and comparison of a broad range of issues that were encountered due to both PMSCs and Public Peacekeeping Forces usage in SSR initiatives in these states. It would primarily determine if PMSCs can act as a force to ensure peace, at all. It also tends to examine as to which actor can perform the job in a better way, without raising the insecurity within a frail post-war country. Such a comparative evaluation of Iraq, Afghanistan and Colombia does not exist in previously produced literature.

The central task of this chapter is to explore the relevant literature on the use of PMSC's and the implications of their use on the SSR operations in post conflict states. I will discuss the sharp demand for the privatisation of security, the regulation and accountability debate regarding the PMSC's, the comparative costs of peacekeepers from national armies and PMSCs, a comparison

of the abuses committed by PMSC and UN peacekeepers, and an examination of the legal regime under which PMSCs function in fragile post conflict states. I will go on to see if SSR can be outsourced and if it can, who authorises PMSC's to undertake operations of such sensitive nature.

GROWTH OF PRIVATE MILITARY AND SECURITY COMPANIES; BEGINNINGS OF THE BLACKWATER WORLD ORDER

Private military and Security Companies (PMSCs) are defined as 'a company that provides for a profit, services that were previously carried out by a national military force, including military training, intelligence, logistics, and offensive combat as well as security in military zones' (Caparini and Schreier, 2005). This study would follow the above given definition of PMSCs and is based on the understanding that PMSC are entities that work for the provision of security or try to function in a way in which the states act. PMSC's are looked upon as a new security actor in the domain of security studies. Many, who consider the extraordinary increase of these organisations in the security arena in the last decade do not see it as a recent phenomenon but a 'comeback' of the medieval profit seeking mercenaries. (Kinsey, 2006; McFate, 2011; Gilsinan, 2015). These scholars compare the state of present warfare with that of the seventeenth century Europe, where the conduct of violence turned into a private enterprise by those in power who bought manpower to fight their wars for financial gain. This particular business gained prominence to a degree where war became the highest grossing industry in Europe at the time (McFate, 2014). This industry is not absent in the recent times. The United State's use of contractors in Iraq and Afghanistan may be deemed the most noticeable examples (Congressional Research Service, 2011)

Most analysts do not agree with this view but consider the recent rise of the PMSCs with a defined entrepreneurial structure, a consequence that came about due to a number of important developments in international politics. The catalysts that resulted into the excessive demand of the PMSC's have their origin in the decline of the Cold war in the early 1990's. (Spearin, 2001; Singer, 2003; Avant, 2005; Leander, 2010) The growth of this market is also attributed to the downsizing of global armies. Cold war changed the security dynamics of the world and the major powers, especially those that were a part of North American Treaty Organisation (NATO), saw no reason to spend on large standing armies, in the absence of an immediate threat. Analysts observe a sharp decline in the military spending in the immediate post-Cold war year (Nagdy and Roser, 2015)

Also the downsizing in national armies occurred after the United States along with other major powers like United Kingdom, and France etc. chose to disengage from the global south where their interests lay previously. While that might be a viable decision suitable for the time, analysts disagree with the idea of severe downsizing as it renders armies vulnerable in the times of need, and makes outsourcing inevitable. (Boot, 2012) This downsizing resulted in a lot of trained military personnel being rendered unemployed and hence provided a golden opportunity for a market like PMSCs to flourish, where unemployed but trained individuals were provided with job opportunities at a higher income. PMSCs are paid more as money is the prime motivator for private security employees. (Frontline, 2015)

The post-Cold War politics, also, provided a place for the neo-liberal model of market to flourish almost unhindered, resulting in a strong trend that looked at privatisation and outsourcing of otherwise governmental services favourably. In Britain, a wave of privatisation prevailed as a result of Margaret Thatcher's strong belief on Friedrich Hayek's economic ideas that looked at outsourcing government services as imperative for fostering competition and services improvement in the market (Seymour, 2012). As mentioned earlier, the US had begun outsourcing military services as early as the American Revolution, when they used privately contracted land transporters (Michels, 2003: 20). The trend only strengthened with time, and it was only after the WWII that the US began to maintain a strong standing army; US was the victor and the ideological basis of its existence was under threat during the Cold War, for which a large standing army was important. Many see the rise of PMSCs and the shift towards outsourcing as a logical progression that resulted because of the strengthening global economic neoliberalism. (Isenberg, 2011) Beginning in the 1970's, the famous economist Milton Friedman's principles of free market policies engulfed the policy making circles in the United States. Simultaneously Friedman persuaded Nixon's secretary of defence Melvin Liard to work into legislation a draft that would put an end to conscription as a military practise and was to be replaced with 'All Volunteers Force'(AVF). He argued that conscription was against the idea of a free society, and was an ethically and politically offensive practise that needed to be abolished. (Gilroy and Williams, 2007: 239) With this step, neo-liberalism had taken baby steps in the military realm in 1973, and the Selective Service System's (SSS) draft was nullified (Warsh, 2007). The AVF, which was imagined to work as an instant success story, did not turn out the way it was supposed to be. The rise and fall in salaries began affecting recruitments directly; keeping a standing army based on

AVF framework became more expensive than ever. It was then, in Reagan's era that a solution to the problem of over-spending in defence sector was found in the Washington Consensus, which promoted the idea of privatisation of public services. (Thorn, 2013). Hence, neoliberalism found place in the US defence's policymaking arena. This market had an increased demand not only for military trained personnel but also triggered a boost in the demand for armament industries.

Sean McFate, an expert in private security studies and a former PMSC employee, calls the rise of PMSC's a new era in warfare, arguing that power has shifted from nation-states to military corporate entities that have changed the world order to a more "polycentric" one. By a Polycentric World Order, McFate means an international environment where the authority of nation-state has been deteriorated and eroded by corporate and transnational entities hence bringing about an end to the era where the Weberian form of the state stayed dominant. Some commentators go as far as viewing it so drastic a blow to nation-state's global power dominance that they term this as "A Blackwater World Order" based on the PMSC Blackwater worldwide, now called Academi. (Vlahos, 2015)

PMSCs however operate in a very different way from that of the conventional armies. The basic difference between the two is of legality, while the professional armies are legal entities, PMSCs lack transparency and work in a legal vacuum. Professional armies work for governments and PMSCs on the other hand sell their services for combat, logistics, security surveillance etc. PMSCs are used mostly for defensive operations while professional armies cover all the domains in a war (Leander, 2005) It argued that PMSCs still are better equipped to respond to threats both of domestic and international nature. They have better weaponry and can be assembled quicker, a quality referred to as surge capacity, than a professional army because they are more agile and efficient. (Spearin, 2011: McFate, 2015) A thorough understanding of the differences between PMSCs and conventional Armies involved in SSR can be made by comparing the cost and effectiveness of the two.

A COMPARISON BETWEEN THE COSTS OF PMSCS AND CONVENTIONAL SOLDIERS

A COMPARISON OF EXPENDITURES AND CHARGES

There has to be a deep consideration of cost especially when a decision has to be made whether or not to privatise or contract out a service. This activity demands even more thought when the services that are to be outsourced are seen as duties inherently fulfilled by states and their armies (Francioni and Ronzitti, 2011). The functions which lie intrinsically in the government realm, or are called '*inherently governmental*' are prohibited from being privatised¹ (Congressional Research Services, 2014). The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, lists combat related functions as inherently governmental, and carefully outlines that these must not be outsourced to private security corporations, as a failure to perform these function efficiently in these can threaten the territorial integrity and political, economic and other national interests of the United States (Department of Defense, 2008). The reform of security and its management are tasks that require a large number of trained and committed personnel. When it is established that a function as huge as SSR is outside the precincts of government, and needs to be outsourced, factors like cost effectiveness scrutiny coupled with competence and effectiveness should be kept in consideration.

It is then when the question of the costs of United Nations peacekeepers compared to those that work for private military firms comes under scrutiny. The United Nations budget for the year 2015-2016 for peacekeeping operations is set at USD \$ 8.27 billion that is less than half of 1 percent of the world's collective budget allocated to military expenditure, which was last estimated at USD 1,747 billion in 2013(United Nations, 2016).

The peacekeeping soldiers hired by the UN are paid USD 1,332 per month (United Nations, 2016). Peacekeepers hired by PMSCs logically need to be paid higher than this or must be provided with

¹ The federal activities inventory reform (fair) act of 1998 provides the primary statutory definition of inherently governmental functions 'as any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the federal government, including an activity that requires either the exercise of discretion in applying the authority of the government or the use of judgment in making a decision for the government.' please refer to fas.org. (2016). [online] available at: <https://www.fas.org/sgp/crs/misc/r42325.pdf> [accessed 04 april 2016].

other incentives for them to agree to carry out peacekeeping, as they are in the business for the money. Private security firms operate for the sole reason of making profit. Their ability to manage and minimize expenditures enables them to increase their costs very efficiently as compared to the conventional armies (Simms, 2013). Sandline, a PMSC in the Iraq war managed to get a USD\$ 293 million contract for logistical support. Its CEO accepts he played an efficient role in restoring order to Papua New Guinea, asserting that their organisation is not a charitable non-profit establishment, and the company provides services for money, and expects to make profit out of it like any other business (Baer, 2007). He further argues that PMSCs are very cost effective since they are profit oriented unlike most of the UN operations. A practical example is the United Nations intervention in Angolan state that according to an estimate cost 1 million USD per diem translating to 365 million dollars a year, yet the operation achieved close to null. Whereas Executive Outcomes, a South African PMSC, charged the Angola government a total of 80 million dollars for two years. The result of that was UNITA, the rebel party, come to the talks table and ended the war in matter of few months (Kornprobst, 2002). The South African PMC, Executive Outcomes, achieved better results and faster as compared to the operation by the UN (Pech, 1999).

PMSCs have other ways of making operations more cost-effective for their organisation. Their mechanism involves exploitation of cheap labour that is conducted by hiring Third Country Nationals (TCNs). The nationals from a developing third country are paid but only a meagre section of what would otherwise be paid to a first world country's soldier in SSR operations. Where an executive contractor from a first world country is paid ten to twelve thousand euros a month, which is three times more than what is paid to the regular army soldiers, TCN's from Nepal, also known as Gurkhas, are paid USD 700 a month (Inside Blackwater: Iraq's most controversial Private Military Contractor, 2007). Hiring of TCN's is also dependent on the kind of mission and mandate for which their work will be suitable (Private Security Regulation Toolkit, n.d.). However, a point of concern is not only the wage exploitation, but also the level of training and quality that third country nationals are exposed to. The point to ponder is that SSR operations are of sensitive nature, both in the cases of T&E and R&D programmes. The level of training that the TCN's receive, and their existing knowledge of the field in this case becomes all the more a matter of concern, because an effective SSR programme requires more than a soldier guarding a gate. The resultant police forces and militaries that these PMSCs in turn raise are a reflection of the company

that trains them. The level of training and exposure is critical since security and peacekeeping missions are not to be taken lightly, as mentioned in the Montreux document that establishes a framework for the conduct of PMSC and attempts to create a policy for their regulation (Government of Switzerland and ICRC, 2008). Training is very important to keep those participating in SSR up to date with the field situations as they have to plan, and train new forces against some very experienced forces that destabilise peace. There is no reason of assessing costs nor benefits or even consider PMSCs recruitment for SSR programmes if there is no capability which is based upon demonstrated skills and effective performance of contractual terms. (United Nations Peace building Support Office, 2012) However, if the UN, or the hiring donor states roll out an expansive plan that ensures that all peacekeepers go through the same meticulous training, then the level of skills can be assumed to be equal.

On the other hand, it is hard to guarantee if the training provided to government peacekeepers who perform SSR operations is at present efficient enough, where those working as peacekeepers are unaware of their moral and ethical responsibilities, bearing in mind the problems which have occurred with UN peacekeepers. The mentioned challenges have escalated of late for instance, Pakistani and Uruguayan peacekeepers allegedly raped a boy, Nepalese peacekeeping troops who are blamed for spreading the Cholera epidemic, and numerous African UN missions have experienced innumerable human rights abuses (Garces and Daniel, 2011; BBC News, 2012, Powers, 2016; Sengupta, 2016; Gladstone, 2016; Sieff, 2016) So many stories of sexual abuse by peacekeepers have surfaced in the recent past that the United Nations secretary general called that ‘a cancer in the system’ of UN peacekeeping. (Sieff, 2016)

It is not sufficient to make direct comparisons in seeking whether or not private military corporations are low-cost than the conventional peacekeeping armies. Effectiveness is the core issue is SSR eventually and a price tag is difficult to put when quality is preferred over price. Additionally, a certain cost charged by PMSCs in Iraq, Afghanistan or Colombia to the US is not a predictive indicator of the cost that such PSCs may charge when hired by the UN for missions. This demonstrates that costs can contrast between services provided extensively and cannot be predicted based on who the consumer is.

The costs that can help determine whether hiring PMSCs for SSR is a better option, are technically incomparable. Private military companies on the other hand do not publish their salaries citing the sensitivity of their job as a reason (Allison and Dunigan, 2011). There is no reliable way to assess if peacekeepers are paid less or more than PMSCs as a collective entity. For such an analysis to be materialized the activities of both private and those part of national armed forces peacekeepers would have to be compared against every task performed or each rank they participate in, in these operations. One major hurdle in the process is also that of a lack of formal acknowledgement by the UN that it subcontracts peacekeeping to PMSCs. (DCAF, 2011)

A 2006 study by the US Government Accountability Office established that a critical comparison between the cost of using employees of conventional armies should be made with the cost of deploying private military contractor (Baer, 2007; United States Government Accountability Office, 2006). The Project On Government Oversight (POGO) over the years has audited the data that can support a debate on whether public services take up more money than private corporations or not. Though the study was not focused on Private Military and Security Companies, it was established that the government pays more money to the private sector to perform functions that it can itself accomplish better than the PMSCs. This project finding also pointed out that the federal government pays contractors almost twice the amount it pays to its employees to perform the same tasks. A certain instance is on record where a contractor's rates of billing were at least more than 5 times the amount of what is paid to government employees performing the same job (Amey, 2013; Pattison, 2014).

PMSCs have the capacity to be involved in logistics and support but not the 'reform and develop' phase of performing security sector reform (McFate 2015). Cost then should not be the sole factor to decide whether PMSCs should be used in security sector reform operations or not. Prior discussion shows that effectiveness, control, and efficiency have to be put in mind. However, cost is, and still remains, a major factor that comes into play when considering the pros and cons of using private sector in SSR, as cost effectiveness continues to be the most popular reason cited by policymakers for hiring private entities.

MONEY EMBEZZLEMENT, SEXUAL ABUSE AND CRIME

EFFECTIVENESS? OR ABUSE AND MISMANAGEMENT?

Most studies published over the past one decade hold that the development of private security is mushrooming and that there exists a strong requirement for accountability and regulation. The approaches within the academic and policy making circles contrast, flaring the debate whether private security can assume a positive role. Doug Brooks from the International Stability Operations Association (ISOA), formerly known as the International Peace Operations Association (IPOA) (an organisation with a focus on legitimising the use of private security companies), has supported the PMSC's by producing a glut of literature that argues in the interest of the business. Brooks tries to establish that wheels of the United Nations bureaucracy grind slow whereas private companies have an active and unmatched speed to react to threats. Therefore, he believes that peace-making should be the domain of these PMSCs (Brooks, 2000; Brooks, 2002).

However, it cannot be overlooked that PMSCs have been involved in human right abuses and frauds. Kathryn Bolkovac, who was an employee of the PMSC DynCorp International in Bosnia in 1998, was fired after playing "the whistle blower" on her male colleagues. Bolkovac, who was sent home for her revelations against the company, was later declared innocent by a British tribunal who reviewed the case (O'Meara, 2002; Tepperman, 2002) Kathryn accused DynCorp employees of purchasing women and girls and keeping them in confinement as sex slaves. Some of the girls kept by the DynCorp employees were as young as 12 years of age. There was no case registered against DynCorp or the US government for hiring it. The US, instead bestowed upon DynCorp a new contract worth nearly \$250 million to provide military training to the newly formed Iraqi police force, and DynCorp also got the contract for the protection of Afghanistan's President Karzai, and development of their police force back in the year 2002 (Isenberg, 2012). DynCorp is not the only company with a history of misconduct. Blackwater Worldwide, a company based in North Carolina, was involved in September 2007, in a major controversial issue in Nissour Square Baghdad, Iraq where their contractors gunned down 17 Iraqi civilians out of which 14 were later declared innocent. (Rubin, 2007) Blackwater's license was revoked the following year, but the company re-emerged in the market with a new name, Xi. It was Blackwater's former employees who in a probe revealed that the company had embezzled millions of dollars from the US

government on fraudulent grounds. (Tepperman, 2002, Ditz, 2010). This sparked a debate that the US hired these “shadow forces” on purpose, as their new proxies. These proxies that do not lie under an army’s chain of command, make it easier for the United States to pursue its strategic interests worldwide and practise plausible deniability, without deploying an army that could be monitored, and even if they get caught, any direct linkages to the US government are hard to establish (Kennedy, 2013). The, 2001 Quadrennial Defense Review (QDR) Report highlighted the rise of PMSC’s as a quiet revolution and stated that “*only those functions that must be performed by DOD should be kept by DOD. Any function that can be provided by the private sector is not a core government function*” (Defense, 2001)

Private Military and Security providers are also reproached for obfuscating their working associations with other organisations that are working for profit. For example, Sandline and EO, during their Sierra Leone venture were working closely with De Beers. Together all of them had a ‘symbiotic relationship’ as De Beers, a group of companies involved in diamond exploration, was actively involved in diamond trafficking (Brooks et al., 2013). These companies have created a confusion in the market concerning their roles as some think of them as security actors that put their life at stake for a small amount of money while others label them as the worst and most lethal form of public private ownership that can rip states off their money in no time as they are bent upon working for personal monetary gains.

