



Department of Political Science

Chair of Contemporary History

**Private Military Corporations:
Evolution, threats and opportunities
of the phenomenon in contemporary geopolitical scenario**

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Introduction

'War is not a polite recreation but the vilest thing in life, and we ought to understand that and not play at war. Our attitude towards the fearful necessity of war ought to be stern.' -Lev Tolstoy, *War and Peace*.

Recently a famous American newspaper published an article regarding private forces hired by an African head of state, defined them as 'mercenaries'. However, the only thing in common with that profession is the mysterious image they recall in public opinion. The issue of privatisation of the war, or more precisely the privatisation of the defence and security sector, is probably the most important as well as the least publicly discussed topic in the contemporary era. Indeed, is a phenomenon present all around the globe, which encompass every aspect of human society, ranging from the economic aspect of private firms in the market to the national security issue in the era of hybrid warfare, and could both become the greatest of threats or the best of the opportunities.

In this context, this thesis shall try to provide an unbiased spotlight on this sensitive as well as a complex phenomenon, using a global perspective combined with an interdisciplinary approach in order to define as much as possible the significant threats and opportunities offered by the Private Military Corporations (PMC). In order to give empirical examples of both the possibilities and threats given by this issue, has been decided to refer mainly but not limited to well-known case studies, that will serve as pragmatic and explanatory 'test field' for some of the issues which will be analysed by this thesis.

Before proceeding with the analysis of the phenomenon is essential to clarify some susceptible aspects of this thesis and its content. Given its peculiar characteristics, the nature of the relationship between the actors (both private and sovereign states) involved and the pandemic wave which overwhelmed us, the acquisition of up-to-date materials, especially contracts, resulted in being a very arduous quest, often

resulting in unofficial comments and/or documents, which although present in this work and represents an essential source of information shall be excluded from the bibliography.

Moreover, given the enormous extension of the Private Military Corporations phenomenon with a myriad of actors; NGOs (Non-Governmental Organisations), international organisations such as the United Nations (UN), supranational organisations like the EU (European Union), I decided to focus only on some major policy and decision-makers in the international and private military arena the U.S.A., the United Kingdom, the United Nations and the European Union, which are all linked each other by a different bonds. The decision to focus this thesis on the relations and effects that this phenomenon could represent to a state such as Italy, derived from the peculiar Constitutional and legal framework of the country, which forbids the use, deployment and creation of mercenaries forces, notwithstanding their use by Italian private corporations and international organisations¹ which Italy itself is part of.

Moreover, given the pivotal geostrategic position of the country, its importance in regional and international security and defence scenarios, a dissertation is essential in order to give a clear overview of threats and opportunities, to and for Italy, of what this pervasive, as well as a transversal phenomenon, could signify for the country as a whole.

¹ United Nations

Chapter 1: From primordial ancient form to contemporary corporation structure

'Trade must be driven and maintained under the protection and favour of your own weapon... Trade cannot be maintained without war, nor war without trade.'

-Jan Coen, Governor General of the Dutch East Indies Company

1.1 History: from the professional Swiss mercenaries to the contemporary private firms

War is as much old as the human race itself, and what Max Weber defined as the State monopoly over violence, is a very young and recent concept in human society. Indeed, since the dawn of civilizations, the defence and security of what will be known as the sovereign State, has been almost always privatized to units of soldiers eager to fight and die for money.

The defence of the nation by well-motivated and aware citizens enrolled in a hierarchical structure of orders, regulations, weight and counterweight has been a short breath in the totality of human history, which as shall be described below was characterized by almost omnipresent privatization of the warfare profession.

Without, regressing until the ancient world of the *poleis* or the time of the Crusades, 'irregular' mercenaries have been the core of armies and warfare for several centuries acquiring both fame and notoriety, until the birth of more structured and regular venture troops, the Swiss.

Indeed, Swiss troops acquired fame and respect all around Europe, as trustworthy, regular and professional troops, who committed themselves with a contract to a client. Fighting in structured pike square formation, formed of citizen-militia troops, with discipline, coordination and self-confidence the Swiss formations set

the standards for European armies for almost two centuries², representing on one side the eclipse of the feudal socio-political system and on the other hand the rise of a nation-wide scale industry of private armies ready to be hired and deployed to clients all over the ‘world’. The innovation brought by the Swiss was not only about the tactics used in warfare but in the doctrine of warfare itself; indeed, they had just one rule of engagement, no Swiss regiment would fight each other.³

The German cities, inspired by the neighbouring Swiss only pike citizen-militia regiments, evolved the doctrine and tactics to form a more flexible and multi-weapon structured unit, the Landsknechts. This, infamous German private military formations, was characterized by a broader social spectrum with less stringent rules regarding the hometown of the soldiers and revolutionising for the period, the combination of pikes, firearms and artillery units which granted increased flexibility and independence to the regiments.

Antecedent to the period when business became institutionalised, or more precisely when trade became State, a German noble transformed the practice of privatized warfare into, probably, the first multinational stock PMC of history, Count Albrecht von Wallenstein. Indeed, von Wallenstein’s structure mirrored the contemporary corporation establishment, where every force officer had financial stakes in the operations, and each counted on rich returns on their investments.⁴ Its estates were converted in armouries and factories, and his army was defined as not just the most powerful army, but also as the most significant and best organised private enterprise seen in Europe before the twentieth century.⁵

Although, this lonely example of single broker provider of privatised services, the historic period was dominated by enormous state-owned corporations, known as trade companies, such as the East India Company and the Dutch East India

² P. W. Singer 2008, ‘Corporate Warriors the Rise of the Privatized Military Industry’, Cornell University Press

³ Ibid.

⁴ Ibid.

⁵ Ibid.

Company. These two companies, among many others of the period, dominated and divided the control of maritime trade routes between Asia and their motherlands in Europe. Notwithstanding these trade companies were formally controlled by the government, altogether with the growth of trades, the power delegated increased proportionally. These companies acquired so much power that, governments were obliged to concede to those charters the capability to raise armies and fleet and to defend both ground and maritime routes as well as their interests in the area of operations. Indeed, the famous Dutch company was described in the *Universal Dictionary* in 1751 as following:

One of the reasons why the Dutch East India company flourishes, and is become the richest and most powerful of all others we know of, is its being absolute, and invested with a kind of sovereignty and dominion... [it] makes peace and war at pleasure, and by its own authority; administers justice to all; ... settle colonies, builds fortifications, levies troops, maintains numerous armies and garrisons, fits out fleets, and coins money.⁶

The key concept, though, was that the territories where the charter companies operated with full military functions, all fell outside of the established order of the European state system. Thus, the company's actions were often in direct opposition to the European state's agendas, as happened with the behaviour of the British EIC in its war with the Portuguese colonies in India. Therefore, the private company preferred profit over loyalty towards the charter and the country.

Although the private warfare policy was a lucrative affair, often increasing stock value, the definitive decline of the embryo version of PMC in the XIX century was the result of the stabilization of the political systems overseas.

The next significant phase of expansion in the private profession of warfare, happened only after the Second World War, during some of the tensest years of the Cold War. In those decades, the profession experienced an individualization of the market.

⁶ James D. 1990 Tracy 'Rise of Merchant Empires', Cambridge University Press p. 196

Operating primarily in unstable political systems, characterized by social insecurity and a weak economy, the services of this infamous legendary mercenaries found a thriving ground on Africa and South East Asia. The common link between those two remote parts of the globe was that they both gained independence from former European colonial powers, and the internal struggle for power amid of the international community indifference pushed the local authorities and power groups/people to look after to alternative solutions. The solutions were under the form of European ex-professional soldiers, such as ‘Mad’ Mike Hoare and Frenchman Bob Denard, with a dubious morality and scarce esteem for human life, so that they were nicknamed ‘Les Affreux’ (The Terrible Ones).⁷ Former European powers who wanted to preserve their interests in their old stomping grounds found the services offered by these mercenaries very useful in the quest to obtain advantageous contracts to exploit the natural resources of the neo-born ‘independent’ former colonies.

