

Private Security, Private Military Contractor or Mercenary

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I decided to write this in the hope that people who read it will think, and not regurgitate a 30 second sound bite or paragraph of a Blog claiming to inform the reader, you, of what you should know about Private Security Military Contractors or as they like to call them mercenaries. As a military veteran, security consultant, father, husband and a human being, I'd like to believe I have a good insight into people's perceptions on hot button issues. One of which is the current issue of Private Security, Military Contractor's (PSMC) or as modern media and the poorly informed call them, Mercenaries, those "Shady", "Unscrupulous" individuals who are employed in military operations and corporate security operations, for large international companies, involved in the mining & oil industry, purely for the money, as some people would like you to believe, playing on a underlying fear, that these PSMC companies, draw their employees from elite military forces are operating out there and that their training and skill set are above that of normal every day Police forces and are therefore something to be feared.

The word "Mercenary" on the whole carries with it unsavory, negative connotations, born, from its modern historical beginnings in the 14th century. In reality there have been mercenaries, since the beginning of civilization indeed, the history of private militaries can be traced back 3,000 years, when Numidian mercenaries played a large role in Ramses II attack on Kadesh around 1294 B.C. and the biblical King David's mercenaries drove the Philistines from Israel in 1000 B.C. The ancient Greeks and Romans also relied heavily upon mercenaries, as did Emperor Justinian and William the Conqueror. Now let us look at the current modern day Mercenary, according to various dictionaries and encyclopaedia's the definitions of Mercenary are;

From the Middle English, originally Latin mercenarius, irregular from merced-, merces wages; one that serves merely for wages; especially: a soldier hired into Foreign Service. (Merriam-Webster Dictionary) or Working or acting merely for money or other reward; venal, or Hired to serve in a foreign army, guerrilla organization, etc. or a professional soldier hired to serve in a foreign army or any hireling.

A Mercenary is;

A person who takes part in an armed conflict, who is not a national or a party to the conflict, and is "motivated to take part in the hostilities essentially by the desire 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" (Wikipedia, Encyclopedia)

A hired professional soldier who fights for any state or nation, without regard to political interests or issues. (Encyclopedia Britannica)

Under the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the "Protection of Victims of International Armed Conflicts", (Protocol I), 8 June 1977 (APGC77) Article 47 states:

Article 47. Mercenaries

1. A mercenary shall not have the right to be a combatant or a prisoner of war.
2. A mercenary is any person who;

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- (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 the hostilities essentially by the desire 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 rank & 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.

Some have argued that the convention and APGC77 Art.47 were designed to cover the activities of mercenaries in post-colonial Africa and in today's post Cold War era, do not adequately address the current use of Private Security Military Contractors Companies by sovereign states.

On 4 December 1989 the United Nations passed resolution 44/34, the "International Convention against the Recruitment, Use, Financing and Training of Mercenaries". It entered into force on 20 October 2001 and is known as the "UN Mercenary Convention" (UNMC). Article 1 of this convention contains the definition of a mercenary. Article 1.1 is similar to APGC77 Article 47 however, Article 1.2 broadens the definition to include a non-national recruited to overthrow a "Government or otherwise undermining the constitutional order of a State; or Undermine the territorial integrity of a State;" and "Is motivated to take part therein essentially by the desire for significant private gain and is prompted by the promise or payment of material compensation..." Under Article 1.2 a person does not have to take a direct part in the hostilities in a planned coup d'état to be a mercenary.

Under the UN Mercenary Convention Article 1 20 October 2001. Art1.

1. A mercenary is any person who:

- (a) Is specially recruited locally or abroad in order to fight in an armed conflict;
- (b) Is motivated to take part in the hostilities essentially by the desire 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 rank and functions in the armed forces of that party;
- (c) Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;
- (d) Is not a member of the armed forces of a party to the conflict; and
- (e) 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.

2. A mercenary is also any person who, in any other situation:

- (a) Is specially recruited locally or abroad for the purpose of participating in a

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concerted act of violence aimed at :

- (i) Overthrowing a Government or otherwise undermining the constitutional order of a State; or
- (ii) Undermining the territorial integrity of a State;
- (b) Is motivated to take part therein essentially by the desire for significant private gain and is prompted by the promise or payment of material compensation;
- (c) Is neither a national nor a resident of the State against which such an act is directed;
- (d) Has not been sent by a State on official duty; and
- (e) Is not a member of the armed forces of the State on whose territory the act is undertaken.