The wars and instability in Afghanistan and Iraq which the US looks at as its liability, have strengthened this industry further. In the wake of the Iraq, Afghanistan wars, and the anti-narcotic operation in Colombia, many humanitarian agencies began to take an active interest in the rebuilding process in these weak states. At the same time, many PMSCs started to include humanitarian aid in their operations and began extending their services not only during and after wars, but after natural disasters as well. Doug Brooks, the president of the International Peace Operations Association (IPOA) a day after the Haiti earthquake, set up a humanitarian agenda on his organisations webpage, jumping at the opportunity the disaster provided (Fenton, 2010). Humanitarian organisations working in post conflict areas also needed security that was provided by this multi-billion-dollar industry, hence strengthening their presence further in these areas. PMSCs, however, should not be the only one to blame as the contracting parties help them

reinforce their newly and to a large extent self-assumed roles by hiring them either due to the donor countries pressure or out of their own security requirements.

Another major accusation faced by the private military companies is that they deteriorate the security situation inside already failed or fragile states, hence exacerbating security issues and creating problems for security governance. Undoubtedly, war presents various opportunities for business for PMSCs and instability in troubled states is their biggest way of earning revenue. It is for this reason that PMSCs cannot be studied without suspicion (Juma and Tsabora, 2014). Along with this Schneckener, makes a more serious charge against Private security firms that is; these armies are basically raised by professional warlords in troubled states that work on pursuing the agendas of their employer. Warlords are generally products of these wars and have an aim of exploiting post war economies or resources of a state during a war. These PMSCs help them achieve these malicious goals (Schneckener, 2007; Gumedze, 2007; Prado, 2010). Another security risk caused by these companies is their high wages that lure many in service, trained officials into joining them, hence deteriorating the abilities of their own armies. Pattinson calls it the process of 'brawn drain' (Schmeidl, 2007; Spearin, 2008; Pattison, 2009). Not only that, PMSCs can act as a catalyst of boosting drug trade if they are deployed in countries like Afghanistan and Colombia. (Schmeidl, 2007: 15).

PEACEKEEPERS AND ABUSE

Looking at the misgivings of PMSCs, it may occur to some that using peacekeepers for SSR, from conventional armies may be a better option. Before strengthening a preconceived notion like that, it is useful to have a look at the conduct of peacekeepers from national armies. Peacekeepers from the US army embezzled tens of millions in Iraq and Afghanistan by selling US paid fuel worth millions to locals, and by selling faulting equipment or brokering deals with local warlords and contractors. (Harte, 2015) Peacekeepers also face serious allegations of misconduct which range from human rights abuses, especially sexual exploitation abuse. (Sengupta, 2016) The U.N database indicates that allegations which involved sexual abuse between years 2007 to 2012 were more than 500, while serious misconduct claims aside from sexual and exploitation were claimed to be 1068. These problems lead to crippled peacekeeping missions and include misuse of authority, abuse of available staff, fraud and sexual abuse, violence and harassment and infringements of regulations among others. The U.N focuses its energies on abuses that touch on

sexual exploitation, and this has yielded results. Cases of abuse that are sexual in nature dropped from 127 in 2007 to 22 in 2012 (Cdu.unlb.org, 2016). An improvement in five years by the U.N is a clear indication that there is progress being made to curb peacekeepers abuse. The United Nations has developed a strategy to encounter these problems and it comprises three steps that include abuse prevention, implementation of standards upheld by the UN, and action for the solution of the problems (ibid). Prevention touches on human security training, human rights training, especially sexual abuse. All peacekeepers have to undergo this training before they embark on any peacekeeping mission. Regardless of the positive improvements shown, numerous cases of abuse have been reported which discredit the efforts by the U.N to stop cases of misconduct. The moment peacekeepers are engaged in acts of sexual abuse, the effectiveness of the U.N becomes questionable. (The Huffington Post, 2015) Such cases place a question mark on the credibility of the U.N to provide security if peacekeepers are the key perpetrators of human rights abuse.

THE QUESTION OF LEGITIMACY

Gaining legitimacy is important for PMSCs, as success of an agent or institution is determined by the legitimacy it holds. Congressional Research Service (CRS) report published in 2009 established that the PMSCs contracted to work by the State and Justice Department in Afghanistan and Iraq and other countries perform their operations under a legal cover. A three tier regulation system to ensure accountability is placed on the PMSCs; the first one being the international humanitarian law, the second one are the laws of the recruiting countries, and the laws of the host countries for example the Iraqi, Colombian and Afghani laws. (Elsea, 2009)

The Montreux Document is another initiative by states to set some legal boundaries for the use of PMSCs. It currently has 54 signatories and was first implemented in 2008. It was drafted with the help of 17 states, along with EU, NATO and OSCE. The UN remained absent from the initiative. (Federal Department of Foreign Affairs, 2017) It not a legally binding instrument, but it is a broad and useful effort to formulate a framework that can help regulate the PMSCs in conflict situations and post war operations. The emphasis of the document is on the bringing the actions of PMSCs in compliance with the international humanitarian law. (The Montreux Document, 2009). For this purpose, the document designates the contracting states as the responsible party for contracting private security firms that are capable of performing the duties that are expected of them and

allowed under the international law. The Montreux Document also highlights the duties of the states where combat and post war reconstruction actually take place. A list of responsibilities for PMSCs is also a part of the treaty. The unfortunate part is the absence of UN presence in this initiative that aimed to bring some semblance of law to the PMSCs operations.

Despite the above mentioned legal support, PMSCs are still considered illegitimate actors. Legitimacy refers to the belief held by an actor that rules and institutions ought to be respected, and is determined by how members reinforce and enhance it through their actions and set standards (Mulligan, 2006). Various approaches have been suggested to explain legitimacy and ways of achieving it. International relations dictate that legitimacy is achieved when actions match to internationally accepted values of what is considered lawful, good and appropriate. Legitimacy levels of PMSCs can be augmented through being a member of international conventions and organisations such as EU, NATO, UN etc (Palomba, 2009). It is worth noting that PMSCs are not affiliates of any international or regional organisations so far (Pattison, 2014). The interests of businesses, corporations and trade organisations are not the same as those of the collective organisation or countries. International organisations work efficiently through the consensus of member states which shows that collective agreement on issues and actors plays a major role in determination of legitimacy (Blair, 2015) Several factors come into play when conferring legitimacy (Whalan, 2013). Such factors include multilateralism whereby any legitimate peacekeeping state or actor must be working multilaterally, though some factors may force an actor to work unilaterally. Coalition of states take a lot of time to reach a consensus and effective actions can get delayed, as seen in United Nations and NATO's efforts to encounter problems of rapes, homicides, and ethnic cleansing in the former Yugoslavia (Palomba, 2009).

Humanitarian credentials are another factor that entails how an organisation or actor conducts itself in relation to prevailing standards of human rights and dignity. The general perception would be that the organisation or actor that respects the dignity of humans would be considered legitimate. A sovereign state or actor is seen as legitimate only if it conforms to standards of democracy and good governance as well as upholding citizens' rights (Mulligan, 2006). PMSCs have to grapple with established norms of human rights if they are to be considered legitimate. The prevailing political context is a necessary factor in determining legitimacy. Even if the first two factors are met, the international context of politics can delegitimise a state or an actor. The U.S forces

delegitimised themselves due to their conduct in the invasion of Iraq as well as evidence of abuse of prisoners. This means that even though PMSCs may have the obligatory capability; they hold the relevant credentials of human rights, they may be regarded as ineffective due to their reduced normative position. Moreover, the profit making nature of PMSCs makes them appear as selfish which affects their legitimacy (Whalan, 2013). The continued view that PMSCs benefit from or have their headquarters in the Western states make their actions questionable. This is a similar challenge that U.N operations face. Lack of multilateralism and humanitarian credentials are the two main challenges that face PMSCs as they seek to secure legitimacy. However, legitimacy is mainly based on effectiveness as Pattison put it. Legitimacy according to him, is seen as a currency of power that can be acquired via lawful and permissible means, socially expected normative actions, or by efficiency and effectiveness of action (Pattison, 2014). Any actor or state that can prove to be effective, can be considered to be legitimate. The legitimacy of PMSCs can be questioned again if they face the same challenges they encountered in Iraq, Bosnia, and Afghanistan. (Pattison, 2014) As opposed to Pattison, Zaum believes that most legitimate actor is the one that is most preferred in enforcing peace (Zaum, 2015). This theory of legitimacy is faced with innumerable challenges since the next most legitimate actor may lack technical expertise to handle the area where it is deployed. Based on the level of legitimacy, NATO is the first one followed by states or coalitions that are willing, then comes the UN, and forth are the regional organisations and the last one to be considered is PMSCs, which does not raise a question on their capability to reduce human suffering and upholding human rights, but it does show that they lack legitimacy. A perfect example is the U.N; if the U.N has duty to legitimately protect 193 states, but it fails to uphold human security then it is ineffective which dents its reputation. This does not render the UN as an illegitimate intervener but it comes to be seen as incapable. If the UN grapples with the challenges of its credibility and legitimacy, other bodies such as NATO and ROs have a duty to intervene under collectively agreed deals of human rights and security. Needless to say, when a willing, legitimate, and capable actor is prevented from intervening in destabilised areas because of a lack of capability, an illegitimate actor would step in to fill in for the lack.

CONCLUSION

This chapter looked at the basis of what caused the rise of PMSCs. A price comparison between PMSC and Peacekeepers was also conducted that is instrumental to this research and the pros and

cons of using PMSCs for SSR operations was also weighed in. From the findings in the discussion, pros do not outweigh costs for both peacekeepers from conventional armies or PMSCs. However, the lack of legitimacy for PMSCs and their unaccountability before law suggests that clear laws and guidelines should be developed before PMSCs are hired for an operation that involves stabilising the security sector. The unfortunate part is the absence of UN in the creation of the Montreux regulatory framework, as the UN can not only legitimise these actors, but can also help make the document binding for states. Such an action can provide PMSCs with the much needed legal accountability framework under which to operate. This initiative can also aid in enabling faster PMSC hiring determining where they report, the tasks they perform, and the jurisdiction of their functions. There is also a pending policy regarding the conduct of PMSCs at the UN that has seemingly been stalled and may take several years to be actualised. (Anon, 2009). A hiring procedure, set by the UN and supervised by the recruiting states should be in place first before engaging PMSCs for SSR operations, considering the sensitive nature of the task which is security sector reform. UN also needs to take the lead in determining a role for these efficient actors, thus helping them climb out of the legal limbo in which they currently hang.

CHAPTER 2

METHODOLOGY

This dissertation is a product of case study research. Case studies, are a researchers' tool to read into a process with its all-inclusive features in either a holistic manner or with the help of an embedded design (Yin 1989) Iraq, Afghanistan and Colombia have been used as case studies, which would serve as comparative plausibility probes (Eckstein, 1992: 147; Levy, 2008). These plausibility probes are used in this research to figure out if the use of private military is the major destabilising factor in the post-conflict security sector reform in war torn states and the literature review aims to present a structured focused comparison of PMSCs with UN peacekeepers. (Levy, 2008: 6). The reason why these cases were selected is that all these countries at one point or another have seen a strong PMSC presence, formally or informally in their territory. The reason why these three cases were selected is that they have a potency to show the capabilities of PMSCs in environments that are post-conflicts because of a regime change due to foreign intervention and in transition from conflict to negative peace after a severe narco-insurgency. It would help study the role of PMSCs in the strengthening and establishment of security institutions and implementation of SSR.

I want to employ within case and across case methods of comparison for exploring how security privatisation in these three states, with different histories, cultures, political structures and societal norms, deal and respond to the idea of having a foreign military on their territory. The use of PMSCs as peacekeepers in a post conflict state is in an emerging area of interest for researchers. This study provides a novel comparative insight into the post-conflict situation of these states. I have analysed the military, judiciary, and police institutions of all three countries using Process Tracing techniques of research to see if programmes of SSR conducted by PMSCs have been affective in establishing local institutions of governance. A useful way of eliminating research bias is by having multiple units of analysis (Hartley, 1994) and keeping in line with that I used various variables, namely effectiveness of the PMSCs, cost, and legitimacy of PMSCs to operate to operate, as the units of analysis in my within-case research. I would use an embedded design to analyse the cases, i.e., within each case, I intend to give attention to subunits and sub processes,

such as the reform of police, military, and judiciary in individual countries and across cases. Where a design that is holistic in character helps scrutinize the largescale function of the phenomenon, an embedded one creates ground to establish facts about its subunits (Meyer, 2001).

Another data analysis tool that I have used, considering it is a comparative plausibility probe case study research, are John Stuart Mill's method of agreement and difference combined with *process-tracing* that posits that 'If two or more instances of the phenomenon under investigation have only one circumstance in common, the circumstance in which alone all the instances agree, is the cause (or effect) of the given phenomenon' (George and Bennett, 1998) Mill's method are applicable to my research because for example, since my cases involve occurrences where SSR was conducted by PMSCs

- who were hired by the donor state
- hired by the host state
- worked along with other national army's peacekeepers
- worked alone as a private army doing peacekeeping

In all these instances, in all three studies, the PMSCs functioned in a legal vacuum and state provided impunity against crime, and in all instances human rights abuses took place at the hands of the PMSCs. Mills methods are applicable here since this one situation has presented itself as common to all circumstances. Mills methods are useful for establishing causality.

Organisational reports by the United Nations and reports by other states and non-governmental organisations involved in international development assistance, along with the official publications by the governments of Afghanistan, Iraq and Colombia have been relied upon. Data that is available from print and electronic media would be scrutinized before usage. This is to make sure that I do not accuse PMSCs of performing operations that are beyond the scope of their abilities. On the other hand, I have used multiple sources for all my facts for validity purposes as this practice helps ensure construct validity and allowed me to authenticate the points that I make throughout my research. It also helps the reader acquire a better and reliable understanding of the topic.

CHAPTER 3

CASE STUDY OF IRAQ

Iraq is a Western Asian country, that sits on one of the most oil rich territory. Historically known as Mesopotamia, it is the region located between the rivers Tigris and Euphrates, hence an explanation for the fertile terrain. The history of the country is as rich as its oil reserves and fraught with conflict, invasion and rebellion (Luft, 2003, X. Chao, 2008). The past four decades have seen Iraq fighting many wars, both defensive and offensive, against aggressors from beyond its borders and against its own people and insurgents. The entire social and political fabric of the country was torn apart in 2003, when Bush attacked it with what is referred to as “coalition of the willing” on paper, and “coalition of the billing” by scholars and the media. Operation Iraqi Freedom is the only war in the recent history that saw more hired boots fighting a war on ground than uniformed personnel. (Cbsnews.com, 2007) This chapter will discuss the deployment of PMSCs in Iraq and their role in the security sector reform of Iraq and its post-war reconstruction. It uses cost, legitimacy and effectiveness as indicators to assess the different services provided by PMSCs.

FROM SADDAM HUSSEIN TO THE OPERATION IRAQ FREEDOM

The year 1958 saw a revolution erupting in Iraq. A brigadier of the Iraqi Army Abd-al-Karim Qasim, dethroned the monarch installed upon the Iraqi's by the British in a coup d'état and assumed power. It was a left wing coup in which Saddam Hussain, emerged as one of the most prominent leaders. The new regime had a non-cooperation policy with the West, and it nationalised the oil industry of Iraq (Simons, 2002). The Communist party of Iraq was also restored after the coup. The CIA intervened in 1963 and toppled the left wing regime (Naeem, 2013). Even so the radical socialist party, at the helm of which was General Ahmed Hassan Bakr, assumed power again in 1968. For the next eleven years, Saddam worked on strengthening his hold on all the institutions and apparatuses of power in the country. In 1979, he forced the ailing General Bakr to resign and became the President of Iraq and the head of the Ba'ath party (MacFarquhar, 2006).

Saddam was power hungry and it was under his rule that Iraq became a true dictatorship. He invaded Iran to establish Iraq as a regional hegemon in the September of 1980. Saddam, during

the war, resorted to extreme measures to win and gassed millions of Kurds with Sarin nerve gas, violating the Geneva convention against the use of Chemical weapons. The war continued for eight years and more than 190,000 people perished as a result (Iran Times, n.d.). After America's occupation of Iraq, reports emerged that Saddam was helped by Ronald Reagan in the acquisition and use of chemical weapons. (Harris and Aid, 2013; Paschak, 2013) The war left Iraq knee-deep in debts that it had incurred during the war. It was impossible for Iraq to repay its debts to Kuwait so invasion of Kuwait seemed an easy way out to Saddam, as that would allow Saddam to monopolise global oil prices, cause Saddam's influence to grow in the Arab world and help boost up the crippled economy. Iraq invaded Kuwait in August 1990 (Freedman, 1993; 3-4). Saddam now held power over twenty percent of the world's oil. The United States and the United Nations Security Council (UNSC) were quick to react and Operation Desert Storm was initiated in January 1991 by the US, in which Saddam's forces were bombed heavily. (Kazin, Edwards and Rothman, 2010; 428)) The war ended in February 1991 but Saddam's government was not toppled because US government feared that this move would tear Iraq apart and the US did not want to take responsibility for rebuilding Iraq. (Kazin, Edwards and Rothman, 2010; 430)

The US for the next twelve years kept Iraq under heavy sanctions for the fear that Saddam was capable of creating Weapons of Mass Destruction (WMD's). September 2002 saw the unveiling of Bush's National Security Strategy of the United States that came to be known as 'the Bush doctrine.' The principal tenet of the doctrine was a favourable view towards pre-emption rather than deterrence (Hirsh, 2002). Saddam was warned against the creation of WMDs several times over the months but he denied the allegations. No WMDs were found in Iraq even after several visits from the UN inspectors (Maloy, 2014). The US forces still invaded Iraq along with the 'coalition of the willing' that comprised 48 countries other than the US, on the 20th of March, 2003. France and Germany were the most prominent and vocal critics of the invasion, which they continue to be until this day, as both the states believe that the Operation Iraqi Freedom fostered terrorism. (WebDesk, 2016) Bush called for an end to combat operations on the 1st of May' 2003 but that did not help stabilise Iraq.