In looking back at the history of private actors in warfare, a few patterns become evident. The first is that the demand for hired troops has been linked to the requirements of quality over quantity. When quantity was the dominant strategic aspect, and systems of mass conscription have enabled the demand for private services to decrease. The second is the complementary relationship of mass demobilization in one area of the globe altogether with the explosion of new conflicts in other areas. The third pattern is that private military actors thrive in areas of weak governance, especially in those areas where there are many states in proximity but none able to military secure its own territory. In sum, from a broad view, the state’s monopoly of both force and violence, domestically or internationally, was a historical anomaly.

⁷ P. W. Singer 2008, ‘Corporate Warriors the Rise of the Privatized Military Industry’, Cornell University Press p. 37

1.2 Contractors and Mercenaries, two opposite worlds one profession

How many times have you read of unconventional troops with no clear allegiance nor country recognition, operating in some mysterious war in a distant place, referred to as contemporary mercenaries? How many times have you watched reportage about civilian-dressed soldiers, with no flag operating maybe within the framework of international missions in countries like Iraq or Afghanistan, described as ruthless mercenaries?

Well, the situation is far more complicated than the simplistic title of a newspaper. The contemporary private security and defence sector is a dense, intricate market, full of shady corporations and grey-eminence actors, which almost always operate in the ambiguously vague and uncharted sphere of national and international law, where neither the national nor the international decision-makers have penetrated, yet. Indeed, the profession of the private contractor or, as they preferred to be addressed like, the Personal Security Detail, is a very new profession born at the end of the cold war, in a period of great changes. Although, similar in the form, and with some characteristics in common with, the ancient mercenaries, this contemporary professional job figure is entirely different both by definition and 'by law'. Indeed, attending the international law on the subject to be defined as mercenary, a corporation or generally a private entity must satisfy all the criteria drafted by the Part III Protocol I of the Geneva Convention, which defined a mercenary as:

(a) is specially recruited locally or abroad in order to fight in an armed conflict;

(b) does, in fact, take a direct part in the hostilities;

(c) is motivated to take part in hostilities essentially for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;

(d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;

(e) is not a member of the armed forces of a Party to the conflict; and

(f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.⁸

Furthermore, the mercenary phenomenon has also been addressed by the Hague Convention⁹, the OUA (Organization of African Unity) Convention for the Elimination of Mercenaryism in Africa¹⁰, the United Nations Mercenary Convention¹¹ and by the Article 2 of the Geneva Conventions of August 12, 1949¹² which states that ‘the present Convention shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them’. Moreover, the Protocol I definition of mercenaries presuppose two crucial criteria: first, the presence of armed conflict and the second between two or more nations who are parties of the Geneva Conventions.¹³ Three further factors weaken the effectiveness of international regulations on the matter. First, it is focused only on international conflicts or movements to liberate from a colonial rule; it does not therefore, apply in a civil war. Second, several influent countries which have an

⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts art. 47, June 8, 1977, 1125 U.N.T.S. 3 [hereinafter Protocol 1].

⁹ Convention between the United States and Other Powers Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land arts. 4, 5, 17, Oct. 18, 1907, 36 Stat. 2310 [hereinafter Hague Convention].

¹⁰ Convention of the Organization of African Unity for the Elimination of Mercenarism in Africa art. 1, O.A.U. Doc. CM/817(XXIX) Annex II(July 3, 1977).

¹¹ International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, **G.A.** Res. 44/34, **U.N.** Doc. A/RES/44/34 (Dec. 4, 1989).

¹² Geneva Convention I, art. 2; Geneva Convention II, art. 2; Geneva Convention III, art. 2; Geneva Convention IV, art. 2.

¹³ Daniel P. Ridlon, *Contractors or Illegal Combatants? The Status of Armed Contractors in Iraq*, 62 A.F. L. REV. 199, 204 (2008).

essential role and weight in the international arena are not parties to the agreements. At last, the regulations deny the entitlement to private contractors to prisoner-of-war status, which granted some rights bound the parties under its umbrella to clear and strict obligations toward the international law regarding the conduct of hostilities. Therefore, while similarities between PMCs and mercenaries admittedly exist in that PMCs are not state parties to conflicts and are engaged purely for remuneration, many distinctions render the term ‘mercenary’ hardly suitable for the private security services offered by the PMCs. Indeed, it would be a legal stretch to attempt to apply the Protocol’s I definition of mercenaries to PMCs because, as previously mentioned, the preconditions to applying the definition does not subsist. Furthermore, PMCs cannot be considered as mercenaries, either on the formal or substantial ground, because the essential difference lies in the nature of the PMC as a legal entity based on a permanent corporate structure with public rather than clandestine patterns of recruitment, and a responsibility towards clients and even more importantly towards stakeholders¹⁴. Finally, an important distinction has to be made, Private Military Corporations of any size, does not offer purely military services. They also offer to their clients both institutions and commercial entities, security services which encompass among the other, logistics support, training of police and military forces, military and tactical advisory, intelligence gathering, recon operations and several others tasks which are not defined as active combat roles, instead of as support roles. Hence, it is clear how international organisations, international law and lack of national policies failed to provide an accurate definition to the contemporary PMC phenomenon, leading to its thrive and proliferation in the ambiguous legislative and political vacuum of interest.

¹⁴ Francesco Francioni and Natalino Ronzitti, ‘War by Contract’ Human Rights, Humanitarian Law and Private Contractors, Oxford University Press, 2011

Chapter 2: Threats and hazards of the PMC phenomenon

'Of course, nobody seriously recommends that the military be privatized... If death and disaster on a considerable scale are inevitable products, the rule seems to be that this responsibility is the business of the government.' -David Sicor, *Punishment for Profit*

2.1 Erosion of 'State Monopoly of Violence' theory and lose of political oversight, monitoring and control powers

One of the most standard conceptions of international security is that states are the central, and, de facto, the only truly relevant actors in world politics. Moreover, the dominant theories of world politics initially drew their underlying theoretic foundations from economic models.¹⁵ Indeed, in the twentieth-century famous sociologist Max Weber in his work 'Theory of Social and Economic Organisation' outlined the core principles of the modern state, which comprised the following vital characteristic '[States] successfully upholds a claim to the monopoly of the legitimate use of physical force in the enforcement of its order'. Thus, attending this theory the ultimate symbol of the state's sovereignty is both internal and external monopoly over coercive force, an absolute exclusivity of the state which it is enforced through the raising, maintenance, and the use of military forces.¹⁶

The private military corporations, though, presents certain complications to the conception of state sovereignty. Indeed, PMCs are private actors participating in warfare, representing both an alternative pattern of power and authority linked to the global market and a clear alternative to the supposed monopoly of states. Notwithstanding the unique characteristics of the emerging market where they operate, PMCs are affected as to all the others 'regular' markets, by the same

¹⁵ P. W. Singer 2008, 'Corporate Warriors the Rise of the Privatized Military Industry', Cornell University Press

¹⁶ Anthony Giddens 1995, A Contemporary Critique of Historic Materialism, University of California Press

possible issues such as frictions, interferences and externalities. Therefore, international security is also influenced by possible market dynamism and disruption. Although this phenomenon might be merely another tool for exercise state's power, it is vital to keep in mind that this industry is an independent, globalised supplier of critical security services, operating outside any one state's exclusive control or domain.¹⁷