To date of the 192 member states of the UN, only by 29 member states have signed on to the UNMC, 15% of the UN members, of that 15% only 10% have ratified the UNMC of those 29, only 20 have ratified it the remaining 9 have not, the signees are: Azerbaijan, Barbados, Belarus, Cameroon, Cyprus, Georgia, Italy, Maldives, Mauritania, Qatar, Saudi Arabia, Senegal, Seychelles, Suriname, Togo, Turkmenistan, Ukraine, Uruguay and Uzbekistan. The following members signed the convention, but their governments never ratified it, they are Angola, Congo, Democratic Republic of the Congo, Germany, Morocco, Nigeria, Poland, Romania and Yugoslavia.

Military Operations;

What the decision/policy makers and modern media who haven't served in the military doesn't seem to understand or appreciate is that today's post cold war modern military are no longer the large forces of the cold war era maintained & trained to fight large set piece battles. They are now much smaller mobile forces, and with that reduction in size, and budget. The modern military have outsourced to the commercial private sector, as a less expensive alternative to supporting & maintaining a large military force, thereby allowing them to utilize the reduced resources more efficiently & effectively, especially when it comes to personnel and expenditure.

The general public has been presented with misleading information about the difference between Military Personnel and PSMC. One of the main differences politicians and the media use to evoke controversy and criticism, is the difference in wages of the Military Personnel and PSMC, some figures that have been quoted are the average military wage of \$63,000 compared to a security/military contractor average wage of \$108,000 what is not mentioned is the additional benefits (Medical, Education, housing etc...) after action support, the military personnel have, compared to the PSMC, who if injured is given medical support until they are stable for transportation and returned home. Once home they are on their own, with no medical back up or support follow up, once the contract is over they have to start looking for another contract, there is no follow up support system, unlike their military counter part. Hence the cost saving to the military. Another controversy and criticism is that the PSMC are not accountable, again this is not correct. Contracts have very specific conditions that must be met and any company or members of its staff

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that seriously breach said contract can expect to face serious consequences even loss of contract. Legislation governing the behaviour of PSMC operating in war zones exists, these includes the "Military Commissions Act of 2006" also known as HR-6166 additionally an amendment to the "Uniformed Code of Military Justice". Both these documents have severe consequences for any PSMC engaging in conduct contrary to the good order of military operations or violating the laws of the Geneva Convention.

The general public are led to believe that the PSMC are running wild, involved with Offensive / Direct Action Operations, when in reality their roles are in the Support Operations, primarily Logistics and Training, this does not mean they are not in harms way, and for that they are given the tools, both physical and directives to **defend** themselves, (As is the right of all human beings, who come under a provoked attack.) and the personnel and or equipment they are contracted to transport & protect, against such assaults, Defensive only!

Corporate Security Operations;

We live in a time with international companies & corporations operating around the world, some in potentially hostile & threatening environments & locations, and like any modern company & corporation, they employ multinational personnel. An integral part of any businesses these days is their security to protect the company assets and personnel thereby reducing liability of the business. As an example with the Oil or Mining business, these companies are finding they are having to go to ever increasing remote locations around the world to find and conduct a profitable operation, which now a days are found in countries with a higher risk threat assessment, due to well organized local, regional and national criminal gangs where security and the rule of law is flexible to whom ever pays, and even then that is no guarantee. So like their military counterparts the Oil and Mining businesses outsources their corporate security requirements, which most of them do in their home countries to companies such as G4S (Group 4 Securicor), Garda World, Brinks Inc. etc... For some Oil and Mining businesses, the services provided by these security companies in their home country do not provide the required security service for higher risk environments, so they turn to Specialized Security companies, who have the trained and experienced staff for the higher risk operation. Normally former members of the military and or police trained and experienced in specialized protection.