The US entered Iraq without any substantial post war planning as the troops sent to Iraq were too small in number (145,000) and could not win a war against insurgents. The economic cost of war was even heavier to bear as for the initial four years of war, incurred a cost of more than USD 2

billion a week. (Kazin, Edwards and Rothman, 2010; 432) The civil servants from Ba'ath party were expelled, the military demobilised, and all these factors rendered more people with armed training jobless than could be handled if they rebelled. This disbanding of the military, that is often referred to an 'De-Ba'aathification' of the military and police, which was a major component of the Security Sector Reform that was to take place in the country (iraqinquiry.org.uk, 2011).

AN OVERVIEW OF PRIVATE MILITARY AND SECURITY COMPANIES IN IRAQ

It is estimated that during the period that runs between 2003 to 2008, some 50 PMSCs were given contracts to work in Iraq, which employed more than 30,000 workers to serve a variety of clients such as public offices, private NGO's and international organisations such as the ICRC and UN (CRS Report for Congress, 2008; 3). The number of PMSCs working in Iraq has increased eight fold since January 2015. According to Pentagon, the rise in the number of Contractors is because of Operation Inherent Resolve, a mission to counter and eliminate Islamic State of Iraq and Syria (ISIS) ((Weisgerber, 2016)

The PMSCs employees working in Iraq came from around thirty different countries according to an estimate by Brookings Research Institute, and around 37, 200 Third Country Nationals were working in the US Central Command region in Iraq (Black and Kamat, 2014). These included professional former soldiers from the Western Countries, TCNs and Iraqi's themselves. According to a report presented to the Congress in 2008, quoting the figures by Doug Brooks, the highest number of people working in Iraq as security personnel were Iraqi citizens (CRS Report for Congress, 2008; 4). A recent report shows that 70 percent of the PMSC workforce in Iraq is American, 20 percent TCNs and the rest are Iraqi and Kurds. (Weisgerber, 2016) The trend shows that the local PMSC market in Iraq is either too ineffective against the insurgents, or has become a part of the insurgents groups active in Iraq.

In 2005, the US State Department started giving out contracts under the Worldwide Personal Protective Services II (WPPS II). The WPPS II system of outsourcing services gave more importance to the quality of services than the financial cost incurred. Under this system companies that began to work for the US administration in Iraq were Blackwater, DynCorp International, LLC, and Triple Canopy, Inc. (Cheadle, 2009)

Despite being heavily armed, the PMSC employees in Iraq were never considered a part of the national armed forces of either Iraq or any of the invading countries. These contractors were termed as civilian guards that were heavily armed given their function in the conflict zone. These PMSC's lay outside the armed military chain of command and hence acted with impunity from coalition commanders (Scahill, 2007). Coalition Provisional Authority's (CPA)² order no. 17, that came on the 23rd of June 2003, turned the face of post war operations in Iraq, as it exempted private contractors, sub-contractors, and members of coalition from adhering to Iraqi laws while they served in Iraq. This order was to stay effective till 2008. From January 2009, the foreign contractors were directed to follow Iraqi law, under the Withdrawal Agreement that was signed between the governments of Iraq and US. This agreement made foreign contractors liable to follow Iraqi laws but those residing in Iraq permanently were exempted from this agreement as well. (Stahn, Easterday and Iverson, 2014; 490) As stated earlier, most private contractors in 2003- 2009 were Iraqi's (Elsea, 2009). This provided the PMSC's with a legal loophole. The issuance of a notice that provided impunity to contractors, as early as 2003, suggests that PMSCs had an active involvement in combat since the initial days of occupation. This order also can be considered a major factor that contributed to the increased offensive strikes by these PMSC's. The Blackwater International turned the attention of the world towards the hazards of increased use of PMSCs when their employees shot dead 17 civilians in an incident known as Nisour Square Incident of September 2007. The PMSC's hired by the British were not better in any way but due to the small hiring sizes, they were easy to monitor and control (Schaub and Kelty, 2016). However, a shooting incident by the British hired PMSC ArmorGroup made them well aware that a better oversight mechanism was required to control them (DailyMail, 2009)

It can be fairly concluded that the oversight and control by the US as well as the British government over the PMSCs hired by them was incredibly weak. Also, due to the CPA, successive Iraqi interim government were not able to hold the contractors accountable. PMSC's were also largely hired by non-state actors which included construction companies, humanitarian organisations, which

² CPA was a multinational authority established in Iraq, which was headed by the US Ambassador Paul Bremer. It was formed as a coalition office but it took instruction only from Washington. CPA acted in the capacity of the Iraqi government and looked after the reconstruction operations in Iraq. For a deeper insight into the operations of CPA please see Dobbins, J., Jones, S., Runkle, B. and Mohandas, S. (2009). *Occupying Iraq: A History of the Coalition Provisional Authority*. Ft. Belvoir: Defense Technical Information Center.

worked during the reconstruction phase of Iraq. A lot of security armed guards were hired by such and similar organisations all across Iraq.

PRIVATE MILITARY AND SECURITY COMPANIES AND SECURITY SECTOR REFORM IN IRAQ

The SSR approach adopted by PMSCs in Iraq was an amalgam of Training, Equipping and Provision of Security to military personnel along with Development and Reform of the Iraqi political and social structures. A 100,000 private armed security contractors worked in the battle zone in question during the three years of the occupation, according to several estimates put forth by media agencies and think tanks (Merle, 2006). The rise of insecurity and mounting instability post the main combat operations by the allied forces gave impetus to the use of hired combat and logistical help or private security personnel. A serious lack in the number of allied troops on Iraqi ground, especially after the disbandment of Iraqi security forces was a major basis for instability that plagued the post-war state. Private gangs, separatists, insurgents and militias, found the occasion ripe to exploit the unstable security situation of the already weakened state (E. Ricks, 2004). These companies at the time in Iraq were considered essential by various diplomatic missions, NGO's and International Organisations involved in the provision of relief operations. Various PMSC such as Blackwater International found popularity as they used high level machinery and advanced weapons for the protection of their clients. PMSCs used armed helicopters to provide security to their clients in the post-war Iraq, and were highly skilled in their use of complex weapons which they used to protect themselves and their clients from the rogue gangs and militia. (Scahill, 2007) The services of these PMSC's were actively used by both the US and the British armies to protect their personnel that could be considered high-value targets by insurgents. Blackwater was the most valued PMSC hired by the US which helped them protect Paul Bremmer, head of the Coalition Provisional Authority (CPA) (Dale, 2011). Apart from Blackwater, DynCorp, International LLC and Triple Canopy also made important contributions. On the other hand, Control Risk Group and Armour Group were the major vendors used by the British to protect their diplomats. PMSC's were employed as a major contributor towards the SSR programme. Iraqi Police Service (IPS) and special oil industry protection forces were the two largest contracts that were outsourced under the Security and Policing program.

POLICE TRAINING BY PMSCS

Recruitment and training of IPS officers in the Police department was given as a contract to DynCorp (Rosen, 2005; 164). The United States Justice Department, later filed a complaint against the inflated expenses claims in the court against the contract that DynCorp took for Police Building in Iraq. (Department of Justice, 2016)

In post-war Iraq, it was highly important for the trainers to refine the IPS training batches from the very scratch as the corrupt officials that were employed previously because of their connections with the Ba'ath party or selected by Saddam were to be replaced by qualified, ethical and duty abiding officials that the population could trust, and respect. A large number of problems plagued the way in the execution of the IPS contract as the demands framed under the original contract were not at par with the current Iraqi requirements. A major issue was the non-availability of trainers for the new batches which resulted in decreasing the duration of the training to just 8 weeks from the original 24 weeks as scheduled. This also included the complete cancellation of on-field training sessions that were to last for a duration of another 24 weeks (Spearin, 2008). The failure here, was not of DynCorp alone but of the US government management that rejected the suggestion that 6,000 civilian police trainers would be required to train the police forces of Iraq. While 1,500 trainers were approved, only 24 advisors made it to Iraq and that too, six months later than the training was supposed to commence. The State Department never explained itself regarding the matter and also the fact that they expected 24 trainers to advise a police force of 25 million people. (Kinsey, 2009: 59; Robin, 2012)

Also, due to a shortage of civilian trainers, military trainers were used in the police academy (Douglas, 2009). The military instructors paid little attention to the civilian way of life and training as per social standards including human rights education and good treatment of subjects which is a very important part of training a tentative police officer. (Kinsey, 2009: 59-60) Another police organisation was developed in Iraq given the insecure and hostile environment of the country known as National Police (NP). National Police was better trained as per the military standards to deal with the security threats present in the post-war Iraq. However, due to the training methodology used, the outcome was poor policing practices that crept into the functioning of NP. A lot of allegations related to the human rights violations and bias based on sects were imposed on NP which strengthened the rising mistrust among the population. (Ladwig III, 2013) Hence,

the existence of NP was questioned in 2007 and idea to dismantle this organization was put forward. Unfortunately, NP did not cease to exist. In 2009, the NP underwent reform in terms of its name (it was named as the Federal Police) and practices by the officers (Kinsey, 2009: 60; Pike, 2015). The Iraqi police in general continued to stay involved in gross human rights violations and was incapable of providing security to the people from insurgents. To counter the said drawbacks, it was suggested that the police were to be better trained and more importantly better equipped to counter the advance weaponry carried by the insurgents. (Jones, Elsea and Serafino, 2010: 109)

Both the failures of IPS and NP were a result of errors made in judgement by the PMSC's contracted for the purpose. However, the main factor responsible was the State Department that gave out the contracts. The original contracts were drawn in a lousy manner and did not address the correct security requirements of the country in post-war phase. Also, the PMSC's that were given contracts were not allowed to put their opinion or votes during the layout of the contracts and in planning.

The second contract as per the SSR programme was to build a force capable of protecting the oil assets of the country and their infrastructure. This was an important contract and was awarded to Erinys (Bowen, 2009:189). The contract required Erinys to recruit and train a fleet of 6000 soldiers that were to protect more than one hundred and forty oil wells and other valuable resources sites spread throughout Iraq over a time period of two years. In reality, the project took around 15,000 private security contractors and 400 foreign specialists who had to be placed to take over the responsibility of protecting the oil wealth of the country. This was another major failure caused due to clumsy coordination between the stakeholders in this operation. In 2005, the interim government replaced this Oil Task Force with the personnel placed by the Ministry of Oil affairs. (Bowen, 2009 :190)

The execution of the SSR projects was not carried out efficiently and proved to be total failures. The training provided by the PMSCs was insufficient and appeared out of touch with the ground realities in Iraq. The major issues in the implementation of SSR programmes was a lack of resources, lack of coordination, lack of judgement and last minute attempts at improvisation. This resulted in a batch of Iraqi force that was not trusted by the population; something that was entirely against the basic idea of the existence of these forces and the SSR agenda, hence presenting a clear case of 'theory to practise gap'. The goals laid down during the formulation of SSR contracts

seemed feasible on paper but hard to execute for the contractors and the failure to perform the responsibilities for which these personnel were paid led to the creation of a weak security sector that was inherently incapable of protecting itself against both internal and external threats.

MILITARY ADVICE & TRAINING

As part of the SSR programme the Iraqi military was reformed and trained by PMSCs. The SSR programme was modified to include the training of Iraqi military to be carried out by the PMSC's. The contract was provided to Vinnell Corporation, a company that had trained Saudi Arabia's National Guard for years (Corpwatch.org, 2004). It was contracted to train nine batches of armed personnel for the Iraqi Army. The contract carried an extension to train remaining 18 batches to create an entire army of 27 battalions. However, this part of the contract was not executed. The onset of training by Vinnell saw opposition and numerous allegations against the PMSC were raised. Vinnell, without understanding the security situations of Iraq, kept implementing the Saudi model of force formation. The first battalion deserted the training centre within days. (Kinsey, 2009:88) The instructors used were civilians, and military men did not like to be trained by them. Because of these things, the resultant army was incapable of meeting the challenges created by insurgents and local gangs. (Kinsey, 2009:89) Humiliated by the performance, the US military decided to train the Iraqi army itself with the help of coalition forces. The quality of the military of Iraq rose gradually during the period of 2003-09, which shows that SSR performed by a collaboration of national armies and PMSCs has more chances of being successful. However, the misconduct cases are still on a steep rise and failed the real cause of SSR.

As mentioned earlier, the SSR programmes carried out in the era of reconstruction had high risks attached to their implementation and had severe failure after effects. Hence, both the PMSC contracted for training and the actor hiring the PMSC should have moral obligations to make sure that the programme is successful. However, in our study of Iraq, both of them failed to carry out their responsibilities in an efficient way.

PERFORMANCE INDICATORS OF PRIVATE MILITARY AND SECURITY COMPANIES WORKING IN IRAQ

COSTS

Some twenty PMSCs, employing more than 10,000 people, were reported to be working for the U.S. government, especially, the State Department, Department of Defense and the Department of Justice. The services provided by the PMSCs are numerous.

The total direct cost to the U.S. government for acquiring security services in Iraq is not known for sure. In a recent Congressional Research Services report published in August 2016, the total sum spent on contractual commitments for the FY 2007-2015 in the Iraq theatre was US\$ 121,164.67 million (Congressional Research Services, 2016), while FY 2008 was the year where the highest amount of money was spent in Iraq i.e US\$ 26,819 million. Till 2014 a total of US\$ 814.6 billion was spent on the war on Iraq in total. (Belasco, 2014; Thompson, 2015)

The Congressional Budget Office (CBO) of the US estimated in 2008, that between 2003-2007 the U.S. government had to spend around \$3-4 billion on PMSCs for acquiring their services. The United States Government Accountability Office (GAO) stated in 2005, that since December 31, 2004, U.S. agencies paid over \$450 million to acquire security in the first two years of war and reconstruction alone. These statistics help determine that the war fought in Iraq was a very expensive one. (CRS, 2008)

There has been a contentious debate among scholars and policy makers over the years regarding the assessment of the fact if deploying PMSCs for logistics and SSR is a cost-effective option or not. According to the CBO, the costs associated with using private security contractors in Iraq *“did not differ greatly from the costs of having a comparable military unit performing similar functions. During peacetime, however, the military unit would remain in the force structure and continue to accrue costs at a peacetime rate, whereas the private security contract would not have to be renewed.”* (Frisk and Trunkey, 2008:14) Arguments like that are hard to accept since, most agreements that Pentagon signed with PMSCs were cost plus or cost reimbursement contracts. These contracts allow a contractor to reimburse all the money that is spent performing an operation along with a bigger chunk of profit. Researchers deem this system of contracts abusive as it is designed in a way that would reap extra money out of governments. (Neff and Price, 2010) The

contracts signed with Backwater and KBR, a subsidiary of Halliburton, were both cost plus contracts in the Iraq war. KBR, according to an estimate had made more than USD 39.6 billion in Iraq till 2013, and stood number one in the list of countries and companies that reaped contractual benefits. The other two were Kuwaiti companies; Agility logistics and Kuwaiti petroleum company. (Fifield, 2013) Reportedly, there were mechanics who were paid in the Iraq war, USD 5 million a month, where their total working hours were 43 minutes a month. KBR alone embezzled 193 million in payment for unnecessary personnel on the field. (Weinstein, 2011). The contractors alone were not involved in misuse and abuse of funds. There have been several cases where the US army personnel embezzled money from the government, either by reselling the fuel from the bases, selling contracts to cheap firms that provided substandard services and over-ordering goods that were later sold to other companies. A US army Major Cockerham alone stole 9 million USD in kickbacks during his tenure in Iraq and Kuwait. (Burns and Sullivan, 2016; Harte, 2015)

The human cost of war was even more staggering than the financial cost. While the number of civilian casualties is ambiguous, it is estimated to be more than a hundred thousand people. The number of dead uniformed soldiers stands at 4,488 till 2013, while 3,418 contractors lost their lives. (Lutz, 2013) The figures from the Department of Defense differ, and state that only 13 PMSC employees died in the Operation Iraqi Freedom, while 4,411 soldiers in uniform lost their lives. (DoD, 2016) Other costs of war included human rights and sexual abuse of prisoners of war and civilians at the hands of both soldiers and PMSC employees. PMSCs were hired to interrogate prisoners of war in the notorious Abu Gharib prison, the reality of which was unveiled by the famed journalist Seymour Hersh. The contractors who were unqualified to do so, treated the prisoners in the most inhuman way. The contractors raped and sexually assaulted the detainees in jail, and raped teenagers and civilians in Iraq, in general. (News Desk, 2015)

The US military has also been involved in similar crimes, where soldiers abused their authority and raped and killed the locals. (News Desk, 2015; MailOnline, 2010) Some theorists argue that the special relationship between the US government and PMSCs is the reasons why these contractors commit abuses and still continue to enjoy impunity. (Snell, 2011)

LEGITIMACY

PMSCs that worked side by side with the coalition troops in Iraq operated under three different layers of legitimacy that were provided by (a.) the international conventions and resolutions passed by the UNSC; (United Nations Security Council, 2002) (2) The Laws of the United States (US Congress Joint Resolution, 2002) (3) Iraqi law, incorporating orders of the CPA that have not been superseded. According to the Geneva Conventions and international humanitarian law, PMSCs and employees contracted by them are non-combatant civilians in a war zone. If these employees held US citizenship or were TCNs, they could not be tried by an Iraqi Court as it was unauthorised to act by the order of the CPA.