Furthermore, the ambiguous and peculiar characteristics of the market where these firms operate, make complicated some basic as well as a vital process of political monitoring, oversight and control. Indeed, also the core contractual relationship of 'principal' (the actor paying for the service) and 'agent' (the one doing the job) is disrupted. The principal, although acknowledged that the client might have a different agenda, has trust over the capacity of the agent to carry out the contractual dispositions, which are complicated by the most sophisticated environment possible, warfare scenarios, described by Carl von Clausewitz as a series of unique situations limited by numerous ambiguities.¹⁸ Naturally, in a healthy economic market, the principal would have a series of monitoring instruments and control process, such as transparent and verifiable standards of performance, an escape clause with unambiguous terms and conditions and if appropriate performance incentives to both reinforce of penalising a job execution, in order to verify the actual fulfilment of the agent's contractual requirements. However, the reality is that contracts with PMCs rarely meet these standards. Indeed, most contracts are issued in limited competition market, where through personal connections with former public officials, contracts are wired (contract winner is predetermined). Moreover, terms and conditions are often unspecific, lacking outside standards of achievements and established measures of effectiveness, leaving the principal at the mercy of the agent's will. Besides, given the grey area where PMC operates,

¹⁷ P. W. Singer 2008, 'Corporate Warriors the Rise of the Privatized Military Industry', Cornell University Press

¹⁸ Carl von Clausewitz, On War, translated by Peter Paret (Princeton University Press, 1976)

they are not open to public scrutiny, and in addition to the transnational nature of the market, they are almost always based in a country different from where they are hired, adding an extra level of difficulty to public contractual oversight. Given the nature of the work, PMC output measurements are often imprecise, as military success depends on the opponents as well. Failure may be due to either enemy successful actions or because of an agent's inability or unwillingness to perform. Thus, an agent might be motivated to direct its effort toward representative goals rather than toward real success, as often happens in mine clearance efforts, where firms often clear only major roads, leaving more rural and risky areas uncleared.¹⁹ This scenario is most pernicious for a client's security with firms in the provider sector. A PMC which takes advantage of a client in a combat situation could end up amplifying or prolonging the conflict, presenting other security risks.²⁰

An additional vulnerability of the monitoring, oversight and control system regards whether a government can quickly replace an outsourced service if the company fails in its provision. Often the services that clients risk losing from failed military privatisation are neither peripheral nor withstood²¹, resulting in two potential risks for security and safety of the principal:

- 1) The agent might abandon the client when it is most needed, or
- 2) The agent might gain dominance over the principal.

Although industry advocates dismiss these risks, noting that firms betraying the contract would sully their reputation, it is also true that in some cases the short-term payoffs could trump considerations of reputations. Supporting this latter possibility is the fact that the PMCs are typically based elsewhere, risking no real punishment if the defect from contractual arrangements. Moreover, even if a PMC stays true to a contract, some of its employees may leave. From the principal's

¹⁹ United Nations, Report of the Panel on United Nations Peace Operations, A/55/305, S/2000/809, 21st August 2000

²⁰ P. W. Singer 2008, 'Corporate Warriors the Rise of the Privatized Military Industry', Cornell University Press

²¹ Ibid.

perspective, the loss would be the same, because the employee might be replaced, but the lag-time in services could result in a fatal situation, impossible to anticipate from the firm. In game-theory terms, each interaction with a private actor in the international security market is *sui genesis*, constituting a class alone. Exchangers take the form of 1-shot games, rather than guaranteed repeated plays.²²

²² P. W. Singer 2008, 'Corporate Warriors the Rise of the Privatized Military Industry', Cornell University Press

2.2 Conflict of Interest

As previously analysed, the relationship principal/agent encompasses the possibility to have different agendas, notwithstanding entrusting in the capacity of the agent to satisfy the contractual arrangements. What happens, though, when the agent's interests clash with those of the client? What are the risks, when the short-term payoffs are more significant than the liabilities in the fulfilment of contractual dispositions?

Although the answer would be a pure conflict of interest, due to the peculiar nature of the phenomenon and the ambiguous as well as sensitive task entrusted to the PMCs, this simple situation assumes utterly different nature.

Indeed, conflict of interest situation, in the market of privatised security and defence services might lead to critical and fatal consequences alike. As above mentioned, due to the problem regarding the process of monitoring and oversight, the usual process to avoid conflict of interest are severely weakened in the military and security private sector. There are two different as well as complementary forms of conflict of interest, which is essential to analyse separately, the political and the economic/commercial. The latter is emphasised by, not only the nature of the emerging deregulated market, but also from the very nature of the private military corporations. Indeed, as the civilian counterpart, also the PMCs tend to divide the functions and services they provide, into sub-divisions. These divisions, though part of the mother company, are legally independent entities giving to the private military corporation the ability to bypass national and international laws and norms easily. A notable example was the Executive Outcome case when the South Africa authorities ordered the company to cease any activity due to links with the old

apartheid regime, the company closed its offices in Pretoria, and moved all active operations to its subsidiaries such as Sandline, Saracen and Alpha 5.²³

Moreover, being private firms, the ultimate goal of the firm is the profit rather than a national security or some idealistic achievements. Operating in the deregulated market naturally ambiguous and without national nor international legal framework to limit their activities, the risks of trust and foul behaviour increase exponentially. PMCs are also often part of conglomerate (huge private corporations made of indefinite companies operating in several sectors and markets), which increase enormously the risk of private gain and corruption over both, the political and economic national interest of the state/client. Indeed, one of the most lucrative sectors of operations for the private military corporation is providing security to personnel and activity, to energy and or extraction corporations. These companies often operate in areas, where the socio-politic structures of the state are fragile, with endogenous insecurity and political instability. Thus, PMCs and extracting enterprises are bound by mutual profit, the first derived from the multimillion-dollar contract issued by the second, which are gained through the security and safety guaranteed by the first. The result is a legal and economical hybrid with a symbiotic profit relationship, which exponentially increase the capability to exploit commercial opportunities by both subjects. The conflict of interest arises when both typologies of companies are part of the same holding, as happened with Branch-Heritage Group and its 'Sandline Nexus'. Branch-Heritage Group was an English umbrella company, which comprehended both EO (Executive Outcomes) and its divisions, and many oil and mining concessions in areas where EO operated. The pivot link between the transparent and regular civil world of business and the shady and grey sector of operations of PMC, at that time, was Mr Tony Buckingham. Mr Buckingham, former SAS

²³ P. W. Singer 2008, 'Corporate Warriors the Rise of the Privatized Military Industry', Cornell University Press

operative, was both CEO of Diamond Works and former executive board member of EO, with several concessions for mining exploitation in Angola, augmented by the concession cedes by Branch Energy (a holding company registered in the Isle of Man) for exploiting diamonds mines in Sierra Leone, all protected by the services of Lifeguard PMC, division of EO²⁴. Moreover, Mr Buckingham with an old friend from EO era, Mr Eeben Barlow, founded in 1996 Sandline International, which was part, along with Branch Energy, Heritage Oil, Ibis Air and all the companies above mentioned, of Plaza 107, an umbrella covert holding that with Strategic Resource Corporation controlled dozens of companies operating in both extraction and military markets. It is clear as this intricated, often dark, relationship between PMCs and other forms of business can lead easily to clashing conflict of interests, especially with those state which lack of political structures and social strength to counter the internal push often created by the private interests of profit. On the other hand, the political conflict of interest is a more subtle matter. It must be separated in; the public political interests in some economical as well as commercial areas and the conflict of interest that might arise within the PMCs framework itself and the possibility that the firms may not abide by contractual arrangements, leading to a political outcome.

