

# The Threat of Private Military Companies

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## Introduction

Private Military Companies (PMCs) have been in the national and international spotlight in recent years, most famously known are the actions of the PMC Blackwater (now renamed Xe Services) in Iraq. There are many mixed feelings about PMCs, some say that they are a “good thing” and that they help countries to save money while others argue that they are not regulated and many times go about killing innocent people.

PMCs are a major problem in that they are a threat to state sovereignty as they threaten the role of the state in overseeing its armed forces. They also have major legality issues that need to be addressed, threaten democracy, and aid in continuing the influence of multinational companies in the third world.

While I will delve into the above issues, I will not be able to give the full picture of the effect that PMCs have on states nor how they operate, thus I recommend that anyone who finds themselves wanting to know more about PMCs read the book *Servants of War: Private Military Corporations and the Profit of Conflict* by Rolf Uessler (translated by Jefferson Chase; it also provided the research for this essay), as it provides a comprehensive analysis of PMCs and the manner in which they do business, from interviewing owners of PMCs to discussing how PMCs effect international conflicts and concluding by exploring if there is way to properly handle PMCs.

## State Sovereignty

PMCs threaten state sovereignty because they threaten the state’s monopoly on “the use of force”. In the German Parliament, the conservative faction submitted a proposal in 2004 which stated that the privatization of the military “could lead to a fundamental shift” between a nation’s armed forces and its government as “the state’s monopoly on force could be called into question or even possibly eradicated.” [1] By bringing PMCs into the picture, it creates a “hollowing out of the state,” where the military itself can become weakened due to its reliance upon private organizations to do things such as gather intelligence.

“A third emphasis of the modern military companies is the area of intelligence, which includes everything from information collecting to outright spying. In the wake of the electronics revolution, many firms have developed techniques for information gathering and analysis that only they are able to master and offer

as a service.” [2]

The effect that having PMCs gather intelligence for the military is that people then realize that the real intelligence jobs are with PMCs and use government institutions like the military and the CIA as resume-builders for when they go to apply for a position at a PMC. It also creates a dependency on PMCs to do the intelligence work for the government and thus the influence of PMCs in the Pentagon increases.

This dependence is not only in the area of intelligence gathering, but also extends into what is arguably the most important aspect of warfare: logistics. Companies offer services “from the procurement of toilet paper to the organization of diverse types of vehicles.” Also maintenance of military equipment “represents a huge portion of this spectrum, be it the upkeep and repair of motor vehicles, transport vans, helicopter warships, or other types of military aircraft.” [3]

By supplying US troops, private corporations have increased their influence within the Pentagon to levels in which they hold major sway. Private corporations deeply undermine state authority because due to the fact that they build and supply weapons to our military as well as supply them with the needed materials so that the military can fight wars, they profit from when the US goes to war and may be likely to encourage American military action abroad.

## **Legality Issues**

There are major problems with the legality of private companies and how they operate in countries where they are deployed. One example pertains to Iraq in 2004 when Blackwater employees entered into the city of Fallujah and “under the pretense of looking for terrorists, [they] had carried out nighttime raids, mistreated women and children, and tortured and murdered local men and teenage boys.” [4] Due to this, the local Iraqis took the law into their own hands and killed the Blackwater employees. However, whether one agrees with what the Iraqi people did or not, what occurred would have been the *only* justice the employees received for their crimes.

It is extremely hard to investigate PMCs due to the secrecy that is guaranteed by government contracts, as well as the fact that they are not accountable to the US military and “receive their orders directly from the Pentagon, and both the Department of Defense and the headquarters of the companies concerned keep their lips strictly sealed.” [5]

The secrecy begins with the contracts themselves where the government leaves out certain legal passages that specify exactly what the companies are supposed to do, how they are supposed to go about doing it, and if they will be held legally responsible for anything that occurs under their watch. Uessler cites an example of this, one that should be quoted at length:

DynCorp received a contract for more than a million dollars from the US State Department to organize the Iraqi criminal justice system. In June 2004, four of their employees, heavily armed and in battle gear, led Iraqi police on a raid of the former Iraqi leader in exile, Ahmed Chalabi. It is doubtful whether this action was in keeping with the spirit of the original contract. But that fact that DynCorp did not receive an official warning suggests that the

contract is vague enough to allow for such “violations.” [6]

The fact that the contracts are so vague as to the point where companies can virtually decide what they want to do has the potential to create serious problems, one example private companies doing night raids which result in the deaths of civilians and thus aggravating the local population and whipping up anti-American sentiment. That would make the job of US soldiers that much harder because *they* would bear the brunt of the backlash, not the employees that created the situation in the first place.

The situation gets worse, however, when one goes to the national levels. In the United States, no one is able to hold any private companies accountable. The parties that “issue the contracts are barely capable of doing much in the way of monitoring, because, for example, they are tied down in Washington, and the state military, which would have the capabilities, has little interest in babysitting private soldiers that aren’t part of its chain of command.” [7] Thus the military cannot do it and Congress isn’t much better as they don’t allocate funds to the oversight of private companies. This allows them to “exist in a state of near anarchy and arbitrariness.”