A legal question that surrounds the legitimacy of PMSCs to operate is that PMSC's and their employees are not held responsible for the decision to go to war and their involvement in the war cannot be justified simply as a matter of fact issue. The main aim of the Iraq war as justified by President Bush was to remove the threat that was posed by Saddam Hussein's dictatorship in Iraq, his mission of spreading democracy in the country, and creation of a free Iraq for its oppressed citizens. The legitimacy of these claims is weighed differently by different authors. The invasion of Iraq by the US is seen as illegitimate by most scholars and lacks true justification, although the actual reasoning to reach this verdict is different among different scholars. According to Weeks, USA did not fulfil the criterion laid down by Jus ad Bellum because the 'right authority' principle was not satisfied as President Bush and his team misinformed and misled the UNSC and the Congress (Weeks, 2010). There is also an argument, made by Michael Walzer that the other options to prevent a war were available but not used, hence the principle of 'using war as a last resort' was misused and not respected in this invasion. (Steinfels, 2003) The Iraqi weapons of mass destruction could not be found and could not be counted as a justifiable reason. Pre-emption was chosen as an option, when the US could not even establish that the threat posed by Iraq was immediate, imminent and unavoidable. Hence, it is highly possible that resorts short of war were available (Steinfels, 2003). Another claim of invading Iraq based on Humanitarian conditions prevailing in Iraq can be rejected as the conditions in Iraq in the beginning of 2003 were not bad enough to justify invading Iraq based on those grounds, as the US had left Saddam to rule in Iraq after he gassed his own people with Sarin gas in 1988. The US President George Bush and the UK's Prime minister Blair's justification for war was that it could be seen as a pre-emptive war, a

punitive war or a humanitarian invasion. The arguments presented by the President and the Prime Minister were unable to convince the international community as the invasion did not comply with the resolutions of the UNSC. Due to lack of this new resolution, the US argued that an invasion was already authorized by the Security Council by a broad interpretation. This argument presented by the US was completely rejected by most members of the Security Council and the UN. In the light of the absence of proper grounds for an attack along with the inability of 'the coalition of the willing' to vindicate the reasons, this attack on Iraq cannot be justified. Hence, we can conclude that the attack on Iraq was not just and it did not satisfy the principles laid by *Jus ad Bellum*.

Accepting the fact that this attack was unfair, it has moral consequences for the PMSC's supporting this attack and also for the reconstruction and peacekeeping of Iraq and its people. The burning point of the PMSCs is directly pointed out by multinationals. PMSCs have to take the moral responsibility of this invasion as they always had a choice to accept or deny a contract but they did accept it. They played a very important and active role in the invasion as the visiting US army relied too much on them for their operations. This point is more difficult to interpret as it can be stated that peace enforcement after an unjust military operation leading to the change of government is not fair. However, the invasion led to the establishment of a new democratic government enjoyed by the Iraqi's. This can be considered as a proof of peace-making in progress as stated in the agenda that was kept ahead by the coalition before the war began. If a state actor, or the state itself fails to deliver public goods, it loses its legitimacy (Rotberg, 2002). If a non-state actor, working in the capacity of a state actor, does not fulfil the contract that it was paid for, and fails to deliver, then by default, it loses its moral legitimacy as well. The PMSCs, lost the legitimacy to operate when they became involved in human rights violations, killings and rapes and abuses Hence, the moral responsibility is shared by the PMSC's as well in the unfair invasion of Iraq, which effects their legitimacy to operate in Iraq.

EFFECTIVENESS

Security Sector Reform Operations, especially in the area of police building faced a multitude of problems. Iraq suffered as not only was there a lack of security in most of the country, there also were inadequate resources and absence of institutions that could enforce mechanisms capable of providing the populace with some sort of physical security. The kind of police training provided to the new officers was lacking in quality due to miscommunication between those responsible to

outsource and those that undertook the task of the provision of training on the ground (Ladwig III, 2013). Iraq was much bigger in size than countries like Haiti and Kosovo where the US had previously attempted to provide SSR training, hence the demand that the PMSCs were trying to fulfil was also unprecedented. SSR missions and police building trainings within those missions comprised trainings that were given to a maximum of five to six thousand soldiers, as Kosovo and Haiti had populations around 2 to 8 million respectively. Iraq had a population of 30 million and it needed forces that should have been around 400,000 at least (Samuels, 2008). Training such a large number of police personnel was a first time experience both for the US and PMSCs.

Anyhow, blaming the PMSC's entirely for the failure of the Police building operation, takes away from the neutrality of the argument as there were various other factors at play. Leaving such a critical operation entirely in the hands of PMSCs was negligible on the part of the US government. The environment in which the PMSCs were operating was not secure and un-permissive of accepting a radical change such as obeying a higher authority. The influence that the official armed forces of the US held was different than that held by the PMSCs. The absence of such an influence made the situation one, where all efforts deployed were useless, costlier and to a large degree futile. PMSCs, had the constraints of protecting their forces, and same was the case with the US military. Instructors from both the armies could not train in the fields, and hence the learning was more theoretical than practical on the part of the recruited officers. This is the problem faced by most SSR operations as it is at this stage of training where 'theory to practise' gap emerges. (McFate, 2015: 120) The lack of trainers embedded in the police force is a pre-requisite in establishing a new police force and this factor remained absent in Iraq SSR operations.

Lack of professional trainers and insecure environment were not the only problems hindering SSR in Iraq. There was a serious lack of coordination among the agencies giving out the contracts, those receiving the contracts, and an air of disagreements on strategic handling of these operations. The Department of Defense, State Department, and the Justice Department, all viewed the SSR and reconstruction operations differently. All the parties had a different perspective as to what the policing needs of Iraq were (Weitz and Carafano, 2008:253). In the case of Afghanistan, there existed an intergovernmental communication gap, that was caused due to the fact that everyone participating in Afghanistan rebuilding efforts looked up to the US as the lead nation to follow. In the case of Iraq, it was the disinterest and miscommunication by the Iraqi officials that caused the

most trouble and undermined the process of Security Sector Reform. (Ladwig III, 2013) Iraqi leaders were not consulted in most cases, where lower level officials took big decisions like those involving the size, structure and responsibilities of future police and armies. There was a so-called transfer of sovereignty to the Iraqi people and government in 2004, according to which the Iraqi people were free to take their own decisions, but history repeated itself, and just as the British kept interfering in the post-Mandated Iraq, the US coalition kept issuing its own directives and conducted its own trainings without the inclusion and consent of Iraqi leadership. This eventually led to the wastage of money, efforts and resources spent by the State Department in the process of reforming the Security Sector of Iraq.

Another important measure of PMSC's effectiveness was their use in collection of intelligence, which is a key feature of successful SSR. The US armed forces relied completely on the PMSC's during their tenure in Iraq following the world trade centre attack which had grown into a huge network. The government realised the importance of the intelligence services after the militant attack of 9/11 and tripled its staff, funding, and various other resources. This resulted in a huge flow of intelligence that required analysing. The uniformed military forces were not capable of carrying these tasks efficiently and hence the private sector was the only marketplace to hire the manpower required for these operations. During the attack, the intelligence department comprising of private civilian personnel worked hand in hand with the military using the same base as headquarters. (Fainaru and Klein, 2007). AEGIS was given a three years contract for USD 293 millions, by the US for intelligence handling during the reconstruction phase, and they provided with daily updates on tasks, analysed attacks, secured safe routes and kept a sharp eye on any local political developments of importance (Fainaru and Klein, 2007).

AEGIS was also given the responsibility of providing native Arabic speakers to the US military to use in transcription as well as interviewing suspects. In numerous cases, these translators exercised their power and performed tasks that breached the US military code of conduct and ethics. The personnel hired were not trained specifically for intelligence or interrogation which resulted in immoral behaviour and violation of human rights. (Klein, 2004) Abu Ghraib incident is one of the most talked about scandals of human rights violation by a private contractor that was untrained for the job. It also involved the actions of the US military personnel. The result was prosecution of the involved military officials but the contractor and its employees were sent free as they did not come

under the jurisdiction of the US army. Overall, in Iraq, it was not the PMSCs that failed the recruiting party, but the contracting party that failed the PMSCs.

CONCLUSION

It has been thirteen years since the US first invaded Iraq. The country since then has faced a multitude of issues. Iraq became a battle zone between various Islamic identities, Shi'ite, Sunni's and Wahabi's. Iraq is now is home to an organisation that is seen as the biggest threat to world peace: ISIS. The rise of ISIS was in part a result of the poor policies adopted by the US in the region, and partially the resentment that many ethnic groups harbour towards each other. But the biggest thing that the rise of ISIS points towards is that the SSR and reconstruction efforts in Iraq failed despite all the money that was poured into the country. A proper Security sector reform, coupled with an initiative towards De-radicalisation, De-mobilisation and Reintegration (DDR) of forces from the times of Saddam and those who emerged as insurgents after the war could have helped in putting the country back on track towards progress and peace. The chapter reflected on the history of Iraq and how it eventually got embroiled in a war that had more contractors than army personnel. It also discusses the various roles assumed by PMSCs, weighs the cost and effectiveness of the use of PMSCs and concluded that the use of PMSCs might not be the most effective option but a way of avoiding political costs by the ruling regimes of Western democratic states, especially the US.

CHAPTER 4

CASE STUDY OF COLOMBIA

Colombia is a Latin American state that is currently transiting from years of turmoil, and low intensity conflict with the Marxist –Leftist guerrillas, and paramilitary outfits, that were used as military proxies in the initial days of the US War on Drugs in Colombia, and which later became the right hand of landowners and cartels. The biggest problem that has plagued the country is the problem of drug trafficking. The Colombian case of dealing with Private Military and Security Companies does not involve private contractors such as Executive Outcomes and Sandline International that were involved in active combat in Sierra Leone, but the Colombian state over the years has employed on its soil various international contractors that were hired by both the governments of United States and Colombia to provide logistical support and modernisation training to the local armed forces in order to help strengthen the Security Sector of Colombia. The human rights abuse such as cross-border aerial spraying of crops and involvement in rapes committed by PMSCs to a certain degree deteriorated the very same security sector they went to rebuild in Colombia. This chapter deals with the deployment of PMSCs in Colombia and studies their contribution in the building up of the security sector of Colombia. The first section provides a short introduction and historical context to Colombia's conflict. The next segment details Plan Colombia and the setting in which PMSC's were employed. The chapter also discusses the security sector reform of Colombia and its gradual build up by the governments of US and Colombia. Cost, Legitimacy and Effectiveness are taken as the indicators to assess if the PMSCs deployment was a good solution to the problem.

HISTORICAL CONTEXT

Colombian state has been held up by militant groups and crime and drug syndicates, not since the past five to six decades, but since a century if one starts counting the years of turmoil that started from the violent conflict of 1920's that occurred between exploitative landlords and peasants over coffee cultivation fields. (Brecher, 2002; Granden, 2015). During the years of Latin American Cold War struggle stage, the Colombian conflict was a clash of ideologies between the Conservative party and the Liberal party followers. As a result many rebellious groups such as the

Ejercito de Liberacion Nacional (ELN) or the National Liberation Army and the leftist-Marxist guerrillas named Fuerzas Armadas Revolutionaries de Colombia (FARC) or the Revolutionary Armed forced of Colombia emerged. (Brecher, 2002) The 1980's saw the rising tide of drug trafficking that ultimately gave rise to a drug economy in the country. FARC strategically and systematically utilised the capital which was generated from drug trafficking for sponsoring its army against the Colombian Army and National Police (Priest, 2013; Vulliamy, 2015)

Despite the USD 10 billion in Plan Colombia aid that was sanctioned by the US in 2000 (AP, 2016) and all the years of hard fight , FARC continued to be the government's biggest problem until 2012 when the peace talks, between the Colombian President Juan Manuel Santos and FARC rebels started in Havana, which were successful.(Pestano, 2016) However, a referendum in Colombia, on October the 2nd 2016 decided that a peace deal would not be signed with the rebels. The guerrillas on the other hand vowed to continue their political struggle even if the deal was signed successfully (Wyss, 2016)

THE BEGINNING OF SECURITY SECTOR REFORM AND PLAN COLOMBIA

After the communist threat posed by FARC, drugs have been a major cause of conflict in Colombia. (Rabasa and Chalk, 2001; 5) The United States began to get concerned about the Colombian drugs issue as the country became not only as the largest production and distribution machine of refined cocaine, but also as the principle supplier of narcotics to the United States. Drugs from Colombia were flowing in the US in the form of "Colombian Gold" or Marijuana, in quantities so huge that South Florida, the narco-capital of the world, became the hardest hit area by the Colombian drugs in the 1970's (Miami Herald, 2014). The Floridian drug industry in the 1979 stood at a staggering US\$ 10 billion but it was a minor issue compared to the Cocaine being transported to the US by Colombia (Drug Enforcement Agency (DEA), n.d.).

The Dirección Antinarcóticos or Antinarcotics Directorate of the National Police (DIRAN), the police division of counter-narcotics was created that acted as the focal point where the plan of action against drugs activity was conducted. It was funded in its entirety by the US and was the biggest recipient of US military aid (which was around 90 percent of the total aid given to Colombia) till the Plan Colombia started, the idea of which was floated by the President of

Colombia Andrés Pastrana in 1999 (Congressional Research Service, 2012). He called it the ‘Marshall Plan for Colombia’.

The Autodefensas Unidas de Colombia AUC (United Self-Defense Forces of Colombia) which was a collaboration of paramilitary forces, and acted as a proxy for Colombians, started showing their power muscle to counter FARC and ELN. FARC responded with force and during the years 1996-98 more than 40 percent of Colombian municipal districts were seized by the guerrillas. FARC and ELN established a stronghold in Colombia and the situation became alarming both for Colombians and the US that considered itself a major victim of Colombian drug problem. Drugs for the US were not the only issue. FARC supported the Marxist-Leninist philosophy and presented a threat to the US. The US started pushing for bringing a transformation and modernisation to the non-technical armed forces of Colombia. Military modernisation and advanced combat training was the only way out to fight the tactics employed by the guerrillas. This is where the need for PMSCs emerged.

An agreement was signed between the governments of United States and Colombia defense ministers in the last month of 1998. The agreement entailed that a battalion of Colombian army comprising 950, would be trained and equipped by the US to fight narco-lords and groups. The plan was allocated USD 7.5 billion in which Colombia contributed 4 billion, the EU committed 2 billion and the US administration added 1.6 billion. While the money coming from the US was to go for the eradication of the drug problem, the EU contributed for crops development while Colombia’s commitment was to strengthen the governance of the country (Johnson, 2001). Despite the commitment shown by the signatories for economic reforms, financial and fiscal recovery, the promotion of an alternative agricultural development, humanitarian assistance and socio-economic development, the largest part of this aid went to the security sector rather than DIRAN this time (Isacson, 2000). The lion’s share of this aid was given to the military and police of the state in the years when Plan Colombia was operational and approximately 80 percent of money and services provided to Colombia under Plan Colombia during 2000-06 went to the Security Sector Reform. The military aid was not essentially in the form of hard cash and other financial assets but in goods and services such as those that could help bolster the Colombian intelligence and their procedures for gathering information, renovation of aircrafts for fumigating the coca crops, advanced training for strengthening air and coastal control and advanced arsenal to fight the guerrillas. These services

were aimed at bringing a sophistication to the procedures deployed by the armed forces and for augmenting their institutional and functional capabilities.

However, this aid package came tied with conditions which demanded that the Colombian state improved its human rights record, and used the aid money for countering narcotics and not insurgents. The US Congress looked at the Colombian insurgency as an issue that would draw the US into the conflict deeper than it planned for, and for this reason the last condition was imposed. Another reason was the fear that a deeper engagement in the conflict could compel the US to deploy its forces on the ground. In case of non-fulfilment of any of the conditions, the US could withhold 25% of the aid until the requirements to get the aid were met. Pastrana besought help from other states and international organisations to fight the problems at home, but Plan Colombia appeared so much a reflection of the interests of the United States in the Andes state that his solicitations could not meet their favour. Due to this Colombia and the US were the countries that had to spend the most part of USD 7.5 billion that were allocated to the project from their own pockets.

The reforms that the US wanted to bring about in the security sector of Colombia, therefore, were more concentrated towards T&S SSR and not on upholding democratic institutions, and formulation of politico-legal frameworks to strengthen the democracy in the country by making security institutions more accountable to the government. In such a situation, it is clear that Colombian government itself tried to raise address the issue of the Reform of its Security Sector. Such an effort was absent both in Iraq and Colombia, where SSR recipient states was entirely dependent on international assistance.