PSMC Companies;

Remember this is a competitive business world, the PSMC found a niche in the security market that was not being addressed by the established security companies, these services included; Political & security risk analysis, Risk Management Consultancy, Business Intelligence & Investigations, Business Facilitation (A complete suite of services to support business operations away from your base location in any environment.), Kidnap for Ransom consulting, Logistics (In support of global operations), Supporting commercial enterprise development in post conflict and development, Training; A wide range of training and professional development courses for government and private sector clients, Emergency Response, Security Services; Consultancy and Physical Protection Services, Maritime Security Sector, Promoting sustainable development of police and prison services. Like most contracts, security, logistic and training contracts are won normally by the lowest bidder providing the services set out in the contract tender. Now the Security market has become an evolving industry & business, the older and established security companies are now stepping up their operations into the higher risk security operations environment. Here are some of the current PSMC Companies;

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Aegis/ www.aegisworld.com
Armor Group/ www.armorgroup.com
Blue Hackle/ www.bluehackle.com
Control Risks/ www.crg.com
Edinburgh International/ www.edinburghint.com
Erinys International/ www.erinysinternational.com
Global Risk Security/ www.globalrisksecurity.co.uk
Hart Security/ www.hartsecurity.com
Olive Security/ www.olivesecurity.com
SOC Inc. (Special Operations Consulting)/ www.soc-smg.com
MPRI/ www.mpri.com
Dyncorp International/ www.dyn-intl.com

PSMC;

Who are these “Mysterious”, “Shady” and “Unscrupulous” individuals, are they psychotic killers, wannabe Rambo’s, greedy opportunists making financial gain out of other peoples misfortune and misery, as we are lead to believe, or are they something else? The majority are former military personnel who have served their countries with honour and distinction. Once hailed as nation’s heroes, now they are demonised by the popular press and the fluffy bunny brigade, why? Once again it seems to be a lack of understanding and comprehension of current training and experience of the modern military personnel from the developed nations, and they base their reasoning on outdated ideals of military personnel. Even in the modern civilian Human Resource (HR) departments its their personal lack of a modern understanding of military training and associated abilities. An example of which, is, a military veteran who is a government employee and has served their country, who want to continue as a civilian is forced to take another government employment entry exams in competition with people who have no life skills or discipline. What message does this send to the military serving personnel? Is it that the Government military exams and training are of lesser value than their civilian counter part... or is it that the government, at all levels are only play lip service, thanking the veteran for their service to their countries, not comprehending that the veteran was knowingly, ready to make the ultimate sacrifice. To some (Veterans) they see this as an un-level playing field, and an example of a waste of tax payer’s money, money and resources that has already gone into their training. They are highly trained, disciplined, pragmatic individuals who think quickly on their feet. Some PSMC are former Police officers who either retired or left because they had become disillusioned, or worn down with their politically correct ambitious management and or society’s judicial system, where the criminals have more rights than the victims. These are not money hungry, blood thirsty thugs looking for a fight; they are specially trained individuals who utilise their skills & training. Yet they are quickly demonised and painted with the same brush as the shady, unscrupulous individuals, who are potentially psychotic killers, who want to be Rambo, or greedy opportunists, when in reality they are disciplined, hard working individuals who have unique set of skills not readily available to the everyday civilian world, yet under appreciated or valued in their own societies & countries. The same societies & countries that they swore a oath to protect, with their lives if need be. Some of these same societies now politely treat these veterans with suspicion and fear. Born from the distorted modern media of films and TV memories, when they hear or read the words such as Military, Special Forces, Tactical or Special Operations in a resume or curriculum vita, they automatically think and assume of a physiologically and emotionally damaged veteran of the Vietnam era, with people going

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postal and work place violence or see them as a potential threat to their own job security, or see veterans as less capable educationally. They don't see an highly trained and experienced individual who is disciplined, hard working in areas other than mortal combat and can be counted on in a crisis.

Conclusion;

So there can be no misunderstanding I suggest that anyone who quotes from the UNMC should clarify their definitions of words used such as; "Fight", "Combatants", "Hostilities", "Significant", "Private Gain", so there is clarity in their definitions. In addition I would recommend a clarification on the definition of Combat Operations into, "Offensive" and "Defensive" and utilise the Law of Armed Conflict (International Humanitarian Law) which is comprised from both the Geneva and Hague Conventions, such as the definition of a "Privileged Combatant" who is a combatant follows the Law of Armed Conflict and that of "Unprivileged Combatant" or "Unlawful Combatant" a civilian who directly engages in offensive armed conflict. With this, all parties concerned can move positively forward, instead of sensationalizing or becoming bogged down in language dated in the Post-Colonial, Cold war ideals and fears.

(Article Note; 2829 Words)