Private companies and their personnel are not “subject to strict regulations that determine to whom they are ultimately accountable.” Private corporations only have to go as far as declarations of intent in which they “maintain that they instruct their personnel to respect national laws and international human rights standards.” [8] Even if major crimes are done, the state cannot do anything as mercenaries enjoy significant protection. “In passing Coalition Provisional Authority Order 17 of June 2003, the Iraqi provisional government granted exemption from prosecution to all personnel action on behalf of the coalition-including PMC employees.” [9] This allows for PMCs to go about and do *literally* whatever they please, without fear of any consequences whatsoever and could potentially have the employees do things that they wouldn’t have done so before if they were under the law, like torturing and killing civilians for example.

Internationally, things have the potential to get complicated quickly. The Geneva Convention clearly distinguishes between civilians and armed combatants. However, the employees of private companies aren’t civilians “since they are involved in the machinery of war, are employed by governments, and frequently carry arms.” Combatants are defined by the Geneva Convention “as people directly and actively involved in hostilities,” yet new forms of warfare muddle this definition. “To take an illustrative question: Is a private soldier in Florida who presses a button launching a carpet bomb attack in Afghanistan only indirectly involved in war, while a regular soldier delivering supplies there is directly engaged in hostilities?” [10]

The legality issues of private soldiers need to be solved on an international level as they currently occupy a gray area in the legal system. However, the US government needs to hold these companies accountable for any crimes that their employees are involved in, if not, then situations like the one mentioned at the beginning of this topic will continue.

## **Democracy**

Private military corporations threaten democracy solely because they are not accountable to

anyone and can do as they please. By not having any accountability, private companies undermine democratic institutions.

One of the many roles of government is “to maintain security, which includes democratic control over the use of force.” However, PMCs undermine this because citizens do not have any influence over the services offered by PMCs. For example, “The standards that govern the military, the police, customs officials, border guards, and state intelligence agencies do not apply at all to contracts given to PMCs.” [11]

Due to citizens having no control over the actions of private companies, democracy is put on the line because in a democratic society, there is a need for checks and balances on all forms of power. By not having this, PMCs are able to go and do as they please due to having no restrictions and, as was noted earlier, this could lead to potential problems.

### **The Third World**

PMCs will do business for anyone who has the money to hire them, from governments, to non-governmental organizations, to rebel movements. However, PMCs will also gladly work for other companies and in the process, have aided in US corporations maintaining undue influence in the third world.

One major example is Colombia. From the viewpoint of US corporations, unions, the FARC, and the ELN threaten the status quo. In order to remedy this, “Lobbyists for US firms active in Colombia- above all oil, arms, and military companies- made \$6 million in campaign contributions to convince the US Congress to approve of Plan Colombia, which was sold to the public as a humanitarian assistance program for the crisis-ridden Andean nation. Yet of the \$1.3 billion initially approved for the program, only 13 percent went to the Colombian government to improve its security infrastructure. The rest flowed into the coffer of US firms.” [12]

Since the majority of the money went to American firms, the question that must be asked is: Exactly what did those PMCs do in Colombia? They did a variety of things that were connected with one another, which all ended up aiding US corporations maintain their influence in Colombia. For example PMCs would “collect via satellite or reconnaissance flights information about guerilla troop movements that they then pass onto the military. They plant informants within the workers’ movement or village populations and share what they learn with the police and paramilitary groups.” [13] This has led to workers being killed, wages decreasing, increased unemployment, and human rights violations, all of which are sanctioned or supported by foreign companies. [14]

A counterargument would be that the FARC and ELN are recognized as terrorist organizations by the US and thus it is in American interests to aid in their destruction, however, this ignores the reasons why the FARC attacks US corporations. “Their attacks against business are largely directed at transnational oil companies and are, they say, aimed at ensuring that some of the profits from Colombia’s petroleum reserves go to the country in general, instead of being siphoned off by oligarchs, members of the government, and high-ranking military leaders.” [15]

By maintaining US corporate interests in Colombia, PMCs are aiding in the destruction of

left-wing movements and backing right-wing governments. The situation is reminiscent of how the US, during the Cold War, overthrew left-wing governments and installed and backed military dictators that allowed US corporations to move in, this is just a new version of it.

## Conclusion

In conclusion, PMCs are a threat on multiple levels and need to be dealt with. Most pressing are the legal issues and the international community as well as governments within nations need to establish a new classification in their laws specifically for the employees of PMCs so that they will be held liable for any crimes committed. PMCs, without a doubt, need massive reform as to lead to a better society at large.

## Endnotes

1: Rolf Uessler, *Servants of War: Private Military Corporations and the Profit of Conflict*, trans. Jefferson Chase (Brooklyn, New York: Soft Skull Press, 2008) 146.

2: Ibid, pg 24

3: Ibid, pgs 25-26

4: Ibid, pg 160

5: Ibid, pg 161

6: Ibid, pg 163

7: Ibid, pg 164

8: Ibid, pgs 168-169

9: Ibid, pg 169

10: Ibid, pgs 170-171

11: Ibid, pg 207

12: Ibid, pg 149

13: Ibid, pg 151

14: Ibid, pg 152

15: Ibid

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