PRIVATE MILITARY AND SECURITY COMPANIES IN COLOMBIA

Most literature that deals with the topic of PMSCs in Colombia, addresses their role in the post 2000 period; the time after the implementation of Plan Colombia. PMSCs on the other hand have been playing an active role in Colombia since the days when the Medellin Cartel led by Pablo Escobar exercised enormous power in Colombia (Thoumi, 2003) .

As is discussed earlier, the US government never supported the idea of a deeper commitment into the Colombian conflict, as it could lead to a situation where the US would have to deploy its troops

on Colombian soil. Many analysts, including former foreign secretary of state Henry Kissinger looked at the Plan Colombia with suspicion, making its parallels with the Vietnam War, stating that Colombian efforts to defeat the guerillas would most likely fail. He presumed that the US, would consequently have to deploy its forces on the ground because Colombia's failure to fight drugs would be hard for the United States to digest since it had invested so much in Colombia (Ulloa, 2014). The fixation, with sending a minimum amount of personnel led to the services being outsourced to private security firms. PMSC were an easy alternative since they had been collaborating with the Colombian police in the war against drugs during the late 1980's as well, so all jobs that could possibly be performed by PMSC's were outsourced. The PMSC's and American army soldiers, however were bound to be answerable to the Colombian government for misconduct, which is in sharp contrast to the situations in Iraq (Kinsey and Patterson, 2012) Afghani President Karzai tried tackling this problem through a presidential decree, but failed.

According to the terms decided under Plan Colombia, there was a ceiling on the number of American security personnel who could work in Colombia, and this ceiling was set at 400 for American troops and 400 for civilians working for the US government in Colombia in 2002. A mere three years later, the number of troops was doubled to 800 and PMSC count raised to 600. (Ferero, 2004)

However, the cap put on the number of Americans was not a problem for PMSC's as they were free to recruit individuals from other nationalities and Colombia itself for their operations. Neither the United States nor the PMSCs operating in Colombia gave a figure as to how many private security contractors were recruited from other countries to work in Colombia.

Many scholars argue that the hiring of PMSCs in Colombia was not justified by the US because all the outsourced functions were those that the US army could perform itself. The proponents of outsourcing argue that handing out functions to PMSCs becomes important because the business of managing conflicts has evolved over the years. PMSCs are considered superior entities with better knowledge of the complexities of battlefields and thorough expertise for postwar reconstruction operations. The conventional armies may take time to learn the new tactics of war and peace. (McFate,2015) Those opposed to the logic of outsourcing look at the phenomenon of hiring these "shadow forces" as the government's way of evading responsibilities for their policies

and to make accountability difficult. This recruitment also did reasonable harm to the transparency of US legal system as the US government was not bound to report an outsourced project to the Congress if it were less than USD 50 million in cost. PMSCs in their agreements carry a confidentiality clause that prohibits them from releasing the name of the authority hiring them. This helps not only governments to stay in the shadow of PMSCs but also the non-state actors that hire them. Another reason is that, the loss of life of a PMSCs worker does not warrant as much public outrage as does the killing of a military man. One thing that begs attention is the fact that PMSCs were allowed to conduct search missions for their lost, kidnapped or murdered co-workers and recover them by force if required. This way, the PMSCs took an active and direct part in hostilities violating the clause that restricts civilians from taking part in combat.

AN OVERVIEW OF THE PMSC'S WORKING IN COLOMBIA

The PMSC DynCorp International, which is a US (Virginia) based firm, started off in 1946 as an aviation company. It was said to be started by the then President of US Harry Truman, who wanted to place the veterans of war in a business that could use their expertise. It now works as an active PMSC and has subsidiaries in the African, Australian, and European continent. It is speculated that out of the two billion that the company annually makes, 96% are made off the contracts by the federal government of United States. (Yeoman, 2003)

DynCorp signed a contract with the US government in 1990; it was the firm's first encounter with eradicating plants that later were refined into drugs and Colombia acted as their learning laboratory (Azzellini and Mogel, 2007). It was also the first firm that was given the task of providing the Colombian security sector with advanced aircrafts, as well as training their pilots and technicians with the skills of aircraft maintenance. These skills were to be employed to eradicate and fumigate coca fields. DynCorp delivered the knowledge on the extermination of drug crops using advanced chemicals, and worked for the provision of those chemicals to Colombia, of which glyphosate was the principal herbicide (Business and Human Rights Resource Centre, 2016). Many Environmental Justice Organisations have repeatedly complained against the indiscriminate spraying by DynCorp, while there have been cases where human lives were put into danger due to the poisonous chemicals. DeWitt's organization, that works to protect the environment, filed a lawsuit in District of Columbia court in 2001, against Paul V. Lombardi, the CEO of DynCorp on behalf

of 10,000 farmers and peasants from Ecuador, as DynCorp sprayed their crops, along with the Colombian crops (Oller, 2008). This led to a ruling by court that declared that DynCorp had committed wars against humanity, and it must cease its operations (Styllinski, 2014). But the Colombian President, Uribe, did not put a halt to these operations and they continued till 2015 (Neuman, 2015; Brodzinsky, 2015). The Colombian government as a part of its peace talks in Havana, is considering to reuse fumigation as a way of getting rid of drug crops. (AP, 2016)

Other PMSCs that took part in providing intelligence, logistical and human resources to the Colombian conflict included the Florida based intelligence gathering agency AirScan that provided Cessna 337 aircrafts that used infrared to trace and bomb the guerrillas. AirScan also had a contract of protecting an oil pipeline (McCallion, 2005). In June 2001, the Colombian government summoned three U.S. contract pilots to testify in the case of a 1998 bombing in which civilians were killed in Santo Domingo. The pilots under investigation admitted that they had handed on the coordinate to the Colombian Airforce to bomb a civilian neighbourhood, as a result of which three children were killed, to protect a Cano Limo Occidental oil pipeline they were guarding. (International Consortium of Investigative Journalists, 2001; Laborrights.org, 2003) Military Professional Resources Inc. (MPRI) another PMSC, had a USD 4.3 million contract for eighteen months to work with Colombian military. MPRI had ten contracts for that time period, out of which, not even one could speak the local language. The scope of the services provided by MPRI is not clear but their contract was not renewed in Colombia. Other company working for the US government in Colombia, was Lockheed-Martin, that with its various subsidies, had eight contracts. Rasor argues that Lockheed Martin was the biggest benefactor of these contracts (Rasor, 2012) Others included ARINC International, Oakley Networks, Northrop-Grumman Mission Systems, Mantech, Mantech International, ITT, Telford Aviation, King Aerospace, CACI Inc., Tate Incorporated, Chenega Federal Systems, PAE Government Services, Omnitempus, Construction, Consulting & Engineering – CCE, U.S. Naval Mission Bogota Riverine Plans Officer and Science Applications International Corporation (SAIC). (Colectivo de Abogados, 2016) This list was made public by a report issued for by the United States Foreign Office for the Congress in 2007. These were the companies recruited formally by the government of the United States. (Restrepo, 2011)

A portion of jobs performed by the PMSCs were technical in nature and involved the collection and dissemination of information, while the logistical part involved provision of goods and services such as escorting the military personnel to dangerous areas. A relatively smaller part of training was delivered by PMSC while the major portion of trainings, and those that were more important for Colombian forces such as survival in remote areas and jungle, protection of oil pipelines, and maritime protection were delivered by personnel from US armed forces. Most services acquired from the PMSCs were towards the modernisation of their air power and aircraft expertise domain.

INTRODUCTION OF LAWS INTRODUCED UNDER SSR

Besides the influence of PMSC, Colombia was fortunate to have a functioning government, during all stages of the conflict. Iraq and Afghanistan did not enjoy this privilege. Colombian government under SSR framework, strengthened its judiciary and new laws were designed to ensure that peace and justice prevails. At the time of their formulation these laws appeared ambitious at best. (SSR Country Snapshot, 2013) A Justice and Peace Law (JPL) or law 975 was passed, that aimed at demobilizing the paramilitary troops in the state. The demobilised members under this law were given a reduced sentence if they chose to confess their crimes and had to commit to being non-violent in future. Reparations for victims were also offered under this law. Under the same Law 975 ‘Comisión Nacional de Reparación y Reconciliación’ (CNRR) was established in 2005. The commission was created to strengthen the effectivity of the reparations programme. USAID and OIM were the organisations that helped Colombia financially with creating and enforcing this system that worked at decreasing the grievances of the victims. (Amnesty International, 2014) Similarly, Política Nacional de Reintegración Social y Económica para Personas y Grupos Armados Ilegales (PRSE) and Victims Land and Restitution Law were other legal initiatives adopted under the SSR policy and were implemented in 2012. The introduction of such laws that facilitated demobilisation of rebels was a distinguishing feature of SSR in Colombia.

PERFORMANCE INDICATORS OF PRIVATE MILITARY AND SECURITY COMPANIES IN COLOMBIA

COSTS

The total spending of the US on prohibiting drugs stands at USD 40 billion annually. (Schrager, 2013). According to a US government representative, the US spent USD 10 billion on Plan Colombia which was only a 5% of all the money spent on the Plan (Londo, 2015). The United States Government Accountability Office (GAO), reports states that American spending on the militaristic aspect of Plan Colombia stood at an average of USD 540 million annually from 2000-08. During this time, Colombian kept spending USD 812 million per annum in its fights against the guerrillas and drugs which shows that Colombia during all these years spent 1.2 percent of its total GDP on these operations on an average (Pizarro & Gaitan, 2006; 68; Shifter, 2012). Figures suggest that Colombia had a sharp increase from 3.6 percent expenditure of GDP on defence in 2003 to spending 6 percent in 2006. In a matter of four years, the military forces in Colombia multiplied from 250 thousand to 850 thousand. (Anon, 2007) A hefty amount of resources were allotted to Plan Colombia but the results seem unclear (Brookings, 2015). Most funding from Plan Colombia was given out as military aid. From 1997 till 2003, military aid given to Colombia for troops training, under the programme was USD 2.36 billion. (Pizarro & Gaitan, 2006; 68) In the 2001 budget of the United States, USD 150 million were allocated to Colombia while this figure reached USD 309 in 2006. Out of this amount 42 percent was allocated to PMSCs in 2001 and 50 percent was to be spent on private military in 2006. Of the total military aid provided to Colombia from 2000-2010, 55 percent of the share went to PMSCs. (Brancoli, 2016) The rest of the money was being used not only for the armed personnel, and their salaries but also covered their cost of living. These figures show that the lion's share of the budget was allocated to PMSCs.

The principal reason given by governments for hiring PMSC's is that these companies are cost efficient and since they are a market commodity available for sale, they are also subject to the other dynamics of market such as competition that forces them to provide their services at the best rates. This argument holds water, but not in cases where PMSC's fraudulently over-charge governments and or make the donor governments sign contracts that force them to pay even after

the services PMSC's provided are transferred to the recipient governments (McCallion, 2005). Audits conducted on DynCorp International by the Internal Office of the State Department reveals that the company in 2005 overcharged the government by USD 1.8 million. Other sources reveal that this pattern of overbilling was consistent with the earlier practices of DynCorp. Northrop Gruman and DynCorp fraudulently charged a USD 100 million extra for their jobs. They also have a history of faking the educational credentials of their employees to extract more money out of the government. (Clark, 2014) DynCorp also took considerable time in transferring the skills to the pilots, so much that there is hardly any money that can ultimately be saved. The cost of contracting DynCorp, which was USD 6.6 million in 1996 shot up to USD 38.6 million in 1999 (Bigwood, 2001)

Besides the economic costs, several members of the DEA along with PMSCs were involved in sexual and drug abuse in Cartagena, Colombia (Otis, 2015; King, 2015). Among the abused were children as young as 12 years old. (Lehmann, 2015) The US office of Inspector General (OIG) when tried to gather information, these parties tried to conceal the facts stating the US Privacy Act of 1974. However a commission and procedures were established by the US OIG, but that came about only in 2015. (Office of the Inspector General--US Department of State, 2015)

LEGITIMACY

The right of states to uphold their sovereignty, and self-governance is one that was accorded to all states in the Weberian system of states. This right according to many is eroded due to the insurgencies that states began to face and the eventual use of PMSCs to fight them corrodes it further. The PMSCs deployed by the U.S. and Colombian Government did the same to Colombia, but not to the extent to which the use of these entities has harmed countries like Afghanistan and Iraq. Several activities to support the plan Colombia started from 2002, in which the U.S. State and the Defence Departments used the PMSCs to provide police and military aid to Colombia. The PMSCs have helped in the improvisation and modernisation of the security institutions, the technical efficiency of the Colombian law implementation agencies and provided aid in tasks of reconstructing the Colombian legitimacy. Outsourcing though, has not been as successful of a policy option as was expected by the two governments. The PMSCs could not effectively combat the drug trafficking which was one of the most significant objective of Plan Colombia and reason

for their recruitment. The Plan Colombia could also be harmed if the PMSCs were permitted to function with a complete protection for their personnel and involve the population directly during their actions.

The Colombian state that was on the verge of losing its legitimacy at the hands of crime syndicates and guerrilla groups tried to regain its right for the coercive use of force by employing an armed entity that could practise with absolute immunity in Colombia. The US law that otherwise prohibits the outsourcing of 'inherently governmental functions' hired these groups to work in a state that was fighting an asymmetrical war which was a direct threat to its sovereignty. The Colombian state had already witnessed the devastation that could be caused by PMSC's in the form of Yair Klein, the head of Spearhead Limited, who was involved in the bombing of an airliner and training of drug cartels but they still opened their door for PMSCs. The U.S. Congress under Plan Colombia imposed a condition that PMSCs would be acting as diplomatic agents and would be given complete impunity to act in Colombia therefore it was obvious that the State was losing its control in the Colombia due the hindrance caused by the direct U.S. participation in Colombian operations.

Despite this objection, Colombia could not halt the direct involvement of the US based PMSCs in the Colombian Conflict. For example, the DynCorp has a contract with the U.S. State Department not only for the aerial spraying of the illegitimate cultivations of drugs but the contract also includes air craft inspection, maintenance and rescue operations which are driven for finding out and shutting down the aircrafts that have been occupied by the drug traffickers and producers. The disinfection or sterilization process takes place with planes that are used to drop the chemical called glyphosate in the fields. The planes are accompanied by two or three helicopters. These helicopters have crew members from both the National Police and the contractors who at all times are well armed and equipped and ready to fight the attackers.

Although the Colombian National Police takes responsibility for the well-armed aircraft but there is no check and balance on the contractor's actions. Due to this lack of effective control over the contractors, misconduct appears to be a common problem in PMSCs hiring. The government of the United States only looks forward to the results it desires and the PMSC is itself responsible of hiring the staffs and providing them with the essential resources.

According to the Intelligence Authorization Act of November 2003, there is a great use of the PMSC in the Colombian conflict. It is because the intelligence amenities should not only be used for combating the drug trafficking but should also be used for fighting terrorism. The outcomes of this lack of control can be drastic bearing in mind that the U.S. employed PMSCs are protected from the Colombian law by an agreement from the U.S. Many cases of rapes of minors have been reported and the PMSCs employees along with US armed personnel are thought to be involved in these ill-doings. Some of these took place on a military base but the culprits remain free of charges because of the immunity that has been granted to PMSCs from all such things by the U.S. Government and culprits are never brought in for trial.

PMSCs operating in Colombia were hired by the legitimate governments of United States and Colombia to bail out the country from its problems of drug trafficking and low intensity conflict. The PMSC's working there, went ahead with their work after obtaining proper licenses from the recruiting governments. As argued earlier in the dissertation, legitimacy has to be followed by effectiveness. Therefore, when the PMSC's failed to deliver as per their obligations and started taking a direct part in conflict, they lost their legitimacy. According to Pattison when cases like that arise, the most legitimate actor should intervene and save the day for the state (Pattison, 2009). In this case the recruiting state United States, was the legitimate actor for the cancellation of contracts and so on but it failed to do so. The next legitimate actor was Colombia, who tried to act efficiently, such as the case where MPRI's contract was not renewed (International Consortium of Investigative Journalists, 2001). Many PMSC's in Colombia performed as per the requirement of their contracts; that was the role of strengthening the security sector of Colombia, which showed enormous improvement. Other PMSCs crossed the limitations stated in their contracts and got away with it as they were not stopped by any of the most legitimate actors and hence went on to function even after technically losing all the legitimacy with which they entered Colombia.

EFFECTIVENESS

The PMSCs hired were basically for the aerial eradication of crops. With time it has been proven that this method was extremely costly and had zero to minimum effect on the eradication of cocaine producing coca plant. Not only that, it was a cause of health deterioration of many, and a large number of people got affected with diseases like Cancer and breathing problems. The task is now

being conducted manually and is yielding more results than any aerial operation by PMSCs ever did (Bargent, 2013). The job of training the troops was well accomplished by the PMSCs as by now, the security forces of Colombia are well equipped to deal with any kind of external and internal aggression.

The PMSC's were more effective for the United States than for Colombia. The United States government deployed forces, both public and private in Colombia as the Columbian drug issue harmed the national interests of the US. The organisations such as the paramilitary groups, FARC, ELN were seen as an active threat to status quo and also as entities that were making money off the Colombian drug business to sustain their insurgency. Out of the USD 1.3 billion given to Colombia in Plan Colombia, only 13 percent was used for socio-economic development. (Perret, 2011) The rest of the funds were allocated to PMSC's which were all based in the US, hence in one way or the other the money invested, went back to the US, while on the world stage the US kept pouring in money into a humanitarian relief and assistance project.