The first stance is strictly connected to the above analysis of the conflict of interests that could emerge in the exploitation of commercial/economic contracts, both with institutional and private actors. Indeed, it is serious friction, especially for those states which possess strategic corporations with special status in the political and economic framework of the country. Moreover, as previously mentioned PMC being driven by profits making decisions, they will always try to maximise the situation where they operate to gain the most profit, even if doing so would mean in the recession of contractual arrangements. Such an eventuality, in combat or

²⁴ P. W. Singer 2008, 'Corporate Warriors the Rise of the Privatized Military Industry', Cornell University Press

support operations, might result in fatal consequences for the national troops. Indeed, the core of every contemporary warfare scenario, regardless of the theatre of operation, is the logistic capability. As once said by the USMC General Robert Hilliard Barrow: ‘Amateurs talk strategy. Professionals talk logistics’, remarking the vital importance of an efficient and effective logistic structure in order to sustain the initiative. Despite the importance of this aspect of contemporary warfare, this service is one of the most externalised globally, representing one of the significant sources of profit for PMCs. As a result, entire support departments once exclusive to the armed forces are usually the first to be privatised, motivated by alleged better cost-effective relations, savings and better performances. Although privatising the logistic structure might lead to a general improvement of institutional military capabilities, involving the productive civilian forces that are strictly used only in war periods by the states, the concession of entire sectors national security and defence apparatus to private entities is an obvious hazard and conflict of interest. Moreover, considering the unregulated, limited competitiveness of the market alike, the wired contracts and the impossibility to the principal to replace the PMC in case of recession, transform the process from an investment on increased efficiency to an enormous risk for the essential functions of security and defence of the state.

Furthermore, the conflict of interest might escalate to asymmetric/hybrid warfare, if the PMCs are not proper private entities at all but are simple ‘front companies’ used by foreign powers not to pursue economic profit instead of for a foreign political agenda. These firms have existed in the past, such as those corporations set up by the CIA in the ‘60s like Air America²⁵. Many more exist nowadays such as the alleged institutionally controlled by French Government and intelligence services, Iris Service and ABAC.²⁶

²⁵ Christopher Robbins, *Air America: The Story of the CIA's Secret Airlines*, 1979

²⁶ P. W. Singer 2008, ‘Corporate Warriors the Rise of the Privatized Military Industry’, Cornell University Press

2.3 Empowerment of Non-State actors and threats to internal security and political status quo

Leading from the previous discussion on new forms of threats and hazards to state defence as well as the security system, a critical aspect of the private military industry phenomenon is that it is essentially open to all customers. The result is that nonstate actors, once at a severe disadvantage in a state-dominated system, now have new force mobilization options and a new path to power. In the classic world political arena, individuals and organisations must rely exclusively on the power and authority of the national governments in whose jurisdiction they reside to secure their basic needs and amenities. Now that there are new privatised capabilities available from the international military and security market, nonstate agents shall be able to decrease the qualitative edge held by the more advanced state militaries. Although these private services may never rival with the quality of most advanced states, the PMC capability to provide high-quality services must not be underestimated. Indeed, many military observers argue that PMCs can field units, as, or even more, effective than any military of developing countries, including the advanced South African forces. Despite most of PMCs executive officials reject the possibility to be hired from non-state actors, citing reputation and long-term profit concerning, the current global military and security market is essentially unregulated, lacking both formal controls and limits. Much like the situation of prisoner's dilemma game, with a known ending point, in certain situations, high single-shot payoffs might trump. Thus, are the PMC themselves that chose whom to work for; indeed, some have chosen to assist dangerous subversive groups. Notwithstanding, a strict domestic regulation may prevent PMCs from working for anti-state groups, trying to regulate contracting procedures

and developing control process, PMFs have the easy option to cease all the activities in such a state, and merely re-opening in another country, where the legislation regarding the phenomenon is laxer.²⁷ Working for subversive, violent anti-state groups would represent severe damage of both reputation and international image, resulting in substantial economic damage, especially in a market where public opinion has a strongly negative opinion of the private sector offering services and thus where PMC always try to clean their public images. Moreover, working for such groups would almost certainly represent an explicit declaration of hostility toward the global state system resulting in active, physical and political, fight against those PMCs. Despite those consequences, lower-end, small and in crisis PMCs have offered their services to not only those nonstate agents but also to internationally recognised rogue nations (despots to be more accurate), such as Angola, Sierra Leone and DRC. In addition to military services to those ‘institutional’ clients, PMCs such as Stabilco and GMR, have offered training and support both physical and counselling to the rebel groups in those countries, fuelling not only the civil wars but ‘supporting war crimes and atrocities against unarmed civilians. Furthermore, a private military firm (PMF) may function as an intermediary in illicit weapons dealings, maybe function as triangulator avoiding international embargos or solely in order to strengthen the relationship with clients who have a low reputation.²⁸

In the 1990s a number of PMFs targeted the lucrative market of training young Muslims who were being recruited globally to join radical groups engaged in jihads against infidels (referring to invaders in propaganda terms), in war theatres such as Chechnya and Afghanistan. Indeed, the British PMC Sakina Security Ltd. offered training and weapon instruction services to jihad recruits, as part of its ‘Jihad

²⁷ For example, this occurred in 1999 when the British Foreign Ministry had to step in to prevent Sandline from working with the KLA, blunting its claim to only be interested in working for states

²⁸ S. Makki, S. Meek, A. Musah, M. Crowley, D. Lilly, PMC and the proliferation of small arms: regulating the actors

Challenge' package²⁹. In the service were included close quarters combat techniques and fabrication of 'improvise explosive devices' (IED) as well as machine guns training, in ad hoc facilities managed by Sakina in partnership with TransGblobal Security International³⁰.

Internal security risks and hazard to the socio-political status quo may not only the result of greedy executive board members of private military firms, but private citizens can be a vulnerability as well. Kelvin Smith, a US government employee, privately provided military training to foreign fighters whose purpose was to fight in the 'holy wars' of Bosnia and Chechnya. The training even involved mock terrorist attacks on utility plants with weapons and thousands of rounds (for assault rifles and small arms) purchased by Smith on behalf of his clients. Some members of the group trained by Kevin Smith turned out to be members of Al Qaeda, who were later convicted for planning a series of terrorist attacks around New York City.³¹

Finally, international criminal organisation and drug cartels, including Colombian and Mexican cartels, have received assistance in counterintelligence, electronic warfare, and sophisticated weaponry from the 'rogue firm' Spearhead Ltd.

US intelligence detected one private military training facility in Mexico, where the cartel forces of Arellano Felix were trained on a variety of equipment, from rocket-propelled grenades (RPG) to encryption device and night vision as well as radio intercept systems.

Indeed, they provided their clients with capabilities that not only rivalled but were often superior to those of public security forces, creating immeasurable damage to the war on drugs and international organised criminality.³²

²⁹ Mohammad Bazzi, 'British Say Islamic Group Taught Combat Courses in U.S.' *Newsday*, 4th October 2001; 'Holy War' Website Shut Down', BBC Online, 4th October 2001

³⁰ 'Did Jihad Arms Course visit U.S.?' MSNBC, 27th December 2001

³¹ U.S. Department of Justice, Office of the U.S. Attorney, Middle District of Pennsylvania, Press Release, 30th September 1998

³² Christopher Goodwin, 'Mexican Drug Barons Sign Up; Renegades from Green Berets', 24th August 1997

Chapter 3: Grab the opportunity to... a chance of economic and political growth

'The times now require you to manage your general commerce with your sword in your hands.'