PMSC's have helped the US maintain its influence in the Colombian state as well as the Andean region. PMSC's took active part in intelligence collecting missions and provided the governments all the information about these guerrillas. A bleak way to look at it would suggest that these missions raised suspicions of the local in rebel organisations as the PMSCs implanted their employees within rebel networks. The rebels being suspicious of getting caught started planting landmines indiscriminately and because of which Colombia is the second largest country in terms of having landmines victims.

Another way of looking at the situation is that PMSCs often act as the executors of American foreign policy (Boysen, 2007). They guard various US interests in Colombia such as protection of oil pipeline, containing drug crops and insurgencies fuelled by their smuggling. By maintaining US corporate interests in Colombia, PMCs are aiding in the destruction of left-wing movements and backing right-wing governments.

CONCLUSION

With reference to the PMSC's deployment in Colombia under Plan Colombia carried forward by the U.S and Colombian government, this chapter deals with the role of PMSCs in the creation of

the security sector reform of Colombia. One problem that researchers face when studying the Colombian case is that there is a dearth of data on which to base analysis. The role of PMSCs is a critical thing to study as neither the governments nor the PMSCs are willing to unveil the details of their contracts, which would shed a light on the depth of their engagement. As per the facts provided in this chapter, it is not hard to see that PMSC's were not the most cost-effective option. If a local task force was created to manually eradicate coca crop, it would have yielded more effective results at a cheaper price. Since the deployment of PMSCs in Colombia, there has not been even a single one-month period of peace. Peace began to come to Colombia as a result of negotiations which started in Havana in 2012 and was the initiative of the government itself. PMSCs should be given credit for their trainings that they provided to the Colombian forces, using which the forces weakened rebels to an extent that they agreed to come to the negotiation table. Drugs continue to remain a rampant problem of Colombia and the government is in talks with FARC heads to get rid of the issue. However, the human rights abuse and frauds committed by the PMSCs should not be overlooked as they binge on the legitimacy of the government and augment insecurity in the populace of an already conflict ridden country. If it weren't for the determination of the Colombian government to develop their institutions of security and democratic governance, the situation in Colombia also would not have been any different than Afghanistan and Iraq.

CHAPTER 5

CASE STUDY OF AFGHANISTAN

The SSR operations in Afghanistan have largely been focused on the train and equip model of SSR. Privatisation of security in Afghanistan, in the wake of Operation Enduring Freedom was a relatively exceptional event. Afghanistan is a country, with a history of security disorder and chaos, that looks up to warlords for protection and security (Checchina, 2011). The deployment of PMSC's in conflict zones was not a new phenomenon before the Operation Enduring Freedom, but the scale and areas of operation for which these were employed in Afghanistan was unprecedented. Private contractors joined forces with the US-led Coalition Forces (CF) in the year 2001. The PMSCs were used for support and logistical purposes in the beginning but it was not long before their sphere of operations expanded to include other services that were traditionally considered to be solely military functions in war zones such as taking direct part in combat. PMSCs worked on the restructuring of Afghan police and provided help with combat. This chapter, will discuss the role of various PMSCs and the methods used by them for the training of Afghan National Army (ANA) and Afghan Military Forces. Using legitimacy, effectiveness and cost as indicators, the effects of deploying a private military in post-conflict environments would be evaluated.

HISTORY OF CONFLICT IN AFGHANISTAN

The present conflict in Afghanistan is almost four decades old, which began with the Communist revolution of April 1978, at the peak of the Cold war. A threat like that could not be taken lightly so the US funded and Pakistan trained guerrillas were sent to Afghanistan by the US to fight the Communist threat. (Bosin, 2009:13) The people of Afghanistan who considered themselves bound by religion and tradition also rebelled against the Communist government. The government responded in kind and various oppositions groups were either killed or imprisoned. USSR took advantage of the situation and intervened in Afghanistan on the Christmas eve of 1979. (Taylor, 2014) The political structure of the state, became dichotomous where one group of people, called the Mujahedeen, united on religious, ethnic and tribal lines started its struggle to liberate the state from foreign hold and the other became an ally of the Soviets. (Bosin, 2009:14) Fueled by Pakistani

intelligence service's training and US and Saudi money, the Mujahedeen fought with vigour and the Soviets were forced to leave Afghanistan after 1988's Geneva Accords. (Riedel, 2013)

The Afghan resistance created the world's largest number of refugees with around six million refugees in Iran and Pakistan, and left 1.5 million dead in ten years. (The Economist, 2016) The United States and the West halted support and lost interest in Afghanistan after the demise of the Cold war. In the power vacuum left by the Soviets, a struggle for power ensued between the war veterans Mullah Muhammad Omar and Ahmed Shah Massoud, where the former became the leader of all Taliban, the latter formed the United Front Northern Alliance against the advancement of Taliban in Kabul. (Cook, 2012:78-82) A notorious Taliban regime emerged from the rubble of years of war and conflict in Afghanistan under the war veteran Mullah Muhammad Omar sponsored by Pakistani intelligence agency ISI. ISI helped the rise of Mullah Omar to strengthen its strategic depth in Afghanistan against its sworn enemy India³. The Taliban that comprised mostly the Pashtuns from the Afghan refugee camps in Pakistan, were in control of 90 percent of the total territory of Afghanistan by 1998. The rural population of the state began to get the security that it had long craved but the style of Taliban governance was strict and dictatorial(Laub, 2014). Taliban were funded by Saudi Arabia and were fed the same Wahabi doctrine on which the modern Saudi Kingdom and state stands⁴. A civil war started between the Pashtuns (Taliban) and the Northern Alliance (Michael, 2012:127). In a situation like this Pakistan, UAE and Saudi Arabia were the only states to recognise the Taliban government in Afghanistan. (Laub, 2014) Fighting in Afghanistan never stopped and various ethnic and tribal factions continued to massacre each other during this time as well. Taliban harboured terrorists like Osama Bin Ladin and supported

³ "Strategic depth, in Military terms, refers to the internal distance within a state from its Forward Defended Localities (FDLs) or the distance from the frontline to its centre of gravity or Heartland, its core population areas or important cities or industrial installations. It refers to the consideration relating to the vulnerability of the centre of gravity of a country to the enemy's onslaught in case of war as against the capability provided by the space available within the territory to halt enemy's advance, counter attack and restore the balance." For an indepth analysis of the concept please see <http://nation.com.pk/columns/16-Oct-2015/the-strategic-depth-concept>

⁴ Wahabism is based on the teachings of an eighteenth century cleric Mohammad Abdul Wahab, who denounced any form of modernity and considered it blasphemous. The Madrassah's or Islamic religious schools in Afghanistan and Pakistan are the main recruitment hub for radical Islamic organisations such as Al-Qaeda which recruit young students or Talibs for their so-called 'religious' missions.

Al-Qaeda, and Laden was exercising power in Afghanistan to an extent that he held a press conference in February 1998 declaring war against the US, without the knowledge of the supreme ruler, Omar. (Elias, 2004) Omar as that time was seeking international recognition and was highly displeased with the move. To gain back Omar's favour, Laden issued a public declaration stating that Omar was the supreme ruler of the country. This statement helped dissipate friction between the two. (Cullison and Higgins, 2002) The attacks on World Trade Centre New York and Washington D.C on 11th September 2001, forced the US to shift its attention back to Afghanistan. In response to those attacks, the United States launched its operations against the terrorists in Afghanistan. Two military operations were launched in Afghanistan; Operation Enduring Freedom (OEF) and International Security Assistance Force (ISAF). Where OEF was a joint initiative by the US, British and Afghan state, ISAF is a NATO operation that also includes the USA and the UK. It was because of these operations that PMSC's first set foot in Afghanistan.

PRIVATE MILITARY AND SECURITY COMPANIES IN AFGHANISTAN

The private security environment of the Afghan state differed significantly from that of Colombia or Iraq, where in the latter two international PMSC's were hired for the provision of security and reform of SSR. In Afghanistan, things have been different, as local security corporations were hired for the provision of security. Data suggests that the Department of Defence (DoD) employed 112, 092 contractors in the year 2010 (Avant & De Nevers, 2011: 91). The PMSC employees hired constituted the following ratio, 14 percent of the contractors were US citizens, 16 percent so-called third-nation contractors and over 70 percent Afghan contractors (Avant and de Nevers, 2011: 91) This figures declined further in 2013, where 95 percent of PMSC employees working in Afghanistan were Afghan locals.

BEGINNING OF SECURITY SECTOR REFORM IN AFGHANISTAN

Security Sector Reform (SSR) is often credited as the keystone of successful state building process. A group of influential such as the US ambassador to Afghanistan, James Dobbin along with UN envoy to Afghanistan, Lakhdar Brahimi met important Afghan policymakers to discuss the future of the country in 2001, where they decided that improving the security sector of the country was a pre-requisite for the prevalence of efficient governance and putting the state on the

path to progress. (Bellamy, Williams and Griffin, 2004 :290) It was in this conference that an interim six months government under Hamid Karzai was established until an effective authority recommended by loya Jirga could take over. (Fields and Ahmed, 2011)

The United Nations attempted to help further by establishing an Assistance Mission in Afghanistan (UNAMA) the rationale for which was that, such a mission would be useful in fostering a government that was strong, could contribute to development and would be capable of maintaining peace and order. (Security Council, 2001)

The Afghan leadership was given priority for the implementation of this approach, based on the belief that a task like state building is accomplished more successfully if there are local leaders involved (Ayub et al. 2009). SSR in Afghanistan initiated in a 2002 G8 conference, in Geneva, where two meetings were conducted by major security assistance providing donor states. The donor states agreed upon the idea of division of labour for conducting SSR in Afghanistan into five components called military reform, ii) police reform, iii) judicial reform, iv) disarmament, demobilization and reintegration (DDR) and v) counter-narcotics. (Fields and Ahmed, 2016) Each of these steps were taken care of by a different donor state to facilitate the process. Military reform was to be overseen by the government of United States, Britain took counter narcotics. Japan assumed the responsibility for delivering DDR; judicial reform was to be taken care of by Italy and police reform by Germany (Kelly, Bensahel and Oliker, 2011 :28). Other major actor besides the G8 donors involved in provision of security was Canada that was working for the purpose of demilitarization and was helping in developing the police reform. This system was set to be replaced after the interim period by Afghan institutions.

However, the most consequential actor involved in the SSR in Afghanistan was the US. SSR is seen as an approach that can bring all institutions, as well as armed actors, whether state or non-state in character, under democratic and civilian oversight in order to improve the state's monopoly on force. In a state such as Afghanistan where non-state actors are numerous, SSR was the only tool capable of bringing in the desired change. The problem with this five pillar approach was, however, that there was no overarching coordination structure decided upon by the donor states. SSR is a process that is not even mildly effective if it is not holistic. In the five pillars system, while some states such as the US progressed quickly with their reforms, police reforms lagged behind. (Sedra, 2010) The success of every pillar in this system was reliant upon the

effective functionality of another pillar. Another problem was that there existed a lack of accountability, democratic oversight structures, and a channel for configuring the management of these bodies at the executive and legislative levels.

In Afghanistan, the biggest challenge faced by SSR is a lack of local ownership for the process since no governance structure till date is powerful enough to govern the security sector efficiently. The SSR process then is, for the most part, donor driven in Afghanistan.

PERFORMANCE INDICATORS OF PRIVATE MILITARY AND SECURITY COMPANIES IN AFGHANISTAN

EFFECTIVENESS

There is some evidence of private security companies making their share of participation in the making of state security reform. Particularly, these three US companies: Blackwater International (now Academi), L3- MPRI, and DynCorp International. These companies received proper working contracts and orders from the US Departments of Defence and State. (Berndtsson and Kinsey, 2016)

THE AFGHAN NATIONAL POLICE

In 2002, around 50,000 to 70,000 police personnel served in Afghanistan. (Perito, 2009) The police group had professionals who were trained before the Operation Enduring Freedom as well as recruits that were barely trained for the job. More than 70-90 percent of these officers were illiterate and ill-equipped, in terms of weapons and training to perform their job. (Kelly, Bensahel and Oliker, 2011: 27) This cadre also included people who had their loyalties with the infamous Afghan warlords, and detested the central command and supervision they were working under.

Amnesty International's 2003 report revealed that out of the 3,000 officers operating in Kandahar, only 120 had a formal police operations training. (Amnesty International, 2003) It was a lack of training of the forces due to which abuse of power and human rights abuses took place in Afghanistan. The Afghan Interim Authority (AIA), did not take long to realise that the problem could not be solved without active international help. Police reform had to be performed by Germany according to the 2002 G8 meeting's consensus. Germany decided to contribute 10 million euro for the cause. (Chatterjee, 2010) Principally this money had to go to the restoration

of the Kabul Police Academy (KPA), and other police training buildings and offices where the police would subsequently station itself. Finally, the provision of vehicles and other equipment necessary for the police to function was an important area to which money had to be directed. Germany wanted to recruit officers who had passed twelfth standard and could be enrolled for a bachelor degree at the KPA. The Non-Commissioned Officers (NCO's) had to be a ninth grade graduate before they could be allowed into the academy. (Lister, 2007, International Crisis Group, 2007) Most of the German money went towards rebuilding and establishing KPA, but the police building project failed miserably. Mainly because, the Afghan population was highly illiterate and most higher posts in police were occupied by Northern Alliance members, from the very beginning, who practiced nepotism and brought in a lot of illiterate recruits. Also, the complete focus on the Academy meant a lot of personnel got no training at all. Till 2005, there were only 41 trained officers and 2,583 NCO's who were proper KPA graduates. Germany also failed to create an oversight mechanism of the police department within the Ministry of Interior due to which transparency issues arose.

The US had initially no role to play in the creation of a police force in Afghanistan but it stepped in to fill in for inadequacies of the German planning in 2003. The US Department of State contracted DynCorp International for a police building training that was focused on the training, equipping, and capacity building approach of SSR. DynCorp was awarded USD 117,236,158 for the first year, and \$85,275,734 and \$87,487,630, respectively, for the next two succeeding years. (Chakrabarti, 2010)

The aim of hiring DynCorp was to equip the ANP with latest weaponry, to train them as to how that arsenal was to be used, and to build the capacity of the police. The NCO's were the prime target of this training. The DynCorp in its official press release stated that it was requested to provide 'assistance with administrative reform' as well. (Defense-aerospace.com, 2005) This shows that DynCorp was made in-charge of the entire SSR programme, and its functions did not only embody the 'train and equip' part of the SSR campaign but also the 'reform and develop' approach to SSR. The Department of Defense gave away a new contract, worth USD 1 billion, to DynCorp in December 2010, for base maintenance, training of troops and provision of logistical support. (GAO, 2012)

Another significant event was the creation of the Law and Order Trust Fund for Afghanistan (LOFTA) by the UNDP. The fund was created so that the major donor states could contribute for the salaries of police officers. UNDP, initially requested for USD 65 million from the donor states, but the fund managed to get only USD11.2 million, which shows that the police personnel did not get salaries for months on end. This problem depicted the disunity among the coalition partners and their half-hearted attempts at Afghan police building. (Ezrow and Frantz, 2013)

Paravant, a Blackwater subsidiary also trained 3,700 Border police personnel and 5,700 Narcotics Interdiction Unit Officers, on a subcontract that it got from the PMSC Raytheon. Today Afghanistan is considered one of the most unsafe countries that produces 90 percent of the world's opium. (Prince and Coburn, 2013) The figures show that there was hardly any use of the narcotics officers created by these PMSCs with the money wasted and the effort invested, futile.

AFGHAN NATIONAL ARMY

The Afghan National Army's (ANA) creation started formally on the 14th of May 2002. The first batch of ANA was trained by the Special Forces of the United States. (Ruelsen, 2005; Giustozzi, 2007; Sedra, 2004). The final structure of the Army was not envisaged at that point, but a rough sketch indicated that the highest number of personnel, around 45,000 soldiers, would be allocated to the combat units, as it was the need of time. Unlike the De-Ba'athification policy that took place in Iraq, where all Iraqi soldiers with any ties to the army of Saddam's time had to leave, previous members of Afghan Military Force (AMF), were welcomed to join the Afghan army ranks if they were eligible.

The PMSC Raytheon got a USD 11.2 billion for consolidating operations and maintenance, systems irrigation and engineering support services, and to train the ANA (Prince and Coburn, 2013). Raytheon subcontracted the contract for USD 25 millions to Paravant, a subsidiary of Blackwater. Paravant was expected to send their personnel for the trainings. Blackwater sent 75 people for the job(Ibid). The training of new Army had to be funded by the US and conducted at the Kabul Military Training Centre (KMTC), in Kabul. All recruits had to pass through the KMTC training before they could be posted to their units. A goal of 70,000 soldiers was set initially that were to be trained by 2007. The KMTC facility was not big enough for training the number of

soldiers that were initially aimed to be trained. This was a major glitch in the armed force rebuilding initiative. 1,750 soldiers were trained at the KMTC by March 2003, while a batch of another 7,000 passed out of the academy by February 2004. By 2007, only half of the recruits could get the training, out of the expected number (ANA home page, u.d). New regional training centres were opened in Mazar-i-Sharif and Gardez at in April 2007. Another training centre was opened at Herat in 2007 and the training capacity rose to 30,000 recruits per year.