-The director of the East Indies Company to his employees

3.1 Proactive institutional stance to integrate the phenomenon in the legislative and economic state system

It has been outlined the evolution of the private military firms for the last five hundred years, from the beginning as brutal and reckless mercenary forces to nowadays as a structured corporation, with marketing strategies and driven by profit.

In the previous chapter, it has been analysed an overview of the most significant threats and hazards this peculiar phenomenon can bring to the current international state-dominated arena. In order to keep an unbiased, objective stance, it is essential to define, highlight and analyse the opportunities of socio-economic, political and military growth as well. Although it might be a paradox, in order to integrate the private military corporations in the international security arena, states must be the primary driver of regimentation and policy sources. Indeed, at the current stage, the market of private security and military services is a wild, unregulated jungle, where the usual norms of the free market competition are not applied.

The state system must act proactively in order to regulate and normalise the political, socio-economic and legislative framework within the private military firms shall compete, in order to create a fair as well as open market that could bring value and growth.

It has been analysed in chapter two, that one of the most significant vulnerabilities of the current system of contracting PMCs, is the problematic of monitoring and

assessing the output performances of the firms. Indeed, it is evident that an articulated and complex military structure, especially if combined with a privatised component, requires an equally sophisticated and articulated control structure. At the moment, those states which have both the normative and political capability to externalise state functions in defence and security fields, lack of adequate control and command public structure. Those states base their control capability on other private military firms, defined as ‘support private military corporations’, which supplying support services, nominally control, the performance and the activity of other private military firms operating for the government. This unorthodox practise is not reliable nor unbiased, due to the high risk of corruption and private schemes to form a trust. Also, those states which forbid the externalisation of military and security services, or provide limited freedom on the matter, should develop efficient control and monitoring systems, due to the transnational, globalised and transversal nature of the phenomenon. It is vital to develop legislative, judiciary and political oversight apparatus, both at the national and international level, in order to bring justice, fairness and equal rules to all the actors involved in the market. Doing so would result in stricter as well as more defined home and international regulations on the matter, but also would draft a clear legal and political framework where all the actors involved: governments, as well as corporations, the contractors and the PMFs alike would operate, within and without the state contracts.

It is essential to develop a combined set of political and legal instruments, both at the international and domestic level, in order to regiment and clarify the vast, ambiguous framework of laws, norms and rules which vary depending on countries, continents and international organisations. Indeed, this is a fundamental step that major political and legislative decision-makers have to take in order to provide for a clean environment where PMCs can thrive under the government

umbrella. Indeed, within the current set of international laws and organisations, private military firms are private entities, which lacking the minimum required level of autonomy, cannot be subject of any forms of international law jurisdiction nor supranational judicial apparatus thereby they cannot be responsible for any international wrongful acts.³³ Furthermore, even if operating under a contract with an international organisation, PMCs would hardly be recognisable as subject to those international provisions because actively operating (when is the case of field active operations, which is not so common and straightforward as one would think) under the flag of an international organisation, which ultimately would be responsible for the actions of its agents. On this matter, it is crucial noting the controversy in the international community of lawyers and academics regarding if and which, international organisations are actually under the obligations of the customary international law.³⁴

Companies and individuals may be liable before domestic courts of national states though. Although this possibility, the reality is far more complex. Indeed, PMCs are a transnational, globalised and multi-layered phenomenon which, by nature, is arduous to oversight and to try, mostly when operating in ‘active’ warzones or under reserved contracts. Someone could argue that conflicts are regulated by both national and international laws and regulations, but as exemplified previously, PMCs might or might not take part in active combats. Thus they are not subject to the current framework of international laws, and in the last significant theatres of operations where they operated, the firms were given full immunity from the local courts.

Moreover, its transnational nature, with the companies operating a contract with a nation, deployed in another country and registered in a third location, probably being part of an anonymous company, part of a giant multination conglomerate

³³ War by Contract, Human Rights, Humanitarian Law, and Private Contractors; F. Francioni and N. Ronzitti Oxford 2011

³⁴ Ibid.

with global ramifications makes it incredibly arduous for underfunded, outnumbered national judiciary branches to prosecute possible wrongful conduct of PMCs. Indeed, it is clear how vital a structured, clear and common framework of national as well as international legal norms is, in order to create a fair and just socio-political space where this ambiguous phenomenon could be analysed and discussed by all the actors involved in the socio-political, economic and legal decision-making process. With these fundamental requisites, it is possible to prepare the environment where the seeds of economic expansion, new workplaces, improved efficiency of the national armed forces, increased autonomy and efficacy of international organisations can thrive. Despite the many liabilities of this phenomenon, if properly controlled, structured and monitored, it can significantly improve not only the mere defence and security sectors but also the public expenditure in those areas. Indeed, the armed forces could externalise some non-essential, non-combat functions to private companies, such as recruiting, maintenance of ground and aerial vehicles, and also logistics efforts. This possibility would result in decisive savings for armed forces, especially for those with a limited budget, creating the possibility to invest those resources in other critical areas. Moreover, the implementation of those frameworks would permit to keep within the national borders precious and very expensive, in terms of costs of training and experience matured on the battlefields, skills and capabilities that could otherwise be transferred to a private military corporation serving another state actor.

Last but not least the presence of these particular private companies in the economic, socio-political and security networks might grant the government more freedom of action in terms of foreign affairs policies and less public liabilities, as shall be analysed in the next paragraph.

3.2 Enhanced government flexibility and freedom of manoeuvre in foreign affairs stance in the international arena

In the last twenty years the socio-political structures of western civic societies, faced an in-depth process of transformation, evolving in a post-heroic society, where the capacity to sustain and publicly accept casualties among armed forces personnel, in abroad theatre missions, is meagre. Indeed, this very transformation in combination with the necessities to cut the high public expenditure of defence, especially after the collapse of the USSR and the consequently ending of the cold war, pressured various major governments to find new paths in order to simultaneously cut the defence budgets and retain essential, defence and security, capabilities to assert their foreign agendas.

Private Military Corporations, in this sense, assumed the vital role of gap filler. Positioning in the perfect position to be paid by the public administrations to provide a service or support to the armed forces, intrinsically cutting public expenditure while providing more efficiently the same service, and at the same time giving the possibility to the public administration itself to possess a new instrument of security and defence force projection in the international arena. As already explained, the ambiguous, transnational and grey-area nature of the PMCs, combined with the capability to avoid both domestic and international law and to be legally obliged to protect the privacy of its clients and abroad operations, gives these firms the ability to conduct operations also in those theatres considered 'too hot' by governments. Indeed, one of the critical aspects for any democratic political government involved in intense foreign affairs agendas, is the public image streamed globally by the actions of its agents especially in terms of military operations in sensitive countries characterised by different cultures, traditions and social composition. Furthermore, another essential aspect that must not be

underestimated, in a post-heroic society, is the political value of every single military unit deployed overseas. If a military victory, would be grandly celebrated by the civic society in the '90s, nowadays military successes tend to a lot less.

On the other hand, even a single casualty at any time could represent a devastating political loss for the governing party. This socio-political process can be translated in the necessity to find new instruments to assert its security agenda worldwide, avowing unnecessary casualties. Private military firms are perfect tools for being deployed quickly and in any part of the world, by governments to execute a high-value task with no political cost nor repercussion. It has been globally clear how some important governments, in the last decade utilised PMCs in order to gain or maintain vital political bastions in highly politically, and physically dangerous zones of the globe, such as Syria, Iraq, Afghanistan and Ukraine. In the vast majority of these cases, military casualties, as well as political consequences has been minimised by the extensive employment of private military firms, especially in Ukraine where those companies were used combined with a strategy made of disinformation and political influence to bring a swift and rapid change of the security equilibrium in the region.

As demonstrated by Ukraine and middle east theatres of operations, use of PMCs guaranteed the success of operations aimed at maintaining the security and political equilibrium in the region by very influential and exposed international actors, without incurring in international organisation interventions, public protests nor sanctions for assertive foreign policies by the international community. Indeed, the possibility to deploy private contractors, which by law are armed civilians and not soldiers nor governments agents operating in an active warzone, permit to all actors in the international arena, regardless of their size, economic power or military capability to maintain the status quo in their sphere of influence. Furthermore, this phenomenon underly a new paradigm of economic power doctrine. With the

capacity to have access to companies able to project military force with no apparent link to the government, it is possible to modify the pre-constructed cold war era primary spheres of influence, avoiding triggering a full escalation, lowering the risks of open conflict, decreasing the socio-political-economic costs of war and, simultaneously. It is clear, how the possibility to have access to the use of force, without a clear link to the government, nor to be subject to parliamentary overseeing, would represent an incontrovertible essential tool for assuring the success of security operations in critical regions that were not accessible due to the high risk of escalation with a major actor.

Having access to this capabilities would represent an enhanced opportunity for lasting peace in all those areas of the globe characterized by a general insecurity condition, where the political instability and the exposure to possible extremist coups combined with socio-cultural feuds from a colonial past and fuelled by enormous economic interests in raw materials and rare metals create an extremely volatile security condition. Indeed, with those conditions low-medium intensity, small scale conflicts are frequently leading to bloodbaths lasting for decades, which curb the socio-economic development of those regions. Examples of this kind of conflicts were the Ethiopia-Eritrea war, the Croatia-Serbia war and the Angolan civil war. Those conflicts, as many more during the last century, have in common the use of PMCs at a particular stage of the war in order to have a strategic and tactic advantage on the adversary for concluding the conflict favouring the hiring party. The employment of the military firms permitted to the hiring party to obtain a vast as well as unexpected military advantage on the enemy, launch a large-scale operation and give a flip to the war obliging the adversary to succumb, limiting the war in terms of casualties, length and size.

Besides, private military corporations can be hired for the war on terror, which by definition is a global, unconventional and arduous war fought by a state actor

against a non-state, extremist and subversive actor, which aim to overturn the socio-political status quo. Terrorist groups, regardless of the matrix of the group itself (political or religious motivations), are probably the most difficult and the most dangerous enemy alike, to face because made up of troops with no badge nor uniform, with the possibility to freely as well as invisibly move within and without national borders permeating security and defensive devices; obliging the adversary to develop and adopt new security and defence strategies and paradigms. In order to tackle this important topic, the more proactive and liberal states adopted an as innovative as unorthodox strategy, hire and deploy private military firms to provide advisory, training and active support on the battlefield, to the agencies and units of its armed forces or regional allies, in order to enhance their efficiency and to adapt at best to fluid and continuously variable dynamics. Indeed, fighting terrorist groups through PMCs employment would permit not only to decrease the public exposure to possible retaliation towards the civilian population but would give the opportunity to governments to act more decisively and aggressively without incurring in public and political fallout.

Last but not least, military firms could be hired in order to counter the plague of drug cartels. They can provide essential military, support and operational capabilities, to those countries that lack the experience or the funds to invest sufficient resources to fight this destabilizing phenomenon. As already happens in South America, where PMCs are both hired by regional governments such as Colombia or Bolivia, or by the U.S. Federal Government to fight drug cartels and producers directly in the first line, assisting the local authorities and armed forces providing with the doctrinal expertise, the combat capability and the most sophisticated ground and aerial systems.

3.3 Private Military Corporations at the service of the worldwide public good: International Organizations and NGOs

The third-largest user of private military corporation globally is the United Nations. The most famous international organisation, in fact, is one of the major clients of the services offered by the military firms, occupying a large market share, calculated in billions yearly. At first stance, it might be odd to imagine an international organization that has the aim of maintaining world peace and keep order and justice in the international community as a customer of private companies driven by war and conflict profits. Although, this uncommon union is incontrovertible that the services provided by the private military firms are vital to the security of the UN personnel serving overseas and to the success of UN operations itself. Indeed, it is known the problem relating to the current voluntary-based troops' system contribution, which is affected by problematics of inefficiency and unreliability (the number of troops serving in UN missions varies depending on the internal and political situation of every single state of the United Nations). Problems that impede the capacity of the UN Department of Peacekeeping Operations (DPKO) to program stable multi-year operations. Moreover, it must be taken into consideration the problem regarding the lack of international standardization parameters commons to every contributor to the DPKO. It is evident how the armed forces personnel provided by a European nation would be completely different in terms of training, doctrines and strategies from a military unit provided by an Eastern country or African country. Despite the fact that majority of 'blue helmet' forces are provided by non-Western countries, as demonstrated by the lessons of the last seventy years of peacekeeping ops, the quantity of troops is not a sufficient requirement to guarantee the security of personnel nor the defence of critical infrastructures. With these assumptions, it is

evident as the high level of expertise combined with the high-end content value services offered by the private military corporations is of inestimable worthiness to an international organisation which depend on third-party human resources. Collaboration between the United Nations and the companies of the defence sector, lasted for the past decades, ranging from demining operations in Sierra Leone to provision of logistics support to bases in Central Africa to the security of its personnel deployed in high-risk warzones such as the Middle East. Furthermore, private military firms could represent the unique opportunity for international organizations to acquire the capability to collect direct intelligence information, in order to prevent security threats, develop more efficient strategies, create customized ad hoc programmes on detailed intelligence reports substantially improving the expenditure capacity. Use of private contractors in international organizations' (IO) operations, would not only represent an overall increase in terms of performance but would represent the possibility to fulfil its unbiased mandate of peacekeeper granting contemporarily the capability to create, activate and deploy quick reaction forces, significantly improving the possibility to contain a conflict from escalating.

Despite the numerous advantages in the use of civilian contractors for peacekeeping, or in general security and defence missions, for IOs a part of the international community is dubious regarding the possible consequent loss of credibility in the eyes of public opinion, especially of those nations hosting the contractors. It is argued that an as clean as possible public image combined with the unbiased and objective nature of IOs is what differentiates them from other security and defence missions activated by coalitions of states, single states or more militaristic alliances of states.

Naturally, international organisations are not the only possible non-state actors interested in the use of private military corporations; the non-governmental

organisations are too. Indeed, these particular non-profit private entities are often operating in high-risk zones, where political instability and volatile security environment are indigenous issues. Operating in these areas without the proper security countermeasures could represent the difference, not only, between a successful or failing mission, but also and more importantly between life and death of NGOs operators. As Janice Stein, during a project sponsored by the aid group CARE and the UN Department of Humanitarian Affairs, stated:

NGOs should consider the privatization of security for humanitarian purposes... Since the core dilemma humanitarians face is the ability of predators to prey on civilians and NGO staff at will, and since nations and the UN are increasingly hesitant to furnish the necessary means to provide that security, it is worth exploring whether in the face of privatization of assistance, the privatization of security is also appropriate.

It has become apparent as security of NGOs personnel is not taken into sufficient consideration by the project managers at the moment of programme projects and activities in high risks regions. Within these contexts, PMCs could fill the security capacity gap of the NGOs, providing vital personnel security and critical infrastructure defence, at reasonable costs. Those who argue that PMCs services are affordable by only more structured and richer IOs and NGOs, forget that currently there are more than 1.000 PMCs around the world, many of which defined as 'small-medium enterprises' which intrinsically imply high competition for contracts, guaranteeing low prices and high-quality services.