The training provided to soldiers was based on one that was designed by Task Force Phoenix, and consisted of a fifteen weeks training programme. (Tucker and Pierpaoli, 2015) The soldiers for the first seven weeks learnt basic combat, while the next six weeks were devoted to individual training of recruits and group exercises. The training was thorough and the soldiers found it useful but there was a problem; the time was too short and the progress was slow. At this time, Blackwater did what it does best; a new programme with a shorter time duration was designed, this time for ten weeks, which took away from the effectiveness of the programme. (DoD, 2009: 137) Soldiers could learn basic war and combat tactics, weapons and arsenal handling, navigation and security services, land guarding, shooting, interrogation skills and de-mining skills. Now, with the new shorter course, the academy was producing 24,000 soldiers a year, most of them inefficient.

The trainings given to the soldiers were expected to be a turning point in Afghanistan's security situation but the situation did not turn out as per the expectations of the US government or NATO. The DoD, in 2008 reported that ANA members were collaborating with the Taliban. (DoD, 2008). The ANA, despite these reports was the legitimate force of Afghans and gave them a sense of security.

The expectations regarding ANA have crumbled. In 2015 alone, 5,500 Afghan soldiers were killed, and every day more of them are dying. The rate of force desertion is alarming. The ex-servicemen are now joining the ranks of Taliban, where they claim that they are treated more respectfully (Yasmeh, 2016). They are providing them with the combat training that armed forces imparted to them. All these problems point towards a flawed American policy towards Afghanistan and a structurally flawed training that was given to the ANA servicemen. ANA servicemen were soldiers created by a private army, and these soldiers themselves not behave like an army that works for material gains, serving the master that pays the most. The PMSCs have been extremely unsuccessful in terms of their effectiveness in Afghanistan.

LEGITIMACY

PMSCs that worked along the coalition troops in Afghanistan, operated under three different layers of legitimacy, as they did in Iraq. This legitimacy stemmed from (a.) the international conventions and resolutions passed by the UNSC; (United Nations Security Council, 2002) (2) The Laws of the United States (US Congress Joint Resolution, 2002) (3) Afghani laws, incorporating orders of the CPA that have not been superseded. According to the Geneva Conventions and international humanitarian law, PMSCs and employees contracted by them are non-combatant civilians in a war zone. (Elsea, 2009)

Afghanistan, after a series of invasions and wars had a trust issue with deploying private militaries. The reason why the government became flexible and allowed the PMSCs to operate was that by 2005, the Afghan insurgency was so strong that it was hard for the government to fight the insurgents on its own. PMSCs, who were foreign paid, seemed like a viable option to the government. Even then, a protection mechanism against PMSCs had to be in place. (Armendariz, 2016) PMSCs were requested to inform the government of their company's background, staff details including their nationalities, the trainings that they were conducting on SSR, the weapons that they possessed and the sources of other ammunition held, the location of offices, their vehicle numbers etc. An official license process started in 2008 by the Ministry of Interior in Afghanistan, after Karzai expressed his desire to be more in control of the security situation of the country (Boon, Huq and Lovelace, 2012) The ministry placed an upper limit of hiring 500 personnel per registered PMSC. (Bijlert, 2011) Initially 39 companies got their licenses and the number of companies registered and obtained a license from the Ministry, the number increased to 52 by 2009. Out of these, 27 companies were local in nature, while 25 were international. The total employees working for these companies were registered at 30,000. Many PMSCs still continued to operate without licenses and hired more personnel than were allowed. (Armendariz, 2016)

The DoD began keeping a track of them after mid 2007 only which shows the how negligent the US authorities were being the contracting state. Karzai, to apparently put an end to the PMSC presence in Afghanistan, issues Presidential decree 62 that came into effect in 17th August 2010. The decree called for the dissolution of PMSCs by immediate effect. It was designed to get rid of the corruption, mal-conduct, human right abuses, and uniform, authority and weapons misuse by

the PMSC forces. In one way, this decree was a formal declaration by the Afghan government that PMSC's were increasing insecurity in the country, rather than providing any semblance of security. (Karzai, 2010) The Karzai government went as far as cancelling the residential visas of PMSC officials under article 3 of the decree. Before the decree was passed, it was considered highly unlikely that Karzai would take such an extreme step, as he was directly or indirectly involved with PMSCs business. (Berndtsson and Kinsey, 2016)

The decree seemed to be efficiently designed to control the rise of private security in the country, but transiting from PMSC to governmental security was not easy and required time. After getting pressurized by the international community investing in Afghanistan, in 2011, a 'Bridging Strategy' had to be introduced for the effective implementation of Karzai's decree no. 62. This strategy was introduced to reinforce Afghan state's sovereignty over the use of force and put a security apparatus into effect that would ensure that Afghan citizens and their interests are protected. The Bridging Strategy was a one-year programme that started from 22nd March 2011 and lasted till 20th March 2012. (Dunigan and Petersohn, 2015)

The bridging strategy was essentially a 'transition period' in which PMSCs changed to Risk Management Companies (RMC's) which are organisations, that along with APPF advise on the security of sites, buildings, persons, and logistics, transportation of goods and equipment, contract management of security service operations and provide training to organisations and persons requiring security services' (Afghan Public Protection Force, 2012b) During the Bridging strategy period, the capability and capacity of Afghan Public Protection Forces (APPF) had to be increased to an extent that could enable it to undertake the operations that were performed by the PMSCs. (Krause and Mallory, 2013) The Bridging Strategy in the long run, failed largely as it had a lot of corrupt officials influencing it, which rendered the APPF inefficient and useless. Karzai set a time limit in which it was impossible to train APPF troops adequately, and by placing the new force under MoI he gave too much power to the central government. All these factors had an extremely negative effect on the already fragile security situation of the country. (Cordesman, Gold and Hess, 2013).

COST

The cost of US war on Afghanistan and reconstruction efforts, by the privatised as well as governmental forces, has been staggering. Since 2007, USD 98,851.67 million have been spent on the Afghan theatre by the US alone. According to a DoD report, USD 113.2 billion are spent on Afghanistan reconstruction so far (Sperry, 2016) The US spent ten billion dollars less than this amount on the Marshall Plan that was given to sixteen European countries for post war reconstruction. (Coy, 2014) 60 percent of the total money given to Afghanistan comprises funds that were given as security aid, and had to be invested in the Security Sector Reform. Ineffective planning and lack of a serious thought to the perils of pouring money in a fragile country, where such a huge cash flow can give rise to corruption and mismanagement of funds, rendered most of the work done in justice and security sector useless. The US till date has lost USD 60 billion in Afghan reconstruction to contractor fraud according to an estimate. These contractors were both local Afghan companies and International Private Military and Security Companies. (Cbsnews.com, 2013). A big amount of money went waste when contractors left behind machinery and equipment worth USD 6 billion in Afghanistan when the troops officially withdrew. (Beaucar Vlahos, 2014). This equipment, that was used for the provision of security, has high chances of ending up with the Taliban and giving rise to more insecurity.

The cases of contractor abuse and fraud have been too many in Afghanistan. The Afghan Air Force (AAF) was gifted four planes from the PMSC Lockheed Martin's private fleet, by the Pentagon. (Hodge, 2014) The planes cost the US government around USD 30 million. The Special Inspector General for Afghanistan Reconstruction (SIGAR), John Sopko, pointed out in July 2014 that these planes were fraught with technical issues, and the spare parts issues of the plane were too many; the planes therefore were not of any use to the AAF (RadioFreeEurope/RadioLiberty, 2014). The Pentagon bought 20 planes for AAF in 2008 as well which were worth USD 486 million. The second hand fleet had tons of technical issues and the plane could not be flown due to the problems. 16 out of twenty planes were later sold as scrap for USD 32,000. (McCloskey et al., 2015). A police training building that was built by an Afghan contractor, using USD 500 million, in the Wardak province, began to crumble as soon as it was built in July 2015. The facility had to be rebuilt by Afghan Ministry of Interior money (Davenport, 2015).

The contractor fraud kept aside, the US Army soldiers contributed on their part by stealing fuel and selling it to local Afghans. At the Fenty Base Afghanistan, Stephanie Charboneau, a US army marine, embezzled more than USD 15 million USD by stealing and selling gallons of fuel from the base. While she alone caused this hefty financial damage, there were various others on Fenty and other bases who committed the same crime. (Harte, 2015) Charboneau admitted to the crime and was sent to serve jail time for five years, but she and many others have testified that the circumstances of their deployment allowed them to steal with impunity as there was no proper oversight mechanism. On a Base like Fenty, which was the principal base for supplying fuel to 32 other bases, only three people were responsible for keeping track of the fuel destinations. (RT International, 2014)

CONCLUSION

Security Sector Reform efforts in Afghanistan have been largely useless. An attempt to rebuild the security forces of the Afghan State has failed largely due to the haste of the policymakers that preferred quantity over quality of forces. Blackwater had to redesign its trainings so that more security personnel could become a part of the security forces. This haste stems from the US's responsibility evasive behaviour as it was bent on exiting Afghanistan by 2011, and a transition of power was necessary before the forces left. On the other hand, Afghan Security forces incur a bill of USD 5 billion a year, lion's share of which is paid by the US. Most people who are paid in Afghan police are 'ghost officers'. (Times and Shane III, 2016) The Afghan poppy growth has increased by 35 percent since the US invasion. Where the opium production stood at 185 tons in 2001, it is now 6,400 tons per year. (MORA, 2015) Afghanistan continues to supply 90 percent of worlds opium. (Chuck, 2015) The failure of US hired forces in the creation of SSR have led to a failed law and order system, that exacerbated the Afghan drug problem rather than curtailing it. (Telesur tv.net, 2015) 2, 174 US soldiers died in Afghanistan (Telesur tv.net, 2015) While the number of private contractors' death is ambiguous, it is still common knowledge that more PMSC employees lost lives than the armed soldiers. (Jacquette, 2010) In 2014, 64 percent of casualties in Afghanistan represented dead contractors, where 56 armed forces soldiers and 101 contractors died. (ZENKO, 2015) But any figure given by PMSCs for their contractor life loss is not believable as they are known to have hidden the original number of deaths of their employees.

Afghanistan is still the same as it was before the invasion despite all the money that is poured into the country. Promotion of western-style democracy, using a western liberal model of development SSR, has failed. Human rights situation is worse than ever, with religious politics still dominant in Afghanistan. The Afghan Taliban are now in control of more territory than they ever were at any point since 2001. (O'Donnell, 2016) The cost of Afghan reconstruction and war, is without doubt more than any benefits that were expected to be reaped by the Afghan people.

CHAPTER 6

CASE STUDIES ANALYSIS AND CONCLUSION

The analysis of literature and in-depth study of the three countries, Afghanistan, Colombia and Iraq reveal that the SSR operations in Colombia have been largely successful, compared to the other two. Colombia, Iraq and Afghanistan have all been inflicted by the scourge of conflict. In this research, our outcome of interest was to determine if the use of PMSCs destabilises SSR operations in a state. In this chapter a gruelling comparison of various scenarios from the three case studies is presented. All three states are compared and contrasted with each other to gain a better understanding of the reasons as to why SSR failed in two and was successful in one. It leads us to the conclusion that SSR operations do not essentially fail due to the use of PMSCs, as Colombia is largely a success story even when it had PMSC presence; the reason being that Colombia had a functional government throughout the insurgency that could keep PMSCs under its oversight and at the same time strengthen democratic governance under R&D SSR. The problem then lies in poor policymaking which puts ‘hired boots on ground’ in a post conflict state in the absence of a legal framework. Governments also need to realise the importance of ‘Reform and Develop’ form of SSR, with a willingness to invest more in that realm. The problem with the structure of SSR that propagates a western notion of state can also not be ignored and SSR projects should be those that have an inherent understanding of the countries where they would be implemented. States like Afghanistan, that are still pre-modern in terms of their literacy rate, infrastructure, and cultural practises cannot relate to the idea of SSR, as it promotes a Western liberal system of governance, judiciary and security; the kind of security that values human life above everything else.

AFGHANISTAN AND COLOMBIA

While the nature of insurgencies differs in both the cases, insurgencies in Colombia and Afghanistan are relatively comparable and share more similarities than either of them share with Iraq. Insurgency in the Colombian case is a result of uncontrolled narcotics production and smuggling coupled with Marxist zealots that operate by the name of FARC. In Afghanistan

extreme religious ardour was used as a factor to manipulate masses. Over the decades, at the height of Afghan and Colombian insurgencies, both the states had a lack of a strong central government with a hold in all parts of the country, nevertheless, Colombia did have a functioning government. Colombian government, in the 1990's, tried dealing with the crisis by assigning the job of fighting FARC to its right wing paramilitary proxies to support its failing army. In the Afghan case, the country was reliant almost entirely on international assistance that was provided through forces and PMSCs. In both the countries, the absence of a strong national army alienated the people as the armed groups deployed for help infringed on the rights of the locals.

The Afghan Taliban are funded in large part by the opium produced in the country, but the role of money supplied by Pakistan and the Gulf is also substantial. The Colombian FARC insurgents on the other hand, have sustained their insurgency making use of the coca leaves from which cocaine is produced. After six decades of conflict, the Colombian insurgency is hardly driven by ideology, but a lust for monetary gain. While the sanctuaries in the caves have helped save Taliban, FARC guerrillas have made full use of the canopies provided naturally by the jungles. The terrain in both these countries has been more favourable for guerrillas compared to the Iraqi deserts, and have posed serious problems for the counterinsurgency operation. The neighbouring states of both these countries have also played a huge part in ensuring the instability in these states. Pakistan for decades has provided safe havens to Afghan Taliban, while Venezuela and Ecuador have helped in the provision of arms, funds and hideouts to the Colombian guerrillas. Insurgents in both these states have not only generated revenues by drugs, but have also been provided operational support from their neighbouring countries; Pakistan supports Taliban to destabilise India and Afghanistan, as a strong Afghanistan with close ties to India is a threat to Pakistan. (Felbab-Brown, 2015) FARC is also known to have found a strong operational base in Venezuela especially since the time when Hugo Chavez assumed power. (Insight Crime, 2015) Another disturbing fact is that while Afghanistan has the highest number of landmine victims in the world, Colombia is only second to Afghanistan in number of sufferers. (Latino Fox News, 2012)

Despite these parallels, the SSR programme in Afghanistan failed terribly, while that of Colombia fared fairly well. The principal difference between both the cases and SSR approaches deployed is that the capacity of the state was enhanced in the Colombia, while in Afghanistan the attention of principal SSR sponsor and all other parties was on enhancing the capacity of armed forces and

institutions. This comparison highlights the basic difference that lies between holistic SSR with a focus on R&D, compared to SSR that is predominantly based on strengthening the forces with T&E. Colombia, successfully in brought the FARC rebels to the talks table in 2012. The negotiations began in 2011 in Norway and by 23rd June 2016 Colombian government was successful in striking a deal with the FARC commandoes who agreed on laying down their arms and putting an end to decades long insurgency. It also speaks of the strength of the Colombian democracy that even after successful talks, held a referendum on the 2nd of October 2016, where the Colombian people rejected the idea of a peace deal with FARC rebels.

IRAQ AND COLOMBIA

Iraq and Colombia do not share too much on the surface, but they do have parallels. The similarity between the Colombian and Iraqi conflict is the presence of paramilitary troops in the country. The biggest resistance that the US faced after its invasion of Iraq was from Saddam's Fidayeen's or paramilitary forces. (Nance, 2014; 52) The United States had not expected the Saddam loyalist paramilitary forces to be extremely strong and tenacious. They attacked US troops and began to inflict heavy casualties on the coalition forces. The US in response began to create a paramilitary force of its own against the Fidayeen. The Coalition Provisional Authority (CPA) which was led by the US and the Iraqi Governing Council which was also planted by the US decided to deploy 700 to 1,000 paramilitary fighters to conduct contingency operations against the Fidayeen and collect intelligence regarding their movements and operations. The creation of this force was similar to the creation of Colombian paramilitary force that initially helped the government fight the FARC and later became beneficiaries of the drug money.

Another big similarity in both the countries is the US interest in their oil. While the US interest in Iraqi oil is an open secret (Juhasz, 2013), US imports more oil from Colombia, Ecuador and Venezuela compared to the entire Persian Gulf (Global Research, 2002). Many scholars over the last decade have argued that the US interest in agreeing to Plan Colombia was to ensure the security of the Colombian oil and pipelines (ibid).

IRAQ AND AFGHANISTAN

Iraq and Afghanistan are similar and different from each other simultaneously. The similarity stems from the fact that both the states had regime change scenarios due to which external actors had to involve both local and international PMSCs. Iraq and Afghanistan are also similar for they are reaping the fruits of the poor war and post-war planning by the US and both the states are now more unstable than ever. This inefficient planning led to the US inviting PMSCs for post war reconstruction and conducting T&E SSR. Reform and Develop SSR was left at the hands of a nascent government in both states, that was incapable of dealing with the challenges that are faced by Post-Conflict states. The situation in both the states has deteriorated further after invasion and interference of external actors an example of which is that, before the US invaded Iraq, there was no Al-Qaeda base in Iraq, Al-Qaeda being an Afghan specific problem. Now Iraq is dealing with the Islamic State of Iraq and Levant (Syria) (ISIL/ISIS) which has its roots in Al-Qaeda in Iraq (Luckenbach, 2015) Iraq and Afghanistan are now embroiled in a perpetual state of conflict despite being given billions in aid. PMSCs have worked to strengthen the security sector of both the states in different capacities as stated in the case studies but to no avail. This demands a thorough analysis as to why Colombia is a success story while Afghanistan and Iraq failed to develop their security sector effectively.