Despite the numerous past and present contacts between both international organizations and non-governmental organizations, the recognitions of private military corporations by the leading international political bodies is still a controversial issue. Indeed, lack of explicit international law norms regarding the phenomenon, cultural and political stereotypes from decision-makers classes, insufficient academic research and a general public opinion indifferent and ignorant on the subject has created a perfect environment for the creation of a corporate 'pirate republic'. Where neither international nor domestic laws can

reach, and where executive government agents prefer to get along rather than controlling and monitoring.

Conclusions

In conclusion, as extensively as possible analysing in this thesis, this peculiar contemporary phenomenon is characterised by both dangerous threats which could destabilize or even destroy modern civil society and thriving opportunities which could represent a starting point for reshaping and enhance the socio-economic panorama.

The peculiarities of the private military corporations, how they are linked to prominent and influential governments and agencies, and how efficiently they have been able to adapt to continuously evolving situations, combined with outdated international as well as domestic normative systems, require to the political decision-makers a decisive and sharp shift of paradigm. It is vital for single states, supranational organisations and international organisations alike, to have a proactive stance in order to face the evident socio-political-legal gap, especially if those states are regional powers which aim to maintain foreign affairs instruments, and defence and security tools updated to the most recent international standards. It is also very significant to develop domestic laws in order to regiment, shape and more importantly, monitor the creation and development of this lucrative sector. Without efficient and effective command and control systems, democratic overseeing mechanisms and political monitoring tools, the creation of such a sector could become a dangerous destabilizing and subversive phenomenon of the democratic status quo.

In the end, caution is essential given the possibilities to increase government flexibility in the matter of foreign policy, defence of the national territory and economic interests worldwide are great as well as the threats and hazards intrinsically linked to this ancient phenomenon reborn, reshaped and transformed in something new, which nobody exhaustively witnessed the possibilities yet.

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Riassunto

Lo scopo di questa tesi è quello di fornire, attraverso strumenti interdisciplinari di politica, economia, difesa, sicurezza e diritto di un'analisi quanto più oggettiva e completa sul fenomeno sempre più pervasivo ed esteso delle compagnie militari private.

Nella parte introduttiva di questa tesi, prima di descrivere scopo e strumenti che sarebbero stati utilizzati al fine di fornire questa complessa analisi, è stato doveroso sottolineare come la natura stessa del fenomeno che ha forti legami con stati sovrani, agenzie governative e potenti multinazionali, abbia limitato l'accesso a verificabili informazioni e documentazione, da parte di soggetti terzi estranei alle dinamiche di funzionamento di questo peculiare settore socio-economico-politico privato. Infatti, la volontà di basare la tesi triennale in scienze politiche su un argomento così scarsamente dibattuto sia a livello politico nazionale, che a livello accademico internazionale, è stata motivata da rivoluzionarie esperienze personali maturate in periodi di lavoro fuori dal Paese. Se considerato, poi, che queste società private si collocano all'interno di una zona grigia e volutamente ambigua del diritto internazionale e del diritto nazionale di quasi tutti gli organismi istituzionali mondiali, si può facilmente evincere come l'ottenere dichiarazioni ufficiali, documentazioni pubbliche e verificate rasenti l'impossibile.

Capitolo 1:

Conclusa questa breve ma doverosa premessa, nella sezione introduttiva e nel primo capitolo della tesi, è stato deciso di partire dalle origini del fenomeno mercenario nel periodo terminale della storia medioevale europea. È proprio in questo periodo, nell'allora confederazione elvetica, che nasce la forma embrionale di quelle che poi saranno divenute organizzazioni private di natura militari con strutture societarie ben delineate, mosse dal profitto con regolamenti interni e proprie regole d'ingaggio. Il monopolio elvetico su questa ristrutturazione, delle già esistenti compagnie di ventura italiane, durò quasi un secolo fino a quando il modello standardizzato svizzero non venne acquisito e modificato dalle città

germaniche, sino a diventare un modello basico per qualunque forma di esercito privato.

Per trovare le prime forme embrionali di mercenarismo moderno, si dovrà fare un balzo temporale sino al secondo dopo guerra, nello specifico nel periodo del decolonialismo franco-britannico dall’Africa, che ha comportato un rapido declino delle strutture socio-economiche coloniali, ed il conseguente deterioramento della generale condizione di stabilità politica dovuta alla presenza europea che ha rappresentato la scintilla che ha innescato un periodo di volatilità securitaria lunga quasi un secolo. È infatti in questo periodo che note figure militari, legate ai vecchi regimi coloniali, operarono in Africa come cavalli di troia per preservare gli interessi delle ex potenze coloniali europee, portando avanti politiche sociali settarie atte a destabilizzare i Paesi ricchi di materie prime preziose, corrompendone le strutture decisionali e difensive per instaurare governi fantoccio che dietro compenso svendevano i vitali giacimenti agli occidentali.

In un contesto altamente competitivo, dove la presenza di mercenari stranieri era elevatissima, il merito di aver creato la prima “Private Military Corporation” della storia va a degli ex operatori delle forze speciali sudafricane, che per primi seppero riconoscere l’enorme potenziale economico della fornitura di servizi militari e di sicurezza a stati in via di sviluppo, poveri o che semplicemente mancassero delle strutture militari atte a mantenere ordine e pace nel proprio territorio; è così che nacque la Executive Outcomes.

Nonostante si sia provato ad etichettare, sia politicamente che legalmente, le nuove società nate post EO come compagnie mercenarie, questa classificazione si dimostrò quasi sempre falsa o difficilmente dimostrabile, poiché secondo il diritto internazionale vigente, per essere definito come mercenario bisogna soddisfare cumulativamente dei requisiti stringenti elencati negli Accordi di Ginevra, che stabilivano le caratteristiche intrinseche del mercenarismo. Ovviamente, la definizione data da tali accordi, fu redatta in maniera intenzionalmente vaga, in modo tale da essere il più vasta possibile ma non venendo mai aggiornata nel corso degli anni, al giorno d’oggi risulta datata e quasi totalmente non aderente all’attuale natura giuridica e alla conseguente cornice securitaria e d’impiego delle PMCs.

Capitolo 2:

Il secondo capitolo della tesi è dedicato all'analisi dei fattori di rischio intrinsecamente collegati al fenomeno della privatizzazione di funzioni securitarie. Data l'esigenza di dover rispettare delle limitazioni in termini di cartelle e capacità di respiro del lavoro, è stato deciso di analizzare solo i problemi maggiormente aderenti al contesto sociopolitico attuale. Sono stati identificati tre principali vulnerabilità legate alla natura del fenomeno analizzato: la perdita di sovranità nell'uso esclusivo della violenza da parte delle istituzioni statali, il conflitto d'interesse e l'accesso a nuove forme di potere da parte di soggetti non-statuari di natura eversiva.

Nel primo sotto capitolo, si è partiti dal concetto di esclusività del monopolio della violenza e della forza coercitiva dello Stato, come teorizzato dal sociologo Max Weber per sottolineare come questa premessa non sia, non solo più attuale ma nemmeno più appannaggio esclusivo degli Stati. Si è evinto, infatti, come privatizzare funzioni precedentemente esclusive dello stato in materia di sicurezza e difesa, al mero scopo di ridurre i costi d'esercizio e allo stesso tempo di aumentare l'efficienza relativa, abbia portato ad una pericolosa decentralizzazione del know-how relativo ad attività connesse con la difesa dello stato. Suddetto fenomeno è stato principalmente causato dalla fine della guerra fredda, con relativa smobilitazione dei vasti inventari organici e capacitativi del mondo occidentale, ritenuti superflui ora che il nemico numero uno era stato sconfitto. Questo ha portato ad avere un gigantesco afflusso di risorse e capacità militare a bassissimo costo, che in combinazione con un generale abbassamento del livello di guardia, ha portato alcuni stati a cercare nuove soluzioni per mantenere know-how e capacità militari all'interno del territorio nazionale, ma senza mantenere costi d'esercizio spropositati. Purtroppo, lo sviluppo di meccanismi democratici e politici, di monitoraggio e controllo, degli appalti pubblici in materia di privatizzazione e di operato delle società militari private non ha subito il medesimo ed immediato iter realizzativo. Di fatti, il settore del controllo pubblico su tali attività è rimasto totalmente in una fase embrionale, garantendo al governo totale autonomia in termini di cosa e in che misura privatizzare, e soprattutto non ha permesso alla macchina burocratica di tutelare gli interessi pubblici in termini di rapporto qualità-prezzo. I contratti di privatizzazione si sono rivelati un vero e proprio salasso per le casse pubbliche, con funzioni e capacità strapagate e con

rendimenti non sempre all'altezza degli standard cui sono sottoposti i servizi pubblici. L'assenza di organismi imparziali, democratici e pubblici ha comportato anche l'insorgere di problematiche relative al conflitto d'interesse, e di trust. Infatti, per sopperire in tempi brevi alla mancanza di organismi di controllo, molte amministrazioni hanno fatto ricorso alla privatizzazione di suddette funzioni, creando una situazione alquanto paradossale. Infatti, si è creata la figura delle società militari private che hanno compiti di controllo di altre compagnie private operanti nello stesso settore, ma senza una standardizzazione internazionale dei parametri valutativi senza una creazione uniforme di un sistema di monitoraggio e controllo. Pertanto, ogni società, operante magari per diverse agenzie dello stesso governo, ha utilizzato parametri, standard e meccanismi valutativi completamente differenti gli uni dagli altri. Inoltre, non è stato possibile creare un sistema democratico e trasparente di premio di realtà virtuose e di penalizzazione di comportamenti sbagliati, andando a rendere l'operato delle compagnie meno efficiente, e l'inclinazione di quest'ultime a comportamenti virtuosi, di concerto con i più alti standard morali ed etici internazionali, molto bassa.

Infine, è stato analizzato il fenomeno per cui conseguentemente a privatizzazioni di funzione di difesa e sicurezza, attori non statuali come gruppi eversivi, organizzazioni criminali e gruppi terroristici, hanno avuto ampio accesso a risorse e capacità militari prima appannaggio esclusivo di grandi e strutturate forze armate. Questa possibilità ha aumentato notevolmente l'efficacia destabilizzante di tali organizzazioni, obbligando le pubbliche amministrazioni globali di attuare contromisure atte ad evitare destabilizzazioni e scoppio di violenze. Per i paesi più strutturati, questo ha comportato ingenti investimenti in pubblica sicurezza con relativi aumenti di spesa pubblica, e rafforzamento delle strutture sociopolitiche civili. Per gli Stati in via di sviluppo, o semplicemente con una struttura sociopolitica più fragile, a fronte di costi d'esercizio proibitivi l'unica soluzione è stata quella di assumere società di sicurezza private, con il know-how e le capacità sufficienti a supportare le forze di sicurezza pubbliche in qualità di consiglieri strategici, ufficiali d'addestramento e operatori sul campo.

Capitolo 3:

Nel terzo capitolo, invece, sono state analizzate le opportunità di crescita economica e sviluppo sociopolitico annesse alla regimentazione di una normativa chiara e trasparente in cui il fenomeno sia regolamentato dallo Stato centrale. Di fatti, solo in un quadro normativo chiaro, trasparente, dotato di meccanismi antitrust e di controllo, il fenomeno delle PMC può svilupparsi sinergicamente con le funzioni di sicurezza, senza rappresentare una fonte di destabilizzazione per lo status quo. Al fine di raggiungere tale livello d'integrazione pubblico-privato, andando a sopperire alle mancanze della pubblica amministrazione, effettivamente rappresentando un taglio degli sprechi ed un aumento d'efficienza, è necessario che il decisore politico attui una strategia d'intervento proattiva atta a sopperire alle vulnerabilità e ai rischi analizzati nel precedente capitolo.

L'evoluzione del concetto strategico di potere economico, come la capacità di asserire la propria volontà politica su soggetti esterni senza ricorrere all'uso della forza, sia soft che hard, si è ulteriormente evoluto inglobando il fenomeno delle compagnie militari private, che come è stato analizzato mancano dei requisiti d'autonomia per essere soggetti del diritto internazionale, e che pertanto restano soggetti economici privati, con scopo di lucro e strutture societarie ben definite. Possedere tali capacità di proiezione strategica, nel contesto globalizzato, multipolare in cui viviamo pertanto risulta fondamentale al fine di poter disporre di un ulteriore strumento di deterrenza strategica.

Tale strumento nelle mani di un potere esecutivo, anche e soprattutto in combinazione con i corretti strumenti di comando e controllo, risulta come moltiplicatore di forza. Flessibile, facilmente dispiegabile e senza il peso e le limitazioni di uno strumento militare convenzionale, suddetto strumento permette una più assertiva politica estera, permettendo la modifica di sfere d'influenza ereditate dalla guerra fredda. Inoltre, l'annessa quasi totale impossibilità di collegare un cliente con la funzione esercitata da parte della società privata, permette una capacità d'intervento libera da contraccolpi politici interni, permettendo agli organi esecutivi di poter negare qualunque coinvolgimento. Inoltre, se inquadrata in una strategia di guerra ibrida e combinate con diversi strumenti d'intelligence, l'utilizzo di suddette compagnie può garantire repentini cambiamenti degli equilibri securitari e politici, sia a livello regionale che internazionale, come avvenuto in scenari critici quali quello libico e quello ucraino.

Infine, la privatizzazione di tali settori permette l'accesso a funzioni di sicurezza e difesa anche ad organizzazioni internazionali e non governative. Tali capacità, presenti sul mercato dalle oltre mille aziende di tutte le dimensioni e con tutte le fasce di prezzo, garantirebbe ad organizzazioni che fino ad oggi sono dipese dalle capacità e risorse degli stati membri o degli stati ospitanti, di ottenere un'indipendenza difensiva e di sicurezza mai avuta finora. Questo permetterebbe, non solo, di aumentare notevolmente la sicurezza degli operatori di suddette organizzazioni in scenari securitari volatili, ma aumenterebbe anche l'efficacia di queste organizzazioni nell'espletare le loro funzioni core. Per organizzazioni internazionali come le Nazioni Unite, l'accesso al mercato privato della sicurezza renderebbe sicuramente più efficiente ed efficace la funzione dei caschi blu. Tale strumento che fino ad ora, era basato su un sistema volontario di fornitura di unità militari da parte delle forze armate degli Stati membri, ora potrebbe dotarsi finalmente di un proprio strumento securitario indipendente e sotto comando e controllo diretto delle nazioni unite, portando a cessare la dipendenza da unità internazionali. Il fatto di non dover più fare affidamento su forze nazionali variegate, con equipaggiamenti non standardizzati, con relativa disomogenea struttura logistica, e con disomogenea standardizzazione delle tecniche e procedure d'impiego, porterebbe ad un sostanziale aumento dell'efficacia d'impiego e del relativo tempo di dispiegamento dei caschi blu, che automaticamente garantirebbero la possibilità di contenere conflitti locali/regionali dallo scalare a conflitti aperti su più ampia scala.