THE DISTINGUISHING FEATURE OF COLOMBIAN SECURITY SECTOR REFORM

According to the literature reviews and documents examined, the role of PMSCs in Colombia's SSR remained limited. The US hired PMSCs were allowed in the state only for training and equipping the Colombian armed forces. The important thing to notice is that use of PMSC was as rampant in Colombia as was in the other two states. The same Private Companies that were used in Colombia, were also used in Iraq and Afghanistan. According to Mills method of agreement and disagreement, Colombia is the 'most similar case' as most similar cases are those cases which after comparison show that all consequences, except one, presented themselves as common in a phenomenon, and according to that one consequence, the outcome for one case changed. (Levy, 2008)

That one factor that makes Colombia a similar case is the fact that in the Colombian SSR

framework, new laws were introduced that were designed to ensure that peace and justice prevails. At the time of their formulation these laws appeared ambitious at best. (SSR Country Snapshot, 2013) A Justice and Peace Law (JPL) or law 975 was passed, that aimed at demobilizing the paramilitary troops in the state. The demobilised members under this law were given a reduced sentence if they chose to confess their crimes and had to commit to being non-violent in future. Reparations for victims were also offered under this law. The ex-combatants could be transferred to regular courts with an increased sentence, which compelled them to adhere to the rules set by the government. Under the same Law 975 ‘Comisión Nacional de Reparación y Reconciliación’ (CNRR) was established in 2005. The commission was created to strengthen the effectivity of the reparations programme. USAID and OIM were the organisations that helped Colombia financially with creating and enforcing this system that worked at decreasing the grievances of the victims. (Amnesty International, 2014) Similarly, Política Nacional de Reintegración Social y Económica para Personas y Grupos Armados Ilegales (PRSE) and Victims Land and Restitution Law were other legal initiatives adopted under the SSR policy and were implemented in 2012. This of social policies was set out for the provision of education, skills and health care for the persons who choose to demobilize. It was an effective step for the reintegration of those people in the job market. (Guzmán, 2012) Hence, it was not for the misconduct and mere presence of PMSC’s alone, but the inefficiency of the for US not coming up with initiatives that could promote a holistic approach to SSR, that led to failed SSR in Iraq and Afghanistan. Also, insufficiency of efforts at demobilisation and reintegration of insurgents, external destabilising factors such as influence of Pakistan in promoting Taliban in Afghanistan, and imposition of orders that gave impunity to PMSCs led to the failure of SSR in Afghanistan and Iraq.

FAILED SSR IN AFGHANISTAN AND IRAQ-- ARE PMSCS AND THEIR CAPABILITIES TO BE BLAMED?

The reconstruction and SSR operations designed by the West for countries like Afghanistan and Iraq, present the classical example of the US treating a problem using the ‘white man’s burden’ approach. The US set about the task by allocating a mammoth budget to the task of reconstruction. The domestic actors, in both the countries worked as passive actors, reliant on the international players.

Conversely, SSR is a policy framework in which local ownership of projects should be given

prime importance, whether they concern security or development. A lack of local ownership, and enforcement by locals makes SSR an unsustainable initiative. In both the cases, local leaders who assume responsibility of the state sincerely, were absent. At the same time, it was in deep US interest that the power transition takes places as soon as possible, in order to cut costs, deal with diminishing support for war at home, and decreasing support from the donor states. A prolonged US presence led to the failure of winning 'hearts and minds' strategy of the US as people in both the states grew sceptical of the foreign rule. (Krepinevich, 2005)

Another factor that was overlooked was that the local leadership and governments were not prepared for the upcoming transfer of power. The unprepared, incompetent and corrupt leaders that were installed contributed to the deterioration of the security situation. In Afghanistan, Hamid Karzai's brother established an empire from the money that he made out of the illegal drug trade, which was gifted to him by the CIA for the creation of a paramilitary force that could operate in Kandahar city. (Mazzetti, Wilkins and Risen, 2009) He came to own tons of PMSCs, such as Watan Risk Management, which he used to threaten local population. (Forsberg, 2010) Another problem was the unfading US influence in the policymaking of both these countries even after new governments assumed control in these states. Prime Minister Nouri al-Maliki's relationship with General David Petraeus was always strained as the former was not satisfied with the Shiite alienating policies dictated to him by the General. (Hurst and Zahra, 2007) Hence a lack of proper transfer strategy, in which the policymaking realm is also entrusted to the locals is necessary for transition, the absence of which therefore fails SSR.

The Weberian approach to state-building and the reform of a state's security apparatus is flawed when applied in a conflict-torn society. This approach disseminates solely the agenda that state should have the monopoly on the use of force, without taking into consideration the main premise of SSR, that focuses on prioritising human security. The institutions that are created under the Weberian approach in a post-conflict state, propagate strict state control on the use of coercive force, and are lacking in political legitimacy.

The varying interests and a lack of communication between various international actors that were party to the conflict was also a reason for failure. For example, the donor states at the Bonn Agreement of 2001, assumed different roles as security providers in Afghanistan. While Germany

worked on police reforms, Italy took the responsibility for judicial reforms, and the US took control of military reforms. Italy and Germany lagged behind in trainings while US progressed quickly. (Sedra, 2004) Due to this the SSR in the country was uneven and ineffective as one pillar of security supports the other, and if one pillar has to work in isolation from the other, hardly any goals can be achieved. This sheds light on the flawed reform process. (United States Institute of Peace, 2009)

More blunders have been made on the policymaking front than the frail post-war countries could afford. One of the biggest reasons why SSR failed in Afghanistan and Iraq is that the invading state made ineffective efforts at the implementation of Disarmament, Demobilisation, and Reintegrate (DDR) policy. An effective DDR policy is a prerequisite for an effectual SSR and unfortunately this important factor was hardly paid any attention. In Iraq, Ambassador Paul Bremer under CPO's order no. 2 disbanded the Ba'aathist military and other forces immediately after invasion (Pollack, 2006). More than a 100,000 soldiers went underground and later emerged as insurgents. (Pollack, 2006, Pfiffner, 2010) The costs of these actions were disastrous beyond imagination. The present insurgency and the rise of ISIS is widely believed to be a consequence of this action taken by the US. (Nance, 2015)

SSR deems human security as a precondition to establish lasting peace and sustainable democracy. In the case of Iraq and Afghanistan, establishment of strong security structure such as police and military was given the most importance while in Colombia, a Democratic Security Policy was followed, after whose implantation the murder and kidnapping rate in the state fell considerably (The Economist, 2004) That proves that the right kind of approach to SSR, at the right time, implemented through a legitimate actor is important to have a positive effect on security and prevalence of peace.

Despite all the stated problems, PMSCs cannot be put off the hook. PMSCs have been involved in human, financial and operational abuse in three cases. The literature studied points out, that where PMSCs were not the sole cause of destabilising frail post-war and transition states, they were a part of the overall instability prevalent in all three cases. PMSCs are profit driven actors, and as services providers who have taken billions of dollars in lieu of their contracts, it is their duty to not only fulfil the requirements of their agreements but also set foot in the conflict zones only when they have understood the security situations of the countries where they are being deployed. If

SSR operations are outsourced by governments to PMSCs, these private entities should be held responsible for training their employees before sending them off to operate. As mentioned earlier, UN trainers all international peacekeepers before they can be considered fit for performing their jobs. Similar requirements should be set by PMSCs for their employees, otherwise, the entire company whose employees are involved in misconduct, should be banned and brought to justice. PMSCs become just another menace for a post-war country.

THE QUESTION OF APPROACH: T&E VERSUS R&D

The ‘train and equip’ approach, to begin with, is insufficient, and can hardly realise the goals envisioned for Afghanistan and Iraq or any other post-war country. The T&E approach is useful for the operational strengthening, and capacity building of all forces that are created as part of the SSR. An application of this approach was a need that demanded immediate attention in all three countries under discussion. However, it is the Reform and Develop approach to SSR that ensures the capacity building of the State and its institutions that can later engage in democratic governance of the country. It is the democratic governance that is responsible for establishing mechanisms of accountability and transparency, which are a prerequisite for efficient financial and technical contract monitoring, of the PMSC’s and other actors involved in perform SSR. Public Finance Management in the security and justice sector are kept in check through democratic governance. In both Afghanistan and Iraq, the lack of contractor monitoring resulted in huge human and financial loses, and proves that both the approaches to SSR should have been employed simultaneously in order to ensure security and contain the conflict.

In Colombia’s case, a limited portion of SSR, i.e. T&E, was handed over to external forces and PMSCs, with the state putting an emphasis on effective demobilisation policies that prioritised democracy and human security over state security. Whereas, the entire job was left on PMSC’s and soldiers in Iraq and Afghanistan, both of which are incapable of taking a holistic approach towards SSR. The security institutions that they ultimately created were not embedded in the society, neither were they a product of endogenous state building but a paragon of external efforts.

CONCLUSION

This dissertation has taken a thorough account of the advantages and disadvantages of using PMSCs in post-conflict scenarios, performing SSR. PMSC rose to prominence and began to secure contracts under the rhetoric of being a ‘cost effective’ military. It is a rationale that is still presented to the public by the politicians, and the heads of PMSC companies that are in most cases ex-military men themselves. Most PMSCs gain contracts because of the internal connections their internal connections with defence bureaucracy. Various other researches, and this dissertation, by analysing the stated and non-stated cases of fund abuse, and by looking at the average cost of hiring a contractor, makes it clear that contractors by no means are inexpensive actors. They allow state policymakers to fight wars without ticking-off public backlash and help them evade political costs of their decisions. The media is not thrilled reporting news of contractor fatalities, contrary to the falling of American heroes in wars, and hence it is convenient for the PMSC administration to achieve its far-reaching objectives while staying out of sight, and performing tasks (at the cost of the lives of its employees) that under the current international law, they are unauthorised to perform.

This study, has made a thorough comparison of the roles performed, both by national armies and PMSCs, in a post war environment. The abuses committed by PMSCs on operational, technical and financial fronts are too many, as has been mentioned throughout this study. PMSCs have been involved in child abuse and rapes, mismanagement of funds, corruption, and fraud in all three cases under study. Many PMSCs, like DynCorp, that committed abuses in Colombia in the 1990’s was again given contracts for the Afghan and Iraq wars. National armies on the other hand, are also involved in financial abuses and harming human beings in the post-conflict zones, as has been discussed at length in this dissertation. The extent of abuses committed by personnel in uniforms is equivalent to those committed by PMSCs, if not more.

Neither PMSCs nor forces of national armies can be considered the as the ideal force for conducting SSR. The abuses committed by both standing armies and PMSCs eventually put human security at risk, hence sabotaging the entire SSR agenda. The only factor that suggests that the use of uniformed personnel maybe a better choice for countries is the fact that national militaries are not above the law and accountability. Contractors, as demonstrated in all three case studies, were let off the hook by the recruiting government. In Iraq, under CPO’s order 17, contractors were

given impunity to act, and with this free pass all their crimes went unpunished. (Engelhardt, 2007) President Hamid Karzai in 2010, issued the Presidential decree 62 that called for the dissolution of PMSCs by immediate effect. (Afghanistan Government, 2010) The move came after an employee of DynCorp International, that had a USD \$ 2 billion contract for police building in Afghanistan, was caught by a reporter buying drugs and young boys for sexual reasons or Bacha Baazi. (Frontline, 2010) Colombia over the years has seen hundreds of girls being raped not only by contractors but also by US military, but none of them has ever been punished as contractors and forces in Colombia as well had legal immunity. (Reuters, 2015) At the policymaking front, it is impractical to assign PMSCs the entire SSR operations being performed in a post-conflict environment.

The case studies of Afghanistan, Colombia and Iraq provide an insight that relying on only one form of SSR, which is 'train and equip' is impractical and detrimental to post conflict situations. Post conflict zones, especially those that have a regime change scenario like Afghanistan and Iraq are fragile and lack a strong central government. SSR in Colombia was successful not only because the uniformed personnel versus PMSCs ratio was relatively balanced, but also because there existed a functioning government at all times, which was further strengthened by the 'Reform and Develop' SSR. In the case studies of Afghanistan and Iraq, SSR failed as it focused entirely on Train and Equip. The money pumped in institutional development and stability was nothing compared to the investment that was made in "T&E". T&E alone is dangerous as it is not only a single dimensioned approach to SSR, but also creates opportunities both for government troops and PMSCs to embezzle money. For a successful SSR, a strong and predominant focus on Reform and Develop aspect of SSR is essential as it creates strong institutions that have a capability of enforcing sustainable accountability and oversight. This kind of SSR requires a team of experts drawn from all forces, including the UN peacebuilders, and experts from NATO and other groups, such as 'the coalition of the willing'. If human security agenda of SSR has to be achieved relatively successfully, such a team that has a wealth of multi-faceted capabilities is essential to have positive results.

The dissertation also finds that, it is then the governments that are more at fault for not being sharp consumers. PMSCs has mushroomed for two decades now, and have been awarded contracts for

tasks that are beyond the realm of their capabilities. It is the policymakers' error if they outsource operations that require PMSCs to perform tasks that are beyond the scope of their competences.

It is wrong to blame PMSCs and their employees for everything that went wrong in Iraq, or Afghanistan. PMSCs have helped in reforming the security sector of Iraq, Afghanistan and Colombia, but the persistent issue is the lack of unaccountability of these companies. PMSCs are opaque organisations, and are under the direct authority of the Congress, a privilege that is not enjoyed even by the Pentagon or the CIA, allowing the private military companies to evade accountability to any or all democratic bodies. While in contrast to the state military or intelligence that are answerable to all these bodies of law, private contractors have organisational structures that save them from 'Freedom of Information Act' requests by stating the sensitive nature of their jobs, and they escape formal probing. This loophole makes the contractors an ideal choice for covert operations that might necessitate plausible deniability in the case of an investigation. So much that even the Congress cannot question the exact nature of operations that these firms carry out.

An advantage of using PMSCs is that, they are capable of performing the 'train and equip' SSR and can contribute towards creating an environment where Reform and Develop SSR can take place. PMSCs have proved ample times that are an agile force and can be mobilised quickly compared to other forces. They can come in handy especially when other forces are not available because of international legal requirements and bureaucratic constraints. PMSCs understand, that they are vulnerable to market forces, and would lose contracts if they work for illegitimate actors. It is in this context, that governments should use PMSCs more efficiently. All PMSC employees cannot be blamed for the misgiving of their authorities. More PMSCs have been killed than contractors in the line of duty than soldiers (McFate, 2016). Currently, there exists no legal regime or international laws to regulate the activities on PMSCs in war zones and reconstruction operations. PMSCs are said to be involved in conflicts like that in Yemen, Ukraine, Syria, and possibly Iraq in 2015 and have now assumed the role of professional soldiers capable of combat, logistical support providers and peacekeepers, and with their skill sets and access to highly advanced arms they are capable of performing feats that are hard to perform for a conventional army. The obliteration of Boko Haram, an Islamic terrorist group, in Nigeria within the space of a few months is an example of their agility and strength.

States along with UN, should try and develop a framework that not only designs contracts that can not only minimise financial and human costs but also one that can bring the PMSCs under the umbrella of accountability and oversight. Giving PMSCs a free reign in terms of awarding cost-plus contracts should be avoided as was observed in the case of Iraq and Afghanistan. PMSCs have a potential of proving themselves useful in post-conflict scenarios, but in combination with other forces sanctioned by the UN. PMSCs as a force acting alone, are not ready to perform a holistic security sector reform in post-conflict situations as yet because of the lack of a legal framework, and also because of the epistemic difficulty with arises due to the nature of their work; train and equip alone cannot be considered holistic SSR, and as demonstrated by the three case studies, PMSCs could not ensure human security when they acted alone.

This dissertation finds that the discussion that surrounds PMSCs use in general seems biased and one that is based on a single dimensioned perspective that deems these private soldiers essentially a hazard for war and post-conflict zones, without taking in consideration their capabilities. However, it all boils down to the political prudence of government in handing out the right contracts, to the right PMSCs, at the right time. (Tzifakis, 2012) Each PMSC has a different strength in terms of the operations that they perform and services that they provide. PMSCs are private forces with surge capacity far greater than that of public forces. However, the answer to the question that was raised in this study, as to the presence of PMSCs in conflict zones and the insecurity that are capable of creating, seems to be that unless there exists an international legal framework under which PMSCs can be held accountable. The fact that a private corporation can build an army and operationalise it, is threatening to the security of not only post-conflict states, but also alarming for international security. PMSCs should not be allowed to operate as the sole operating force, unless the UN and recruiting states can make Montreux document binding, or can develop an international legal regime that may help develop a more legitimate role for these entities. To make peacekeeping and projects like SSR more effective, a legally sanctioned PMSCs army would be highly useful. On the other hand, nurturing an industry that thrives on war, violence and conflict and unleashing private warriors on war-struck populations without a legal cover is detrimental not only for the SSR project, but can also undermine the entire UN agenda that set out to 'save succeeding generations from the scourge of war.' If no legal framework is adopted, and the market for these hired guns shrinks in size, it can be highly volatile for global security. Unemployed people with trainings in arms are bad news for the security of any country. It is under

this rubric of thought that the role of PMSCs in SSR should be understood, and not with reference to the 'cost-effectiveness' argument that has already been falsified by the numerous studies that have been undertaken on PMSCs.

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